

**Village of Martin's Additions  
Council Meeting  
7013 B Brookville Road, Chevy Chase, MD 20815  
Minutes of Meeting June 20, 2013**

**COUNCIL MEMBERS AND VILLAGE REPRESENTATIVES PRESENT:** Council Members: Richard Krajeck, Arthur Alexander, Tiffany Cissna, Mike Zielinski, Village Manager: Jean Sperling; Village Attorney: Ron Bolt.

**RESIDENTS PRESENT:** Bill Catherwood, Bill Lebovich; Keith Allen; Jon Fleming; Ted Stoddard; Janine Trudeau.

**7:30 PM Call to Order: Krajeck**

**ELECTION COMMITTEE WRAP-UP: Report Prepared by Ted Stoddard**

There were 166 total valid ballots cast out of an estimated 619 possible voters (as reported by our office to the Maryland Municipal League). The 166 included several absentee ballots. This count was believed to be the highest voter turnout in VMA. The tally: 142 votes for Jon Fleming; 134 votes for Bill Lebovich; 67 votes for Josh Bowers; 58 votes for Mark Weiner; 1 write-in vote for Karoline Shannon; 1 write-in vote for Paul Weller.

**DISCUSSION/INTRODUCTION OF ORDINANCE RELATED TO PERMIT REQUIREMENTS FOR GENERATORS AND HEAVY EQUIPMENT: RESOLUTION 6-13-1. The following resolution/ordinance was presented for introduction:**

**"SUBJECT:** AN ORDINANCE TO CLARIFY AND AMEND PERMIT REQUIREMENTS FOR AIR CONDITIONERS, HEAT PUMPS, GENERATORS, AND OTHER STRUCTURES, AND PROJECTS REQUIRING HEAVY EQUIPMENT THAT MAY DAMAGE THE PUBLIC RIGHT-OF-WAY.

**ARTICLE 1. GENERAL PROVISIONS**

**Section 6-101. Definitions.**

**(k) "Heavy equipment" means vehicles and machinery used to perform tasks such as excavating, grading, heavy lifting, demolition, or removal of large trees, including, but not limited to, cranes, bulldozers, or other items which may damage the public right-of-way when placed upon or moved across the street surface, curb, or sidewalk.**

**(kl) "Lot" means a parcel of land on a legally recorded subdivision plat filed among the records of Montgomery County Maryland.**

**(pg) "Structure" means an assembly of materials forming a construction for occupancy or use, including, without limitation, buildings, accessory buildings, fences, sheds, shelters, garages, signs, pipelines, sewer lines, cable lines, fuel storage tanks, air conditioners, heat pumps, generators, dumpsters, portable storage units, driveways, sidewalks, streets, and the like.**

**ARTICLE 3. VILLAGE BUILDING PERMITS**

**Section 6-302. Permits Required.**

**(a) Demolition of Buildings.**

Any person intending to demolish, raze or tear down any portion of the exterior features of an existing building, garage or accessory building within the Village must first obtain a demolition permit from the Village Manager for such demolition in order to ensure that such work will be carried out in such a manner that abutting property owners will not be adversely affected and that the interests of the Village in public health, safety and welfare are not jeopardized by such work. When used throughout this Article 3, the term "building permit" shall include demolition permits.

**(b) Improvements.**

No person shall add to, erect, install, replace, alter, construct, re-construct, repair or improve any structure, place any heavy equipment upon or move any heavy equipment over an improved street surface, curb, or sidewalk, ~~make any excavation, or commence any activity involving reconstruction, repair, or excavation of any street, curb, or sidewalk~~, or temporarily close or block any street or sidewalk within the Village prior to the issuance of a building permit pursuant to this Chapter. No building permit for construction of private improvements within the public right-of-way shall be issued until the owner of the abutting property has executed a revocable license to use the right-of-way in a form approved by the Village Council.

**(c) Repairs.**

Notwithstanding paragraph (b) above, no building permit shall be required in the case of ordinary repairs or maintenance, as defined in Section 6-101, and no building permit shall be required for any of the above described activities occurring entirely within the interior of a building. Emergency re-construction, repair or excavation may be undertaken without first securing a building permit, except that such permit shall be applied for as soon as possible after the need for such activities becomes known.

**Section 6-304. Deposit for Repairs**

**(a)** No person shall commence any activity ~~involving reconstruction, repair or excavation of any street or sidewalk in the Village for which a permit~~ deposit for repairs is required as a permit condition by this Article pursuant to Section 6-306(b) unless such person has deposited with the Village Council a completion bond, letter of credit or other security such amount and/or form as the Village Council deems necessary or appropriate ~~to insure the restoration or repair of any damage to the Village rights-of-way, sidewalks, curbs or roadways and that such activity shall be completed in a safe and timely fashion and otherwise in accordance with the terms of any building permit issued in connection therewith.~~

sidewalk may commence without the deposit of such bond, letter of credit or other security, provided that such security is deposited as soon as possible after the commencement of the activity or notice of the need for such activity.

(b) The deposit and any interest thereon may be applied to repair or correct any damage or injury to public property, including treatment or replacement of Village trees and plantings, as the ~~Village Council~~ in its discretion shall determine. Upon completion of the activity for which the permit was issued, the balance of the deposit, including any interest earned thereon, less any amounts retained by the Village pursuant to this subsection, shall be returned to the person who made the deposit.

#### **Section 6-306. Applicable Standards; Permit Conditions**

(a) An application for a building permit shall not be denied unless it has been determined that: (i) the provisions of this Article have not been satisfied, or (ii) the proposed activity would otherwise be in derogation of the health, safety, comfort or welfare of the present or future inhabitants of the Village.

(b) Building permits may be issued subject to conditions **determined necessary by the Village for** ~~related to~~ the protection of health, safety, comfort or welfare, or to protect against interference with sidewalk or street traffic, residential parking, noise or other noxious effects, **including, without limitation, that the applicant provide a deposit for repairs to insure the restoration or repair of any damage to a Village right-of-way, street, sidewalk, or curb and that such activity shall be completed in a safe and timely fashion and otherwise in accordance with the terms of the building permit issued in connection therewith."**

**ACTION ON Resolution 6-13-1:** Zielinski moved to introduce; 2<sup>nd</sup>: Alexander' Vote: All in favor. The next meeting will be in September at which time there will be a public hearing to review and discuss this proposed ordinance.

#### **BUILDING REPORT**

##### **• Construction Update & Municipal Operations Support**

###### Construction Completed:

- **124 Quincy Street** - Bond to be released.
- **3517 Cummings Lane** - Bond check returned.
- **7201 Summit Avenue** – Deck, Bond check returned.
- **3516 Cummings Lane** - Fence
- **3502 Cummings Lane**: Driveway replacement.
- **163 Quincy Street** – Possible 2<sup>nd</sup> layer on driveway, still holding bond.

###### Permits Issued:

- **205 Oxford Street** – Rear/side addition.
- **7216 Chestnut Street** – Fence
- **3523 Raymond Street** – Deck replacement.
- **7003 Brookville**- Fence permit.

###### Ongoing Construction Projects:

- **3408 Turner Lane.** Front Yard Paving- letter sent; owner cannot recall construction; pictures not adequate; follow up needed.
- **3410 Cummings Lane** – All new home construction continues.
- **3414 Cummings Lane** - All new home construction continues.

##### **Other Municipal Support**

###### Management:

- Meeting with Washington GAS; project status.
- Documentation of Condition of Cummings after WSSC.
- Documentation of Condition of Cummings after WGL.
- Resident concerns – Missed yard waste, recycling and trash pickup, WSSC project, WGL project, telecom line transfer and Pepco pole removal
- Ongoing supervision and progress reporting of construction projects.
- Work with Verizon and Pepco on transferring telecom lines to new poles.
- Move in / out parking control.
- Respond to construction complaints resulting from storm water blowing out sediment control on construction sites.

###### New Permit Requests/Pending or In-process:

- **3509 Shepherd Street** – Rear addition
- **3502 Turner Lane** - Parking pad area restored. No further response regarding the construction of apron. Estimate under development. Town agreed to install.

- **3504 Cummings:** Driveway Resurfacing; deck extension; additional screening.

###### Construction Inquiries/ Pending Building Issue:

- **3219 Thornapple St** – Reviewed by Alan. Variance will be required to construct porch. Information sent to architects on project. No reply.
- **3518 Bradley** – Construction of a porch has morphed into a resurfacing; Beal has reviewed and cleared replacement of concrete surface.
- **7203 Summit Avenue** – Side or rear addition. Setback issues expected.

###### Points of Concern in Right-of-Way:

- **7215, 7208 & 7212 Chestnut Street** - Plantings, block and other decorative features.

Multiple follow meetings on site with affected Residents, Contractors and MC Sediment Inspectors.

- Oversee WSSC work on Thornapple, Delfield, Chestnut and Summit Ave.
- Storage unit/equipment management
- Documentation of vehicle damage (hood) on Summit Ave.; Thornapple St – steps in ROW
- Celebration on the Sidewalk
- Assisting Traffic Engineer.

###### ROW Maintenance – General:

- Recovery of street & parking signs from Brookville Road after Verizon transfers
- Complaint Management- incomplete WSSC restoration on Turner Lane

- Inventory and report on Utility restoration of ROW

**DISCUSSION: VARIANCE HEARING SCHEDULING: 3401 Thornapple Street**

The permit request for the addition of stairs to the rear addition at 3401 Thornapple Street has been denied because they would extend beyond the established building line. A Variance request has been made. A variance hearing will be held at the next Council meeting on July 18<sup>th</sup>, 2013. Notice must be provided within 20 days of the hearing, so it will be posted as described in variance procedures policy, on June 21<sup>th</sup>. No motion was needed for this action.

**FINANCIAL MATTERS: ALEXANDER**

- **Financial Report for April-May 2013**

	July 2012-May 2013	
	Actual	Budgeted
Revenues	\$633,866	\$582,440
Expenses	386,615	498,668
Net Income	247,250	83,720

Reserve account (current assets less designated allocations): \$840,155

As we approach the end of the fiscal year, revenues are near where we thought we would be a few months ago, but considerably greater than originally anticipated last year when compiling our annual budget. The main difference is the Village share of state income taxes, which has recovered from the plunge following the last recession and is now approximately one-third more than we conservatively planned to receive. Expenses remain below budgeted amounts in almost every category. However, street maintenance has the largest surplus at the moment because the ongoing utility work has not allowed normal work to occur. The surplus in the snow removal category looks like it is sustainable.

The reserve account (current assets minus funds set aside for designated capital expenditures) is greater than the Village’s budgeted annual expenditures, which provides a planned cushion against unexpected occurrences.

**ACTION ON FINANCIAL REPORTS FOR APRIL 2013**

Motion to Adopt: Zielinski; 2nd Cissna; Vote: All In favor

**ACTION ON FINANCIAL REPORTS FOR MAY 2013**

Motion to Adopt: Cissna; 2<sup>nd</sup> Zielinski; Vote: All in favor

**PRESENTATION OF DRAFT RISK MANAGEMENT POLICY DEVELOPMENT**

Manager Sperling included an initial draft of a Risk Management Policy for the Village Martin’s Additions in the Council’s packet. It has evolved from the loss control recommendations that were made by the Risk Management Division of LGIT (the local Government Insurance Trust) in which Martin’s Additions is a member. The Village Council must appoint a Management & Safety Coordinator and Committee according to the recommendations. Additional work needs to be completed on this policy before it is final. Guidelines for items that need to be covered in our Risk Management Policy and loss control recommendations were outlined by LGIT and will be incorporated as the document is refined.

**RENEWAL OF INSURANCE:** No changes have been recommended to our insurance coverage by LGIT. Staff will develop policies to address their loss control recommendation for review by the Council.

**ACTION ON MINUTES** Annual Meeting, May 15, 2013

Motion to Adopt: Zielinski; 2<sup>nd</sup> Alexander; Vote: All in favor

**MANAGER’S REPORT: Sperling**

**GARBAGE SERVICES:**

Have been a disappointment- a lot of misses, new guys, lousy appearance of trucks; some a part of the utility repair complications. Hard to determine how much is related to street closures. Have talked to route manager; mediocre response; have gone to boss. Will re-evaluate at the conclusion of utility projects.

**UTILITY SERVICES:**

**•WSSC:**

- Turner Lane: A few restoration spots need attention on Turner which will be done all at once.
- Thornapple Street, Summit, Delfield dead end, Delfield, Summit Avenue completed.
- Chestnut Street still under construction.
- Shepherd Street by pass is just being put down. Main will have to be relocated because of its proximity to the gas line. This was not anticipated.
- Future WSSC work on Bradley, Melville Raymond and Quincy is to be determined but is mandatory for determining street restoration.
- Assist with difficult interactions between residents and WSSC’s inspectors.
- Some restoration work remains.

**•VERIZON:** Still working on moving FIOS line—3 utility poles remain with lines on them (2 of which have the communication boxes on them)

•**PEPCO** : 19 dual poles have been removed; 9 poles have yet to be removed; No outages in last storm.

•**WASHINGTON GAS**: All planned Gas line replacements (Cummings, Raymond ad Melville) are complete. Weekly meeting with WGL Management worked very well, as did the communication with each street via email. Some restoration work remains.

Future WGL work: to be determined. WGL management is checking for us but there are no guarantees. A lot of new state money has been identified for infrastructure work

Preparation and maintenance of No Parking signs a big part of these projects.

**STREET LIGHTS**: Anticipate meetings with Chevy Chase Village this summer to begin collaboration on Street light pilot program.

**ROAD CONDITIONS:**

- Utility Work: street restoration WSSC/WWGL: investigate additional work planned by both utilities to determine how best to address street restoration. Engineering services of Joe Cutro can be used to assist. Also possible Ed Stellfox from UMD M2t Center may be able to help.
- Road Signs: Need to be reinstalled on utility poles (county)

**ROW PROBLEMS AND RESTORATION**

- Flagrant violations of the ROW lines caused complications and complaints about restoration work of the utilities. Chestnut Street was a significant problem. Other sporadic violations occurred on other streets, but the utilities were very accommodating. Many residents claimed to know nothing about the ROW and insisted that it was not there problem. If Washington Gas moves to the north end of VMA we are going to encounter huge problems with conflicts in the ROW.
- 3502 Turner Lane Driveway apron /parking pad has been repaired. No further work on request for apron. Council agreed to pay for apron as past practice once the request has been made.
- 3408 Turner Lane. Pictures of original house were of little help in determining original driveway layout. NO further contact from homeowner. Estimate from Chamberlain of has been received. Council agreed to provide aprons as proposed.
- Several sites throughout Village still being restored by utilities. Post-restoration, we should schedule a council walk through.
- Areas where poles were removed may need us to restore—not sure.

**PUBLIC SAFETY**

- Our long standing community liaison office, Denise Gill, is retiring from the MC Police Department and will be replaced with Office Oliver Janney whom I have met with. He has already confronted a problem on Turner Lane and has offered to return for a community meeting on the issue if necessary. Recent conversation with Captain Falcinelli about possibly increasing drive-throughs-confirm suspicions that they don't have the manpower to do so.
- Working with CCVillage Manager and others in CC Village to explore the possibility of partnering with them for select police services, such as drive throughs and Manager driven incident responses. Hope to continue that conversation.

**TREES**

- Tree removal: 3508 Shepherd Street: state has given us permission to remove. Recommendation of Green Legacy that this tree be removed has been confirmed by the DNR of state forester. We are awaiting the permit. PEPCO will help us take it down below wires.
- Oak at 3416 Bradley reviewed again by Barb Neal and State Arborist. No additional pruning right now, last work was good.
- 2 cherries removed (dead) 1 Shepherd, 1 Bradley. Other assorted pruning—clearance at Stop signs/Village signs, dead tree removed at 3516 Taylor Street. Will be replaced for free. Additional work underway, now that trees have bloomed.
- Water bags placed on new trees. Being watered by Integrated Plant Care.
- Residents asked to help identify locations for fall tree planting ( in newsletter)

**TRAFFIC/ROADWAY ISSUES:**

- Brookville Taylor Street Intersection illustration received from Cutro; Meeting with State Highway yet to be scheduled.

**ADMINISTRATIVE MATTERS:**

- Communications with residents on streets under excavation.
- Attendance at meeting on “High Performing Communities” put on by Conflict Resolution Center
- We have initiated a complaint log that focuses on infrastructure issues.
- Meeting with LGIT Officials; Insurance renewals to be processed. Policies can be re-examined
- Banking Procedures to be updated with new council.
- Election and Celebration on the sidewalk.
- Newsletter out
- Notice received from FEMA re Derecho reimbursement: \$7,000+
- Oath of Office July 1-Welcome Event
- Survey update getting closer to completion.
- Successful shredding event- 4,000 plus lbs.
- Complaints: Dogs, Cats, sediment run off, bees nest in mail box; street lights out; illegally parked cars,
- Redefinition of Generator placement and redraw of illustration. Effort we are going to pursue on a number of complex topics.
- Move in/out/tree work/Parking restrictions for utilities needed.

**Adjournment 9:00**