

**Village of Martin's Additions**  
**7013 Brookville Road, Suite B, Chevy Chase, MD 20815**  
**Council Meeting Minutes**  
**February 17, 2022**  
**VIA ZOOM CONFERENCE CALL**

**Council Members Present:** Andrew Kauders; Arthur Alexander; Jeff Blander; Susan Fattig; Katie Filipczyk Howard; **Village Manager:** Niles Anderegg; **Manager Assistant:** Martha Fessenden; **Building Administrator:** Doug Lohmeyer; **Village Attorney:** Ron Bolt; **Residents and other Attendees:** Keith Allen (Turner Ln); Tiffany Cissna (Bradley Ln); Marty Langelan (Chestnut St); Naomi Naierman (Quincy St); Paula Goldberg (Bradley Ln); Lynn Welle (Oxford St); Susan Kahn (Bradley Ln); Peter Kahn (Bradley Ln); John Starrels (Shepherd St.); Lorie Mitchell (Cummings Ln); Alex Ghesquiere (Bradley Ln); George McAleese (Melville Pl); Jean Sperling (Shepherd St); Paul Weller (Raymond St); Janine Trudeau (Bradley Ln); Kathleen Bishop (Taylor St); Elizabeth Goldberg (Oxford St); Sally Maran (Turner Ln); Katie Radi (Quincy St); John Sharrow (Chestnut St); Spence & Renata Patterson (Cummings Ln); Connelly (Screen name)

**7:33 PM Call to Order: Kauders**

Keith Allen gave his forecast for a dry, early spring with above-normal temperatures.

**7:36 PM Building Administrator's Report: Lohmeyer**

The Village Council received Building Administrator Lohmeyer's report on ongoing building projects in the Village (see attached).

**7:38 PM Opportunity for Council to Hear Residents' Comments: Kauders**

Marty Langelan (Chestnut St) thanked the Council for including resident comments on the election plans in the meeting packet. She asked whether candidate statements would be mailed out to residents; which sources would be used to update the voter roll; and whether the Council would set policies regarding problems that might arise with ballots. Ron Bolt stated that it would be possible to set some rules in advance and that an election vendor could add names and address to the ballot envelope so that voters would only need to sign the envelope.

Susan Kahn (Bradley Ln) requested that candidate statements be mailed to all residents; that language be added to the election plan stating that names for the voter roll may be obtained from multiple sources as needed; and that more time be provided for ballot curing before results are determined. Andrew noted that the Village Office is aware of individuals who require print copies of candidate statements and can reach out to residents to remind them that they can request paper copies, and that mailing candidate statements to all residents would present an additional burden on Village staff.

**7:51 PM Committee Updates: Kauders**

## **Ethics Committee**

Ethics Committee Chair Lorie Mitchell reported that, at its last meeting on Jan 25, the Ethics Committee focused on two issues, ethics training and staggered terms for Ethics Committee members. The Committee reviewed its initial ethics training draft that is posted on the Village website as part of the Jan. 25<sup>th</sup> meeting packet. The training is designed to help volunteers and staff understand their ethical obligations in accordance with the Village code. The Committee recommends that ethics training be included in the Village's orientation of volunteers and be made available to staff and public officials throughout the year as needed. The Committee asked that Council and community comments and suggestions on the training be sent to the Committee by March 8, to allow for distribution to Committee members before its next meeting on March 10.

Based on the Council's directive during the December Council meeting, the Committee researched and discussed whether the Council should consider amending the Village code to allow for staggered, overlapping terms for Ethic Committee members. Lorie presented a chart (see Appendix) to illustrate the issues associated with staggered terms. The chart incorporates comments the Committee received from residents as well as Committee and Council members.

She highlighted the fact that many of the Ethics Committee's tasks are front-loaded at the beginning of the term, so some overlap would facilitate the carry-over of knowledge from year to year. As for challenges, the Committee agreed that finding volunteers willing to serve a two-year term would not be difficult and determined that the change would require amending the Village code, not the charter. The Committee agreed that the potential benefits outweighed the potential challenges and voted to recommend to the Council that the Council consider amending the ordinance. Katie Howard, Council Liaison to the Committee, will present this recommendation at a future Council meeting.

## **Community Engagement Committee**

On behalf of the Community Engagement Committee, Chair Keith Allen requested approval from the Council to distribute via block captains a communication written by the Committee to every Village resident that encourages them to get involved in interest groups. Residents should contact Keith if interested. Keith thanked Lynn Welle for helping to put the package together. Committee member Susan Kahn expressed her support for the project.

Committee member Naomi thanked Katie Filipczyk Howard and Susan Kahn for helping her organize the legacy project. Community service credit can be earned by students who contribute to the project.

Tiffany Cissna (Bradley Ln) encouraged residents who are interested in setting up or joining a group to communicate via the listserv since the scope of the Community

Engagement Committee may not cover all of the initiatives and if Village channels are used, a number of rules are set in place. Susan Kahn clarified that the revised letter from the Community Engagement Committee makes clear that the Committee would not oversee these groups and would primarily serve as an umbrella organization that would allow the groups to report back to or request support from the Council if needed through the Community Engagement Committee.

The Committee's next meeting will be in March.

## **Election Committee**

Election Committee Chair George McAleese reported that the nomination period opens on Feb. 18. Messaging will go out through email and the newsletter. Residents can send in nominations or ask questions by emailing the Committee at [VMAElections@martinsadditions.org](mailto:VMAElections@martinsadditions.org). He also noted that the Village Manager is preparing the RFP for election vendors and the Committee continues to work on implementing the communications plan for the election. Andrew Kauders thanked all who volunteered to fill vacancies on the Election Committee due to resignations.

**Motion: Katie Filipczyk Howard moved to approve the appointment of Eric Shaw and Naomi Naierman to the Election Committee. Motion seconded by Jeff Blander. Motion passed unanimously.**

Susan Fattig expressed her hesitation to support the appointments since one new member is already on a committee despite the current policy that calls for residents to serve on one committee only. Naomi Naierman resigned from the Community Engagement Committee.

## **8:16 PM Public Hearing and Possible Adoption of the 2022 Election Plan**

Andrew Kauders highlighted changes made to the election plan draft that was previously circulated. The Council received and discussed numerous comments and revisions to the election plan from residents and Council members.

### **Council Comments**

Susan Fattig noted that the Election Committee had selected April 11 as the date for the candidate forum. Arthur Alexander spoke in favor of: paper candidate statement packets; joint Committee/staff management of the voter roll with Village staff providing a preliminary voter roll and the Election Committee revising it at their discretion after verifying errors and omissions (with the Committee as final arbiter); and immediate counting of ballots after voting closed. Susan Fattig commented that the voter roll has not been managed by the Committee in the past since the voter roll was simply turned over to the Election Committee to use during the in-person elections. Andrew Kauders commented that in his view, with mail-in ballots, it is reasonable to have the Election Committee certify a voter roll. Jeff Blander expressed support for: mailing out a candidate packet; for April 11 as the date for the candidate forum; and for collaboration between Election Committee and Village staff to update the voter roll using a range of

sources. Katie Filipczyk Howard recommended improving the process for maintaining an accurate voter roll.

#### Resident Comments

Naomi Naierman (Quincy St) commented in favor of giving control of the voter roll to the Election Committee to prevent conflicts of interest. Elizabeth Goldberg (Oxford St) spoke in favor of: adding a statement of purpose to the election plan; using as many means as necessary to update the voter roll; providing some means by which voters could submit a request for an electronic submission of a ballot should a voter be at a remote distance during an election; mailing out paper candidate packets; and clarifying dates when ballots are due. Ron Bolt recommended that the Council decide if the candidate forum will be mandatory or not; and noted that certification of the voter roll has been deemed more important for a mail-in election than an in-person election. Maryland law provides that if someone is registered with the county, they are deemed registered with the municipality, so most municipalities start with the county registry and hand that over to a committee to double-check. The municipality cannot decide that residents are not registered if they are on the county roll, but the municipality may determine if they are qualified voters, according to local charter requirements. Ron noted that for the upcoming election, the Village Manager could get the voter roll from the county, and then the Election Committee could, based on the Village directory or other evidence, determine who has passed away or moved. Jean Sperling (Shepherd St) commented on the importance of accuracy in the voter roll during a mail-in election when ballots are being given out based on the roll and on the ease by which mailings can be sent out by the Village Office. Niles Anderegg described the current process that the Office uses to update the voter roll: the Office requests the county voter roll and then draws on county deed records, Constant Contact information and other sources. Marty Langelan (Chestnut St) expressed support for mailing out candidate statement packets and for establishing a time period for curing ballots. She stressed the importance of the voter roll and of verifying information using many different sources. Election Committee chair George McAleese clarified that the April 11<sup>th</sup> deadline referred to the deadline for sending out ballots so that voters had the maximum amount of time to get and return ballots and questioned if adding a certification requirement for the voter roll would mean that the voter roll would need to be recertified after every change. Tiffany Cissna (Bradley Ln) raised concerns about what she termed significant changes in the election plan that affect accountability in maintaining the voter roll, clarity in how and when nominations dropped off at the Office are forwarded to the election Committee, and how ballots are reviewed. She further noted that tampering with a voter roll is criminal activity and that Maryland has a secretary of state and Montgomery County has a county clerk who manage voter rolls. She asked if the Council was required to introduce the new election plan draft with a 30-day lay-over. Ron Bolt responded that, in his opinion, the edits that had been made to the previously introduced plan had been well vetted over the last few months and were not substantively new so as to require another 30-day lay-over.

In response, the Council considered the following motions:

**Arthur Alexander moved to add a purpose statement to the election plan. Seconded by Jeff Blander. Motion passed unanimously.**

**Katie Filipczyk Howard moved that line of the election plan be changed from “if” to “when”, keeping shall instead of changing it to “may”. Seconded by Jeff Blander. Motion passed unanimously.**

**Arthur Alexander moved to add “and other sources as needed” to line 71 of the election plan. Seconded by Katie Filipczyk Howard. Motion passed unanimously.**

**Jeff Blander moved to leave the word “and” in line 120 of the election plan. Seconded by Katie Filipczyk Howard. Motion passed unanimously.**

**Susan Fattig moved to replace April 20 in line 124 of the election plan with April 11. Seconded by Jeff Blander. Motion passed unanimously.**

**Arthur Alexander moved to eliminate the phrase “24-hour-period” for curing from line 185. Seconded by Susan Fattig. Motion failed (2 aye, Alexander and Fattig; 3 nay, Blander, Howard and Kauders).**

**Arthur Alexander moved to adopt the election plan. Seconded by Katie Filipczyk Howard. Motion passed unanimously.**

### **9:33 PM Financial Matters, Treasurer’s Report**

The Village Council received the Treasurer’s report (see attached). As recommended by the Maryland Municipal League, the Village will in 2022 record the full amount of its funds through the American Rescue Plan as compensation for losses due to the pandemic to minimize reporting requirements on the use of the funds.

### **9:34 PM Manager’s Report: Anderegg**

The Village Council received the Manager’s report (see attached). Niles Anderegg reported that traffic data is being collected. The temporary speed bump is being shipped to the Village. Covid test kits and masks were distributed and if more are needed, residents should contact the Office. WSSC will be working on Brookville Rd., Section 3, and Section 5 starting next month. Washington Gas will be working in the north end of the VMA. Pepco added a new pole on Chestnut and is working on another one on Summit. Section 3 asked the Village to support changes under consideration by the state on how charter amendments must be publicized and on municipal ownership of street lights. The county is considering a bill that changes how they handle tax duplication funds. If passed, the Village’s allocation will increase.

**Arthur Alexander moved that the Village Manager be given authority support the legislation just described. Susan Fattig seconded. Motion passed unanimously.**

**9:31 PM Opportunity for Council to Hear Residents' Comments: Kauders**

On behalf of some residents and as a lawyer and Council member, Susan Fattig expressed the belief that the Council owes an apology to some residents who were defamed by resident comments in the Feb. 17th meeting packet. Susan reviewed Election Committee emails from 2019, 2020 and 2021. She described the 2021 as the most transparent in Village history but comments in the packet included statements that were, in her assessment, wrong about that election. She urged the Council to vet comments in the future to eliminate those that are inaccurate or violate the Council's policy.

Jeff Blander thanked Andrew for posting the comments and noted that Montgomery County and many municipalities allow public comments to be posted on their websites.

Lynn Welle (Oxford St) thanked everyone, especially Andrew, for their hard work.

**9:44 PM Adjournment: Kauders**

**Motion: Arthur Alexander moved that the meeting adjourn; seconded by Katie Filipczyk Howard. Motion passed unanimously.**



## **VILLAGE OF MARTIN'S ADDITIONS**

### **COUNCIL MEETING APPENDIX**

**February 17, 2022**

Materials included in this appendix were either included in the Council monthly meeting packet distributed before the meeting or submitted to the Council as part of the meeting. All materials appear as submitted.



**VILLAGE OF MARTIN'S ADDITIONS**  
7013 Brookville Road (Second Floor, Suite B)  
Chevy Chase, MD 20815-3263  
Phone (301) 656-4112  
[www.martinsadditions.org](http://www.martinsadditions.org)

**Agenda for Council Meeting**  
**Thursday, Feb. 17, 2022, 7:30 PM**

*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).*

7:30 PM Call to Order: Kauders

7:31 PM Building Administrator's Report: Lohmeyer **(Pages 2-3)**

7:36 PM Opportunity for Council to Hear Residents' Comments: Kauders

7:46 PM Committee Updates: Kauders

7:51 PM Public Hearing and Possible Adoption of the 2022 Election Plan. **(Pages 4-8)**

8:06 PM Financial Matters, including Treasurer's Report: Alexander **(Page 9)**

8:11 PM Manager's Report: Anderegg **(Pages 10-11)**

8:16 PM Opportunity for Council to Hear Residents' Comments: Kauders

8:31 PM Adjournment: Kauders



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

FROM: Doug Lohmeyer

DATE OF MEMO: Feb. 14, 2022

SUBJECT: Building Administrator's Report

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**3506 Bradley Lane.**

Demolition and building permit applications were submitted to the Village office. A new resident's information was held on Nov. 3<sup>rd</sup>. The Village issued the building permit on Dec. 9, 2021. The old house has been removed and the contractor is pouring the concrete basement slab.

**7200 Chestnut St.**

The applicant applied for a Village building permit to construct an addition to the west side of the existing house. The MCDPS closed their building permit on Oct. 7, 2021. The new residents have moved in. The contractor has installed the new driveway. The Village is closing out the building permit.

**7220 Delfield St.**

The applicants have submitted an application to remove the existing house and build a new house. The Village information meeting was held on Dec. 14<sup>th</sup>. The County issued the building permit on April 20, 2021. The Village demolition and building permits were issued on May 17, 2021.. The new house construction is ongoing.

**120 Quincy St.**

The homeowner has submitted plans to the County and the Village for review. The application proposes to construct several additions at the side and rear of the existing house. MCDPS issued their building permit on Jan. 5, 2022. The Village issued their permits on Feb. 6, 2022. No exterior work has begun.

**159 Quincy St.**

The homeowners submitted an application to build a new deck at the rear of the existing house. The Village building permit was issued. The project appears to be nearing completion.

### **162 Quincy**

The property is for sale and an interested party has contacted the Village regarding make several additions to the existing house. They have not applied to MCDPS or to the Village.

### **3500 Raymond St.**

The homeowners are considering several additions to the existing house. They have not applied to MCDPS or to the Village.

### **7200 Summit Ave.**

The homeowners submitted a Variance Application for additions to the existing house. The variance was approved by the Council on July 16, 2020. The applicants have not submitted to MCDPS or the Village. The Village variance has been extended for an additional 12 months. The homeowner has not applied for a MCDPS permit.

### **3404 Turner St.**

The applicants have submitted an application for a variance of the Village's minimum side yard setbacks, so they can add a second floor to the existing, non-conforming house. The Village Council approved the variance on Sept. 23, 2021. The MCDPS issued their building permit on April 17, 2021. The Village has issued the building permit.

### **Miscellaneous Items**

The staff is presently working with the following properties:

1. The MSHA has responded to the Village's letter regarding water ponding at the Village street intersections along Brookville Rd. The MSHA staff stated they are working with WSSC and MCDOT and will get back to us soon. The Village sent a letter to the State requesting an updated progress report on the outstanding pedestrian safety issues. The State responded and said they will be looking into adding additional pedestrian walkway safety measures at Bradley and at Taylor. Section 5 has prepared a concept plan to build a new MSHA storm drain system along the west side of Brookville Rd. from Bradley La. to Shepherd St.

Draft 1/6/2022  
2022 Ordinance:  
Election Rules and Procedures  
2/16 Edits (Andrew Kauders)

The Village of Martin's Additions is governed by a municipal Charter that provides for a five-member elected Council to appoint an Election Committee ("Committee") that operates according to rules and procedures adopted by the Council, pursuant to Section 602 of the Village Charter. The Committee accepts nominations of candidates for the Village Council and oversees the annual election.

### **Village Council Election Process**

The election of Village Council members takes place on a date determined from year to year in accordance with Section 602 of the Charter. Council members are elected to terms of two years. The number of seats open on the Council alternates between two and three seats every other year; vacancies are filled per Section 408 of the Charter. All elections are managed by the Committee. The Committee consists of a minimum of three, but preferably no fewer than five, qualified voter<sup>1</sup> volunteers appointed by the Council. The Council may appoint additional qualified voters as short-term assistant Election Committee members, as needed. Committee members shall complete an Oath and a Conflicts of Interest form, as provided by the Village, consistent with Village Policy. Each year the details of the election cycle for that year are published in the Village newsletter. The following rules and procedures apply:

1. Consistent with the Village Charter, no later than sixty (60) days prior to Election Day, the Committee will open the nominations period and request that declarations of candidacy and nominations of candidates be submitted in writing to the Committee. Any qualified voter may declare their candidacy or be nominated by another qualified voter according to the election rules and procedures. Qualified voters who nominate someone other than themselves must include an email or signed written statement that can be dropped off at or mailed to the Village office from the proposed candidate expressing his/her consent to be nominated. Anonymous nominations are not permitted. All nominations must be received in the Committee inbox by the deadline set by the Committee.

2. All nominated candidates shall submit (a) a statement of interest and qualifications, and (b) a conflict-of-interest disclosure statement, in a form provided by the Village. The Election Committee may specify standard formatting for the candidate statements and any standard questions to which all candidates are requested to respond.

3. The Committee must receive all nominations and required candidate submissions in writing at least forty-five (45) days prior to the election, in order for the candidate to be placed on the official ballot. No nominations or candidate submissions will be accepted by the Committee if received later than the deadlines specified here.

4. The Committee shall establish a format, date and time for a candidate forum for qualified voters and residents to hear from the candidates. The forum shall be moderated by the Committee at its sole discretion. If such a forum is created, qualified voters are encouraged to send proposed questions to the Committee via email ([VMAElections@martinsadditions.org](mailto:VMAElections@martinsadditions.org)) by

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<sup>1</sup> Pursuant to the Village Charter, a qualified voter is "any person who owns property or any resident of Martin's Additions who is eighteen years of age or over."

the Committee-specified deadline or be prepared to ask them if/when called upon during the forum. The Committee will not receive questions via phone or otherwise.

5. Pursuant to Charter Section 602(b), no later than two (2) weeks prior to the election, the Committee shall publish the written statements of the candidates for office, the official election notice and forum notice, and general voting instructions.

6. Pursuant to the Charter and these rules and procedures, each qualified voter may cast a mail-in ballot provided by the Committee, subject to the schedule publicly announced by the Committee.

7. Blank lines will be placed on the ballot for the purpose of adding write-in candidates at the time of the election. A successful write-in candidate shall be required to submit a Conflicts of Interest disclosure statement no later than seven (7) business days following the election.

8. In the event that two or more candidates receive the same number of votes where only one can be elected, there shall be a runoff election within two weeks of the May 23 deadline, when votes are tabulated and recorded. In this election, runoffs shall be held by mail.

9. Each candidate may designate one person as an official observer to be present when the ballots are being counted. Other qualified voters may also observe, although no observer may participate in or otherwise disrupt the counting of the ballots. Specific vote counting procedures will be recommended by the Committee and adopted by the Council each year, as appropriate.

## **Who Can Vote?**

Pursuant to the Charter Section 301, a qualified voter is “any person who owns property or any resident of Martin’s Additions who is eighteen years of age or over.” In the case of students such as college or boarding school students, a student who resides elsewhere during the school year but who maintains a permanent address in Martin’s Additions is deemed a resident and entitled to vote in the Village Council election. Voters in Martin’s Additions need not be registered to vote in Montgomery County or in the State of Maryland and need not be U.S. citizens. The Committee will utilize the most recent electronically available Village resident contact information to confirm voters’ names and addresses and shall develop, verify and certify the voter rolls with the assistance of the Village staff. New voters may request to be added to the voter roll up to 12:00 PM on Election Day, May 10, which is the ballot drop-off deadline. To be eligible to receive a mail ballot, new voters should be prepared to show a driver’s license, a utility bill, or other documentation acceptable to the Committee in its sole discretion, showing the voter’s Martin’s Additions address.

## **Plan for the 2022 VMA Election**

VMA’s 2022 election will be held entirely by mail. There will be no in-person voting. Voters will mail their completed ballots back to the election service provider in the postage-paid envelopes issued by the provider. On Election Day, May 10, the Committee will also provide an opportunity for voters to drop off their completed ballot envelopes in a ballot box, to be conveyed to the election service provider for counting.

Traditional absentee ballots will not be necessary, because every person on VMA’s voting roll will

84 automatically receive a ballot by mail.

85 If a voter is planning not to be at his or her VMA address during the voting process, he/she may elect  
86 to receive a ballot by mail at a different location by so informing the Committee no later than 12:00  
87 PM on May 10. No one may vote two ballots at two different addresses. If a voter has lost or damaged  
88 his or her ballot or ballot return envelope, he/she may contact the Committee no later than 8:00 PM on  
89 May 10 to request a replacement ballot. On receipt of such a request, the Committee will instruct the  
90 service provider to void the previous ballot sent to that voter and mail the replacement ballot. All  
91 completed ballot envelopes must be received by the service provider by 5:00 p.m. on May 23, 2022.

#### 92 Nominations

93 The Committee will issue a call for candidates on **February 18, 2022**. Any qualified voter may run  
94 for office. Qualified voters may nominate themselves or be nominated by another qualified voter, in  
95 writing. Nominations may be made only by qualified voters; anonymous nominations are not  
96 permitted. Qualified voters who nominate themselves must submit an affirmative statement or email  
97 stating that they wish to run for office. Qualified voters who nominate someone other than  
98 themselves must include an email or signed written statement that can be dropped off at or mailed to  
99 the Village office from the proposed candidate expressing his or her consent to be nominated. The  
100 nominations period will open on **February 18** and close on **March 18, 2022, at 6:00 pm**.  
101 **Nominations must have been received by the Committee no later than that deadline.** A thirty-  
102 minute grace period will be allowed for email nominations to arrive in the Committee's email inbox.

103 To be placed on the official ballot, all candidates must submit by email to the Election  
104 Committee (a) a brief Candidate Statement of up to approximately 700 words, including their  
105 qualifications as well as any other information they deem relevant, and (b) their signed and  
106 completed Conflicts of Interest Disclosure form. The Election Committee will specify the form  
107 of both documents when the nomination period opens. **Both documents must be received by**  
108 **the Committee in its email inbox no later than 6:00 p.m. on March 25, 2022.** A thirty-minute  
109 grace period will be allowed for email submissions to arrive in the Committee's email inbox.

110 The Committee will review the submissions and identify any nomination materials that are  
111 incomplete. The Committee will notify the candidate, and the candidate will have 24 hours to  
112 submit an updated form addressing the issue. Submission of updated materials will not be  
113 subject to the deadline above for submissions.

#### 114 Candidate Announcements and Candidate Forum

115 The Committee will promptly notify the Village of the candidates for office and publish the  
116 election information and candidate statements by email, by posting on the Village's website and  
117 based on individual resident requests, in a mailed election packet. Information will also be included  
118 in the Village's Friday wrap-up emails and newsletters and will be available for review in the  
119 Village Office throughout the election period.

120 The Committee will host a Candidate Forum to be conducted by Zoom or other electronic means  
121 on a date in April, but expected to be held no later than Friday, April 15, 2022, that is agreed upon  
122 by the Committee and candidates, to allow qualified voters and residents to hear from candidates  
123 and ask questions. The Committee shall provide a mechanism for qualified voters and residents to  
124 offer questions to be asked anonymously. The Committee shall moderate the forum in an impartial  
125 manner. This includes: (a) the forum should cover a broad range of issues; (b) candidates should  
126 have equal time to present their views; and (c) the moderator remains neutral and does not imply  
127 approval or disapproval of the candidates. Qualified voters and residents are encouraged to send  
128 their questions for the candidates to the Committee by the means specified by the Committee.

129                    Election Procedures

130 Pursuant to the Charter and these rules and procedures, each qualified voter may cast a ballot,  
131 according to the following vote-by-mail procedures.

- 132            1) After the candidate forum is held, the election service provider will mail via first class post  
133            (a) a ballot, (b) voting instructions prepared by the committee in consultation with the  
134            election service provider, and (c) a postage-paid return ballot envelope to each voter listed  
135            on the voter roll at their address of record.
- 136            2) Ballot envelopes will bear on their exterior a service-provider-issued control number and  
137            an affidavit in accordance with Maryland law requiring the voter to attest to the voter's  
138            identity and eligibility. The affidavit must be signed by the voter.
- 139            3) All ballot envelopes must be received by the election service provider no later than **5 p.m.**  
140            **on May 23, 2022.** The VMA Election Committee shall send reminders for all qualified  
141            voters to return ballots by mail as soon as possible or no later than May 10 so they are  
142            received by the service provider in time to be counted. Ballots received after May 23 shall  
143            be rejected and not included in the ballot counting.
- 144                    a. Ballots must be returned in the service-provider-issued return envelope.
- 145                    b. Ballot return envelopes must be sealed.
- 146                    c. Ballot return envelopes must bear a valid control number that has not been  
147                    canceled or voided.
- 148                    d. Voters must have written their full name as it appears on the ballot envelope as  
149                    well as the house number and street name of qualifying address in the Village on  
150                    the issued return envelope.
- 151                    e. If voters from the same household use each other's envelopes, those ballot return  
152                    envelopes shall be accepted as valid.
- 153            4) For voters' convenience, the Election Committee will also provide a secure ballot box to  
154            collect completed ballot envelopes on the evening of **Election Day, May 10, 2022.** Voters  
155            may deposit their sealed ballot envelopes containing a voted ballot and bearing a  
156            completed affidavit in the Election Committee ballot box between the hours of **5:00 p.m.**  
157            **and 8:00 p.m. on May 10.** Promptly after 8:00 p.m., the Election Committee shall open  
158            the ballot box, count the number of ballot return envelopes in the box, and then convey the  
159            ballot envelopes to the service provider. The election service provider shall hold all ballots  
160            received until the date for ballot counting, **May 23, 2022.**
- 161            5) Between the hours of 5:00 p.m. and 8:00 p.m. on May 10, the Election Committee will  
162            also provide an opportunity for qualified voters whose ballots have been lost, damaged,  
163            spoiled, or are otherwise unable to be voted, to request that their existing ballot be voided,  
164            and a new ballot be mailed to them by the election service provider.
- 165            6) The service provider shall count the votes on the ballots on **May 23** and ensure that the  
166            Election Committee and candidate observers can clearly observe the counting process.
- 167                    a. Prior to the counting of the ballots, the Committee shall propose procedures for  
168                    the Council to adopt relating to the vote counting.
- 169            7) Following the 5 p.m. deadline on May 23, the election service provider shall examine  
170            the ballot envelopes without opening them and identify non-confirming envelopes.  
171            The provider shall then display each such non-confirming envelope to the  
172            committee members, who will then decide, based on a majority vote, whether each  
173            such envelope has the potential to be 'cured' or corrected of any discrepancies or  
174            deficiencies. If so, within a 24-hour period, a reasonable and meaningful attempt  
175            must be made to contact the voter identified by the control number on that  
176            envelope. However, ballot envelopes that are unsigned shall not be eligible for  
177            curing.
- 178            8) Candidates or their designated representative(s) — only one per candidate — may observe  
179            the tallying, review, and adjudication process. Candidates or their designated observers  
180            may raise objections during the counting process. The candidate or observer must identify

the challenge at the time of vote counting.

- 9) At the vote counting session, the service provider shall tally all votes cast, including the write-in votes. The service provider shall deliver a complete, certified Official Count of Ballot Report to the Election Committee by email within 48 hours.
- 10) The Committee shall review the Report, address any remaining ballot or vote issues, and certify the election by Committee vote. The Committee shall announce the election results as soon as practicable.
- 11) The election service provider shall return all ballots, ballot return envelopes, and other election materials to the Village Office by mail or courier, for preservation according to the Village's state-approved Document Retention policy.
- 12) In the event that two (2) or more candidates receive the same number of votes where only one can be elected, there shall be a runoff election within two (2) weeks of May 23, when votes are tabulated and recorded. The Committee shall conduct any runoff election by mail-in ballot consistent with relevant provisions of the Charter.

## **Records**

All election records, including nominations, candidate statements, ballots, envelopes, and all materials pertaining to voter rolls and the voting process, shall be securely stored at the Village Office, in accordance with the Village's Document Retention Schedule.

## **Electioneering**

- 1) Residents may distribute candidates' information to Village residents, provided that such distribution complies with applicable laws, including Sections 7-208 and 9-106 of the Village Code and the United States postal service regulations (for example, no unstamped non-postal material may be placed in residents' mailboxes).
- 2) All candidates' brochures and election materials must prominently state that they have been paid for by, or on behalf of, the candidates.
- 3) Use of the Village logo and/or letterhead on election campaign materials is prohibited. Candidates' materials may not imply, suggest, or give the impression of any official endorsement by the Village of Martin's Additions.
- 4) Candidates' campaigns may give residents token gifts that display candidate information, provided that such gifts do not exceed \$1 in fair market value.

**Village of Martin's Additions  
Financial Report for January 2022  
Arthur Alexander, Treasurer  
February 17, 2022**

	<u>Actual</u>	<u>Budgeted</u>
July 2021-January 2022		
Revenues (regular)	\$629,165	\$462,758
Expenses (excluding capital projects)	396,713	441,346
Net Income (regular revenues minus expenses)	721,633	21,412
Capital investment expenses	\$ 0	
 Federal grant: American Rescue Plan	 489,181	 0
 Investment reserves (less expenditures)	 1,500,000	
Emergency reserves	1,000,000	
 Current assets less reserves shown above:	 \$ 1,467,719	

In January 2022, we transferred \$55,000 as planned from the Village's savings account in the Maryland Local Government Investment Pool (MLGIP) to the checking account to cover expenses. We plan to transfer the same amount in February 2022.

Revenues from the state income tax are at historically high levels. One area of expenses to monitor is the street account, which includes leaf removal, cleaning, and maintenance; this account is currently running above budgeted amounts, mainly because the activities are seasonal. Nevertheless, they bear watching. There are sufficient financial reserves to cover approximately two years of expenditures in the event of a collapse of our usual revenues.



From: Niles Anderegg, Village Manager  
To: Village Council  
Subject: Village Office Update  
Date: 2/15/2022

### **Overview**

The Village Office provided support to the Election, Ethics, and Community Engagement Committees and the Public Safety Task Force. In addition, the Office is working on improving its communications by revamping the newsletter and creating a new “no parking request” webform so that people can submit requests for no parking signs entirely online. The Village Office, with the help of Council members, distributed covid test kits and masks to residents. If you are still interested in getting masks or test kits from the village office, please call or email.

### **Walkability Improvements**

The Traffic Group has begun collecting data on Village streets, including Thornapple and Shepherd streets and Cummings Lane. The Village has ordered the temporary speed bump for Thornapple Street, which will be delivered within the next couple of weeks and be installed as soon as possible.

### **American Rescue Plan Funds**

The Treasury Department has issued its final rule regarding the American Rescue Plan funds, which creates more flexibility for municipalities regarding how to spend the money and how to report the expenditures, especially for small municipalities such as ours. The provision most relevant to the Village is that the Treasury Dept. has changed their revenue loss provision, creating a standard allowance of ten million dollars. To be clear, this does not mean that the Village can spend up to ten million dollars; we still only have the allocated amount of \$900,000, but by applying the standard allowance provision, we can operate as if the Village had a revenue loss up to 10 million dollars. This means we don't have to prove that we lost any revenue to utilize the American Rescue Plan funds for “services traditionally provided by recipient governments.” This allows the Village to be more flexible in utilizing these funds while also reducing the burden of calculating our revenue loss. I, therefore, recommend to the Council that we take the standard allowance in our reporting to the state and Treasury Dept. on April 30th.

### **Utilities**

Over the last couple of days, the Office has had conversations with WSSC and Washington Gas regarding work they will be doing in or around the Village. Washington Gas has submitted civil work orders to replace gas lines on the north end of the Village. The project aims to modernize the gas lines and address issues such as water in the lines. I will continue to follow up with Washington Gas as this work occurs. WSSC will be doing work on the water main on Brookville Road and in Section 3 and Section 5. This work is scheduled to begin in

March, although I don't have a specific time frame yet on when the work will begin on Brookville Road. In addition, Pepco added a new pole on Chestnut Street.

### **State Legislature**

There are a couple of bills currently before the state legislature that our neighboring jurisdictions have asked us to support. One bill would streamline the process of notification for Charter amendments. Under current state law, we are required to publish notice of all Charter amendments in a newspaper of general circulation (i.e., *The Washington Post* or *Times*). This law would allow municipalities to utilize their newsletters and other outlets as means of giving notice to residents regarding Charter amendments, which would save municipalities money given the reasonably high cost of placing a notice to the *Post* or *Times*. The other bill currently before the state legislature regards ownership of streetlights. Currently, the utility owns streetlights in Maryland municipalities, but the municipality pays for the installation and electricity use of streetlights. Under this new bill, municipalities would have more direct ownership over their streetlights. Section Three has asked for our support on the Charter amendments bill, and the Village of Chevy Chase is asking the Village if we would send letters of support on the streetlight bill.

This year's Ethics Committee conducted our third meeting of the current term on January 25th. The two primary topics discussed were ethics training and whether to recommend to the Council that they consider amending the Village Code to mandate multi-year staggered terms for Ethics Committee members, which is generally considered a best practice for government ethics bodies.

Beginning with ethics training, the Committee reviewed and discussed our initial training draft, which can be found on the Ethics page of the Village website in the January 25th meeting packet. Through the development of ethics training, our Committee is working to help ensure that resident volunteers and village staff understand their ethical obligations under the Village Code. We recommend that ethics training be part of the current Village orientation training for volunteers and available as needed to staff and public officials throughout the year. Council liaison Katie Howard has distributed the draft to her fellow Council members for input. Community comments are also welcome and should be sent to the Ethics Committee email account. If possible, we ask that comments and suggestions be sent to us by March 8th to allow time for distribution among Committee members before our March 10th meeting.

Based on the Council's directive during the December Council meeting, the Ethics Committee further researched and discussed whether to recommend that the Council consider amending the Village Code to provide for staggered or overlapping terms for Ethics Committee members. To guide our discussion, we created a Venn diagram that illustrates some of the issues associated with staggered terms and incorporates comments from residents, Committee members, and Council members. There are several considerations worth highlighting:

First, in contrast to other Village Committees, many of the primary duties of the Ethics Committee are front-loaded at the beginning of the term, which suggests that the Committee would benefit from institutional knowledge carry-over from year to year. For example, as we introduce Ethics training as a part of the Village onboarding process, best practice dictates that an experienced Ethics Committee member conducts the training. Further, as the ethics training draft educates volunteers on their opportunities to seek advisory opinions from the Committee, it seems logical that there may be greater interest in doing so directly following orientation training at the start of their term. Issuing advisory opinions is a core responsibility of the Committee and requires in-depth knowledge of the Village ethics ordinance. In addition, the Village Code mandates that public officials file a Conflict of Interest and Oath of Office form with the Ethics Committee on an annual basis before August 1st. An Ethics Committee composed entirely of new members would face a steep learning curve within a compressed time frame, making it difficult to fulfill their committee duties by the Code-established deadline.

When our Committee discussed some of the potential challenges of implementing staggered terms, we generally agreed that a two-year term requirement would not be detrimental to willingness to serve on the Committee. Finally, to readdress Arthur's concern at the last Council meeting, the change would require amending the Code, not the Charter.

In the end, the Committee agreed that the benefits of staggered terms outweighed any related challenges and voted to recommend that the Council consider amending the ordinance. Katie has offered to work with the Council to include the topic in a future Council meeting agenda.

Additional information about the Ethics Committee and a copy of the minutes from our January meeting can be found on the Ethics page of the VMA website. Residents are also encouraged to attend the next Committee meeting on March 10th at 7:00 pm.