

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. 25th 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. 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 11th 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.