

Village of Martin's Additions
7013 Brookville Road, Suite B, Chevy Chase, MD 20815
Minutes for Council Meeting on
February 18, 2016

Council Members Present: Richard Krajeck (Chair), Katya Hill, Arthur Alexander, Tiffany Cissna, Susan Fattig; **Acting Village Manager:** Beth Boa; **Attorney:** Ron Bolt; **Residents and other attendees:** Keith Allen (Turner Ln), Jimmy Joyce (Chestnut St.), Naomi Naierman (Quincy St), Ted Stoddard (Turner Ln).

7:30 PM Call to Order; Welcome and Introductions: Krajeck

7:30 PM Opportunity for Council to hear residents' comments: Krajeck

Ted Stoddard (Turner Ln) spoke about recent crime in the Village, particularly cars being broken into or scratched. He urged the Council to spend more on police patrols.

Chairman Krajeck suggested the Council should invite the Village police patrol to the next Council meeting and give them information on where these crimes are occurring in the Village. In particular Turner Ln and Taylor St seem to be targeted historically.

Councilmember Alexander suggested that hard copies of documents discussed at Council meetings be made available to residents attending the meetings. Three packets could be made up for resident attendees. Ted Stoddard suggested that hard copies of everything be mailed to residents including the elections information. Councilmember Fattig suggested they could be mailed to people on the paper newsletter mailing list. Councilmember Cissna suggested projecting the documents for all to see during the meeting.

Naomi Naierman (Quincy St) wondered why people on the Village private Google list-serv were not on the office's Constant Contact email list. Councilmember Cissna explained that, while the Village cannot speak to who is on the private list-serv, it has email addresses in Constant Contact for every resident in the Village who has asked to receive emails from the Village and that those emails are associated with street addresses (some street addresses having more than one email) to ensure that residents are receiving appropriate notice.

Keith Allen (Turner Ln) praised Rolling Acres Landscaping for their work clearing snow in the blizzard.

7:40 PM Update from the Centennial Celebration Committee: Naierman

Naomi Naierman updated the Council on the Centennial Celebration. The Celebration expected expense is still under \$20,000. Brookville Market may donate drinks. She is

looking for other sponsors of the event. The production of a DVD may go over budget for the event. Paul Weller will talk about the history of the Village. Cris Fleming and Councilmember Alexander will do a presentation on Village trees, including photos taken in the spring. Councilmember Fattig is interviewing long time residents. Paul Wolfe, the Village arborist will donate a white oak to be planted in Shepherd Park in commemoration of the event.

Centennial Celebration Committee Update attached.

7:50 PM Action on Council Meeting Minutes of January 21, 2016 and Council Work Session Minutes of February 9, 2016: Krajeck

Motion by Councilmember Alexander to approve the draft minutes for the Council meeting held on January 21, 2016; seconded by Councilmember Fattig. All in favor.

Motion by Councilmember Cissna to approve the draft minutes for the Council work session held on February 9, 2016; seconded by Councilmember Hill. All in favor.

The minutes as approved are attached.

7:50 PM Discussion on Recommendations from the Election Committee: Krajeck

At the February 9, 2016 Council work session, the Council reviewed and edited the recommendations provided by the Election Committee at the January 21, 2016 Council meeting. Ron Bolt (Village Attorney) provided edits by email. This policy, as adopted by the Council, is a stand-alone document on election rules and procedure. Any timeline or other changes proposed to the Charter will need to follow a separate procedure in the future.

Motion by Councilmember Fattig to adopt Election Rules and Procedures (No. 2-16-2); seconded by Councilmember Hill. All in favor.

Election Rules and Procedures (No. 2-16-2) attached.

7:55 PM Update from the Ethics Committee: Joyce

Jimmy Joyce (Chestnut St) stated that the Ethics Committee met in open session on January 13 and 27, 2016. They developed a Conflict of Interest Questionnaire for Council members, Council candidates, committee members, and staff. It implements Charter Section 903. The Ethics Committee is also working on a code amendment, using relevant sessions of the Maryland Model Ethics Provisions.

Councilmember Hill moved to approve the Conflict of Interest Questionnaire; seconded by Councilmember Cissna. All in favor.

The Conflict of Interest Questionnaire is attached.

8:03 PM Council Response to Compliance Review Recommendations by Funk & Bolton: Cissna

The Council reviewed Funk & Bolton's Compliance Review Recommendations from November at the February 9, 2016 Council work session and developed a Council response to their recommendations.

Of note, in the draft, the Council may "agree" that an item needs to be addressed but not necessarily concur with Funk & Bolton's recommendation of how to address the matter.

Discussion ensued on the terms "qualified voter" and "resident" which are defined in the Village Charter. The other issue is whether property owners that are not residing in the Village be allowed to vote. Ron Bolt clarified that resident is now defined as "presently lives" in the Village and could change it to "where the person intends their domicile to be." This would make the definition more consistent with other such governing documents. While the Village Charter can be changed to change the definition of qualified voter, since such changes will not be made in the near future, they will not affect the upcoming election. The Council tabled the discussion.

Funk & Bolton's Compliance Review Recommendations attached.

Council response to Funk & Bolton's Review attached.

8:10 PM Discussion of Street Light Improvement Projects: Hill

Councilmember Hill informed the Council that Scott Watson, Street Lighting Consultant, is contacting Pepco to get final pricing for the options the Council voted for. Discussion ensued about whether the options should be bid out for materials, whether Pepco would install and maintain the lights, and how this would affect the pricing. Councilmember Hill will ask if operations and maintenance are tied to installation. The lights can be obtained from Pepco or another supplier. Chairman Krajeck suggested that Pepco and other suppliers meet with the Village to provide this information. The Village has to buy electricity through Pepco. Subsequently the Council could have a work session with Scott Watson about suppliers and whether there is a sole source or the options need to be bid out. Attorney Bolt noted that the Charter allows for sole source purchasing without bidding when only one supplier is available. Hill added that if the Village chooses another vendor for the lights, the Village may need to redesign lights to meet specifications. An RFP may be developed to obtain bids pending the gathering of further information.

Hill mentioned that the Scott Watson recommended a different color than what the Council approved, noting that Pepco stocks blackish-green.

Councilmember Hill will move forward with Village staff and Scott Watson.

The text of the Summary of Proposed Alternatives – Scott Watson Associates, Lighting Consultants is attached

8:20 PM Update on Village Manager Search: Krajeck

Chairman Krajeck reported that 25-plus resumes were received for the position of Village Manager. Phone interviews were conducted with 6 people and in-person interviews with 5 applicants will be held February 24, 2016 in the Village office. There will be an open session to go into closed session to conduct the interviews.

8:25 PM Financial matters, including Treasurer's Report: Hill

Councilmember Hill reported that in the month of January Village income has exceeded expenses by about \$164,000. Through the month of January our expenses remained consistent with prior months at around \$44,000, large collections of personal income tax and real property tax were the main drivers for total monthly income of approximately \$208,000. Expenses this month included \$10,000 on tree maintenance and replacement, \$10,000 on professional fees, such as legal, accounting, police and building administrator, office lease, staff salaries and benefits and other smaller expenditures.

Overall, the Village's financial situation is very healthy.

A budget work session will be held February 24, 2016 at 10 am in the Village office to begin formulation of the Fiscal Year 2017 budget.

Councilmember Hill noted that several line items require review, noting

- printing and mailing has not had any expenses. Any USPS expenses should go into that category.
- the storage facility rental is only at 50 percent of the budgeted amount for FY 2016. This may be because the Village currently only rents one storage unit.

Acting Village Manager Boa proposed a budget amendment for FY2016, a draft of which was previously circulated to the Council Members:

<u>Budget category</u>	<u>Description</u>	<u>Proposed Budget Amendment</u>
5349	Snow Removal Services	\$20,000

Snow removal expenses would be over-budget due to the blizzard in January.

Motion by Councilmember Hill to approve the budget amendment for snow removal services in amount proposed; seconded by Councilmember Alexander. All in favor.

Councilmember Alexander proposed that the Council write a letter to Mike Shirazi, the Village office landlord, about the terms of the lease including repairs needed to the office. Chairman Krajeck asked the Council to email him with comments on the current lease.

The Village has the option to exercise the first term of a five year lease extension. The new rent would be \$2190.67/month starting in May.

Motion by Councilmember Alexander to have Council send a letter to the landlord exercising the option to renew; seconded by Chairman Krajeck. All in favor.

Chairman Krajeck will follow up on pricing for the options on changing the layout and furnishings of the Village office.

8:40 PM Discussion of Draft Data Protection Policy: Fattig

Councilmember Fattig introduced the policy on Data Security (No. 2-16-1). The policy is intended to comply with MD state law to protect personal information.

Councilmember Alexander moved to adopt the policy on Data Security (No. 2-16-1); seconded by Councilmember Hill. All in favor.

Policy on Data Security (No. 2-16-1) attached.

8:50 PM Manager's Report: Acting Village Manager Boa

Acting Village Manager Boa gave her report.

Administrative Matters:

- *Staffing:* Beth Boa became Acting Village Manager on February 1.
- *Income Taxes:* On February 19 staff will attend a review of audit findings with the comptroller and municipalities in Rockville.
- *Village Managers' Meeting:* Staff went to a Village Managers' meeting on Feb. 16. On the agenda was:
FEMA/MEMA snow reimbursement; by-laws voting rights on MML discussing if there should be one vote per municipality or whoever shows up gets a vote; possibilities of co-op purchasing for various items/services and revising the Redbook.
- *List of Service Providers:* Due to the snow storm, residents requested that we revisit our policy of not supplying lists of service providers such as snow shovelers. Ron Bolt (Attorney) advised that the Village could face claims if something happened with a provider we recommended. Thus the Village should avoid making recommendations but can provide a non-exclusive directory of service providers as a convenience to residents. Is there a disclaimer we can use if we do provide a list? Ron Bolt will provide disclaimer language. Staff can manage that list on the website.
- *Shredding Truck:* A resident inquired about whether the Village will have a shredding event, which is usually held on a Saturday in June in conjunction with Sections 3 and 5. Last year this cost the Village \$140. Staff can arrange this if the

Council approves. There is a free shredding company located in Gaithersburg as well.

- *Budget:* staff has prepared a proposed FY16 budget amendment for snow plowing/shoveling for Council consideration.
- *Records Retention Policy:* Staff sent in the revised policy and back up forms on January 29 to the Maryland State Archives. It was tentatively approved by MSA pending submission of the necessary back-up forms. Currently it is being reviewed by a second archivist and we should hear early next week. Once formally approved, we can begin archiving or destroying unneeded documents in the office.
- *Website:* Google Analytics reports that we had 3,688 page views from January 10-February 9. Most views were of the homepage and the job openings page,
- *Newsletter:* continues to be published monthly online. The office received one inquiry this month about purchasing advertising space in the Village newsletter; the newsletter currently includes no paid ads.
- *Lease:* The Village office lease with Shirazi Enterprises expires March 31, 2016. Current rent is \$1,979/month.
- *Snow services:* The Village staff and Council met with Rolling Acres Landscaping's representatives to review snow services from the winter storms in January. See below for more information.
- *FEMA reimbursement for snow plowing:* Staff spoke to Chuck Crisostomo at Montgomery County Emergency Management. The State of Maryland submitted emergency reimbursement on 2.9.16 for 11 counties including Montgomery. Montgomery County met the threshold for snow totals and expenses. If the declaration is granted, instructions will go out to municipalities from MEMA or Montgomery County emergency management. There will be a meeting in April with FEMA to fill out paperwork. FEMA will reimburse 75% of costs for a 48 hour period of snow removal. The threshold for municipalities is \$3,000 in expenditures. The Village would apply separately so we can choose the 48 hour period and back it up with invoices. The estimated bill for January 22-24 was for \$14,035 excluding shoveling. If FEMA reimburses the Village for that time, the Village could receive an estimated \$10,526.25.
- *Directory:* The Village directory is being updated for 2016. Staff is looking to include all the new residents.
- *Tree Subsidy Program:* Staff drafted a description and a request form for the Tree Committee and arborist to review. The next steps are to determine which tree species we would offer and develop a descriptive pamphlet and list of steps for residents to follow to participate.
- *Cummings Farm:* A neighbor to the Village is concerned that 3309 Cummings Lane is to be demolished.

Safety and police:

- The State Highway Administration (SHA), which has jurisdiction over Brookville Road, is currently *redesigning the intersection at Brookville Road and Taylor Street* to improve safety. Their final design proposal should be completed by the

end of January and SHA will present it at a public meeting in mid-February (date/time still TBD).

- Nick Picerno reports everything has been quiet. He thinks the snow and very cold weather has kept most people inside. Council would like the police to attend the next Council meeting.

Utilities: WSSC

- The water main relocation/replacement is now virtually complete on Bradley Ln and Melville Pl. The pressure tests and water quality tests have already been done, but the change over to the new pipes has been delayed due to the extreme cold weather. Additionally, when they dug on the corner of Brookville and Bradley Feb. 8 they found that the gas line was on top of the water main. They need to find a new place to locate the valve on the main. The changeover may now be the week of Feb. 22. Once the change over on these streets is complete, there will be a break. On Feb. 11 WSSC dug test pits on Raymond St to locate water mains and gas lines and found that the gas lines are on top of the water mains. The project will resume on Raymond and Quincy Streets on or about March 15, 2016.

Legislation:

- Paul Wolfe let staff know that there was a hearing in Annapolis February 10 on MD House Bill 0178 which would substantially increase permit fees on trees in the ROW. Currently it is \$25 for a permit to trim or remove multiple trees. This bill would increase the permit fee to \$250/tree for trimming and \$500/tree for removal. \$250 will be refunded for a removed tree when the tree is replaced. Public comments can be sent to the committee; municipalities may want to provide comments on this bill. It may be a question for Ron. This legislation is unlikely to go through according to MML.

Streets & Sidewalks:

- *Lessons learned from handling snowstorm:* A follow up meeting was held with Rolling Acres Landscaping (John Hyman) to discuss plowing and shoveling issues that came up during and after the storm. It was a positive meeting with everyone understanding the demands of the snowstorm and the record-setting amount of snow that fell in a relatively short period of time.
 - We asked John Hyman about the possibility of plowing curb to curb in such a big storm. This may involve closing roads for a significant portion of the day and he would recommend it if there was more snow on the way or little melting expected. It is possible snow could be dumped on the playground at Shepherd St. He may purchase a six foot snowblower to attach to a front loader that could blow snow on the ROW. This would cut our hauling costs however it may spray snow on people's property.
 - We talked about the large mounds of snow on the sidewalks on the corners on Brookville Rd. John agreed to try to keep these piles low and from blocking the sidewalks. This snow would need to be hauled,

- removed, or he could use a snowblower if he gets one. The Butterfly Garden is not a good spot for dumping due to salt and sand in snow.
- Clearing the driving lane, i.e. on Turner Ln. can be done; the plow needs to pile some of the snow near parked cars and some on the curb. John will try to clear it as much as he can without burying/damaging cars.
 - Hauling snow out of the Village: John said they were able to handle 90% of the snow within the Village; hauling would cost about \$3,000/day.
 - Future snow storms: Please email the Village office with issues about plowing; these can be forwarded to John and he can address the issue.
 - *Sidewalk and curb repairs:* After getting two estimates for a limited list of sidewalk repairs, and consulting with the arborist about how to do the repairs without damaging tree roots, we tried to schedule with the Pavement Corporation for some sidewalk and curb repairs on Thursday, January 28, 2016. This was cancelled due to the snowstorm and is rescheduled for Friday, February 19. Repairs should take a day to complete. Please watch for parking restriction signs which will enable workmen to complete the project quickly and safely.

Sanitation:

- *Bulk trash* will be collected March 12. As before, the Village will coordinate with A Wider Circle for a pick-up the Friday before. Signs will also be posted on light poles in advance. The next bulk trash collection will be on Saturday, May 14, and the second Saturday of every other month throughout 2016.
- *Pet waste bags:* Sincere thanks to Friendship Animal Hospital for the donated dog waste bags for the Village's public dispensers, and to Chris Kohl and Dennis King for continuing to restock the dispensers.

Building Administration:

3505 Raymond Street has been issued a notice of violation and a building permit.

Report from Doug Lohmeyer, Village Building Administrator, attached.

9:00 PM Adjournment: Krajeck

Centennial Celebration Committee: update to VMA Council 2/18/2016

1. The Committee consists of: Naomi Naierman (chair), Richard Krajeck, Susan Fattig, and Michelle Malloy.
2. Budget estimate: Thus far the budget estimate is \$19,885, including expenses related to the program itself, such as children's entertainment, videography and AV equipment.
3. The event will take place at the Woman's Club of Chevy Chase Sunday, April 17, 2016.
4. The event will be from 2-5pm. Displays will be up and food/drink will be available at 2pm. The Committee asks that Council members take turns greeting attendees for 15 minute intervals from 2-3pm. Staff will host a registration table with resident name tags (preprinted with name and street, and ribbons for Councilmembers past and present).
5. The program will run from 3-4pm.
6. Theme: "Our Village Centennial: Celebrating 100 Years of Community in Martin's Additions."
7. Arthur Alexander is seeking photos of Village trees for a presentation.
8. Susan Fattig is interviewing long-time residents for the Celebration.
9. We are continuing to recruit speakers for the program.
10. The Committee will develop a DVD from the Centennial Celebration events to be given to Village residents as a souvenir.
11. Village residents are invited to display their artwork, publications, or other items at the Celebration.
12. We are looking into sponsorships for the Celebration, including a donated tree and plaque to commemorate the centennial.

Village of Martin's Additions
7013 Brookville Road, Suite B, Chevy Chase, MD 20815
Minutes for Council Meeting on
January 21, 2016

Council Members Present: Arthur Alexander, Tiffany Cissna, Susan Fattig; **Village Manager:** Tori Hall; **Assistant Village Manager:** Beth Boa; **Attorney:** Ron Bolt; **Residents and other attendees:** Keith Allen (Turner Ln), Lee Ann Anderson (Quincy St), Marc Efron (Raymond St), Jimmy Joyce (Chestnut St.), Marty Langelan (Chestnut St), John McDonald (Summit Ave.), Naomi Naierman (Quincy St), Ted Stoddard (Turner Ln), Steve Trowern (Raymond St), and Natalie Straus Welle (Oxford St), Mike Zielinski (Turner Ln).

7:30 PM Call to Order; Welcome and Introductions: Alexander

Councilmember Alexander reminded the Council and residents that Tori Hall is resigning as Village Manager as of January 29, 2016, and that Beth Boa will serve as Acting Village Manager after Tori leaves until the position is filled. Councilmember Alexander thanked Village Manager Hall for her service.

7:30 PM Opportunity for Council to hear residents' comments: Alexander

Steve Trowern (Raymond St) spoke about the neighborhood Googlegroups listserv. Trowern was surprised to learn that this listserv is moderated by a Village resident and is not an official listserv of the Village office or Council. He is concerned that postings are being censored and asked that either the Council put rules into effect so that postings are not censored, or start its own uncensored listserv.

Council Vice-Chair Alexander gave background on the electronic communications in the Village. The Village office and Council use Constant Contact for official business. The Googlegroups listserv was started by and is moderated by a Village resident and is unaffiliated with Village government. Before the Village used Constant Contact it would post on the Googlegroups listserv. The Village website has information about how to join both the Googlegroups listserv and the Constant Contact email list, and it explains the difference between them. Councilmember Alexander said Council could think about starting a chat function moderated by the Council or Village staff.

Councilmember Cissna clarified that the Village Council and staff have no ownership of the Googlegroups listserv or who moderates it. The Village website was updated today to clarify that the neighborhood Googlegroups listserv is not an official communication tool of the Village Council or staff.

Marty Langelan (Chestnut St) added that her substantive posts to the Googlegroups listserv were censored by the moderator in 2013 and that she was removed from the listserv. The Village needs a conversational forum that is not censored by a private citizen. She asked if the Council could obtain a list of censored items from the Googlegroups listserv moderator.

Lee Ann Anderson (Quincy St) asked that it be clarified on the Village website that the Googlegroups listserv is maintained and moderated by a private citizen.

Marc Efron (Raymond St) is extremely concerned that posts are censored from the Googlegroups listserv. He suggested that while the Village website does make it clear that the Googlegroups listserv is separate from the Village Office and Council, the Googlegroups listserv should not be listed on the Village website at all.

Tori Hall (Village Manager) noted that there is major confusion between the Googlegroups listserv and Constant Contact emails and to better clarify the difference, both are listed on the Village website.

Mike Zielinski (Turner Ln), who could not remain for the entirety of the meeting, commented on the proposed amendments to the Code of Ordinances section 4-202(b). He wanted clarification on how ethics complaints would be reviewed by special counsel appointed by the Village Attorney, rather than being appointed by the Village Council.

Ron Bolt (Village Attorney) said that if the Council is being investigated for an ethics complaint, it may not be appropriate for the Council to select the investigating attorney. This approach is similar to the model code published by the Attorney General. The selection of special counsel could be made by the Ethics Committee, instead. Discussion ensued about how the language could be further modified. Consensus emerged that this proposed amendment would be removed from the current proposed ordinance changes and deferred for recommendation to the Ethics Committee.

Marc Efron (Raymond St), Chair of the Ethics Committee, said he would put this language on the Ethics Committee agenda.

Mike Zielinski (Turner Ln) commented on Charter Section 601. It provides that the annual meeting will be between March 1 and May 15 each year. However, there needs to be a list of candidates nominated for Village Council before then which may not be possible. Section 408 of the Charter states that if a Councilmember resigns more than 4 months before the elections then the Council has to elect a new Councilmember until the next regular election. This could occur close to the time of the election. The result could be an election of 4 or 5 Council members at the same time. This would not allow for the staggered terms of office. Since the Election Committee has turned its recommendations in to the Council, the Council will look at these sections.

7:55 PM Update from the Election Committee: Anderson

Lee Ann Anderson (Quincy St), Chair, introduced the other four members of the Election Committee in attendance. The Election Committee drafted a report and recommendations for the elections process. The Election Committee has taken resident comments to make changes to section 602 of the Charter. The Election Committee is looking at the timeline of the elections process, to have the date of the elections closer to the start of the new Council term. The Election Committee also recommended the timeline so that candidates would have more time to inform residents about their qualifications, but the timeline of the elections cannot be changed this year. They recommended that hours of the Celebration on the Sidewalk be extended to 5-8 pm on a Thursday so residents would have more time to vote.

The Election Committee recommends that absentee ballots can be requested by email from the Election Committee and remain confidential. The Election Committee is looking into renting a post office box for cast absentee ballots. The confidentiality of absentee ballots would be maintained with a control number. Another recommendation is to accept absentee ballots at the Celebration on the Sidewalk. The Election Committee did not look into online voting at this point. Other issues to look at are conflict of interest of candidates with Village Council and staff. In addition to freeform statements, the Election Committee could provide some common questions for candidates to answer. Anderson said that this year's election is proposed for May 12, 2016. The Election Committee will meet again February 23.

Councilmember Cissna thanked the Election Committee and noted that the Council would need to hold a work session before the next Council meeting to discuss recommendations in the report in order for them to be introduced and finalized, as appropriate, timely.

Councilmember Alexander noted that changes to the Charter would be a different process than changing ordinances or changing procedures. Attorney Bolt said administrative procedural changes, that do not regulate conduct, can be adopted at the next Council meeting.

Elections Committee Report attached.

Elections Committee Process Recommendations attached.

8:10 PM Update from the Centennial Celebration Committee: Naierman

Naomi Naierman, Centennial Celebration Committee Chair, (Quincy St) named the other members of the Centennial Celebration Committee: Michelle Malloy, Susan Fattig, and Richard Krajeck. The Centennial Celebration will be held April 17, 2016 at the Woman's Club of Chevy Chase from 2-5 pm. There will be entertainment for children. There will be presentations from 3-4 pm on the history of the Village by Paul Weller and the evolution of trees by Paul Wolfe. The Committee is looking for old photos or images of the Village to include in the presentation. Susan Fattig is interviewing residents.

The budget for the Centennial Celebration is \$15,000, not including videography and if it goes over \$20,000 the Committee will talk with the Council.

8:15 PM Update from the Ethics Committee: Efron

Marc Efron, Chair, listed the other members of the Ethics Committee: Jimmy Joyce (Chestnut St) and Celeste Biagini (Taylor St). The Ethics Committee held its initial meeting January 13, 2015, to review its agenda for the year. The Committee reviewed the Funk & Bolton's Compliance Review Recommendations that included the ethics provisions and will review the special counsel appointment process. The Committee found that the conflict of interest rules need to be cleared up. They will review the model code from Maryland and other municipalities. There are definitional items that need to be cleaned up. They will review the current code against other models to make it a better code.

Councilmember Alexander raised the question of what other items need to be reviewed by the Ethics Committee besides gifts and conflicts of interest. Are there other items that need to be included? Is there a provision to remove a Council member who obstructs progress?

Attorney Bolt said State ethics law covers conflict of interest, financial disclosure, and lobbying. The Village is exempt from the State ethics law, but voluntarily maintains an ethics code similar to what other similarly-sized Maryland towns have. Actual conflicts of interest are very rare, in his experience. Financial disclosure is often disfavored for a small town because it can have a chilling effect on finding people to run for office. There can be removal provisions if a Council member is chronically absent from meetings but not for obstructing. An example of an ethics issue not addressed by the current code would be if a Council member, after leaving office, helped a resident get a variance.

Marc Efron suggested that the Ethics Committee could look at confidential proprietary information. Does the Village have a form to disclose candidates' conflicts of interest among the Council? The Ethics Committee may have incremental suggestions for the Council before the elections but not a comprehensive review.

In terms of who is selecting special counsel, the Council decided to remove this section of the larger amendment to the Code of Ordinances section 4-202(b) until the Ethics Committee looks at it and makes a recommendation.

The next meeting of the Ethics Committee is January 27, 2016, in the Village office.

8:30 PM Action on Council Meeting Minutes of December 17, 2015: Alexander

Motion by Councilmember Fattig to approve the draft minutes for the Council meeting held on December 17, 2015; seconded by Councilmember Cissna. All in favor.

The minutes as approved are attached.

8:30 PM Public Hearing on Introduced Ordinance No. 11-15-1 as amended at the 12/17/15 Public Hearing: Amendments to reorganize and clarify the Code of Ordinances: Cissna

Councilmember Alexander briefly summarized the meeting dates (September 2015 - January 2016) at which the introduced amendment to the Code of Ordinances have been considered.

Councilmember Cissna noted that comments came up at the December 17, 2015 public hearing and were addressed. This is not a comprehensive review of the ordinances.

Public Hearing followed:

John McDonald (Summit Ave) asked for clarification on whether an unpaid volunteer in the Village is considered an employee in Section 2-301. Attorney Bolt informed that this is already in the Code of Ordinances, and said that Village volunteers are “public employees” because the Village is obligated to provide insurance and defense for the volunteer if they are sued for providing services to the Village.

Marty Langelan (Chestnut St) Thanked the Council for its thoroughness in revising the amendments. She has planted a rain garden to catch run-off in the right-of-way (ROW) and wondered if she would need to dig it up since it is in the ROW. Attorney Bolt cited section 7-209 (A) that expects residents to maintain the ROW and the plantings are fine under 12” and as long as it doesn’t interfere with pedestrian or vehicular traffic.

Cissna moved to adopt Proposed Ordinance No. 11-15-1, as introduced on November 19, 2015, as amended with no change to section 4-202(b) as an amendment; Alexander seconded. All in favor.

The Proposed Ordinance No. 11-15-1, as introduced on November 19, 2015, as amended with no change to section 4-202 (B) is attached.

8:45 PM Council Response to Compliance Review Recommendations by Funk & Bolton: Cissna

The Council reviewed Funk & Bolton’s Compliance Review Recommendations from October and developed a draft Council response to their recommendations. Many of their recommendations are addressed by Ordinance No. 11-15-1 or are part of the Ethics and Election Committees’ work.

Councilmember Alexander brought up the item about defining a qualified voter in the Village. Marty Langelan (Chestnut St) said the Election Committee defined qualified voter as inclusively as possible.

The Council will meet to review the draft Council response to Funk & Bolton's recommendations. Of note, in the draft, the Council may "agree" that an item needs to be addressed but not necessarily concur with Funk & Bolton's recommendation of how to address the matter.

Funk & Bolton's Compliance Review Recommendations attached.

Council response to Funk & Bolton's Review attached.

8:55 PM Discussion of Street Light Improvement Projects, including outcome of initial survey: Cissna

Councilmember Cissna updated the Council on the selection of the shape of the light fixtures. The Council did not distribute a survey because, after consultation with the lighting consultant, the Council learned that there is really only one choice for the shape of lights, so the Council only has to decide whether to get them in black or green.

Background:

Councilmember Hill reviewed the documents we have collected over the years on the shape of light fixtures and it appeared that there are some options available to the Village.

The options are limited by our existing poles. These options would be:

1. Cobra head - a rather unattractive light used in most commercial parking lots and on highways
2. Traditional shape - such as the ones on Bradley Ln, Georgia St and in Garrett Park. These can be with a "skirt" and without. Bradley Ln and Georgia St lights both have skirt. Lights in Garrett Park do not. Because of our narrow streets and the concern of lights shining in people's front bedrooms, it is recommended that we proceed with the "skirt" option.
3. Traditional shape with extra finials. This one looks similar to the light in option 2, but with extra decorative finials.

The Council made the selection of induction lights in December and Councilmember Hill reached out to Scott Watson, Lighting Consultant, to get his thoughts on the light shape options the Village has. He clarified that option #3 is actually not available for the Village because there is a light sensor at the top where the finials would be mounted. Because the Village needs this light sensor to turn/off lights automatically, we cannot select extra decorative details in our lights. The Village lights therefore will be traditional shape with a skirt.

Given this information, the only decision before the Council is which color the Village would like the light fixtures to be: black or green. Councilmember Hill thought this would be a minor question for the survey and decided to forgo it altogether. The Council voted for black light fixtures.

\$330,497 is needed for light improvements from the FY16 budgeted amount of \$500,000. This amount consists of the \$300,452 quoted amount by Scott Watson and an extra 10 percent for project reserve which is standard practice. This includes funds for adding 7-8 lights in dark areas already identified in the Village.

Councilmember Alexander recommended that funds be allocated for locating new street lights where there are other dark areas on Village streets.

Councilmember Hill will move forward with Village staff and Scott Watson.

Councilmember Cissna noted that the Village will have to bid from whom to get lights and fixtures and develop a contract. Councilmember Alexander asked if Pepco would install the lights.

The text of the Street Lighting Report is attached.

The text of the Summary of Proposed Alternatives – Scott Watson Associates, Lighting Consultants is attached

9:03 PM Financial matters, including Treasurer's Report: Alexander

Village Manager Hall proposed four budget amendments for FY2016, drafts of which were previously circulated to the Council Members:

<u>Budget category</u>	<u>Description</u>	<u>Proposed Budget Amendment</u>
5222	Prof fees: Building Review and Permits	\$11,450
5230	Prof Fees: Legal	\$23,891
5322	Street cleaning	\$15,520
5420	Leaf bags	\$2,375

Professional fees for building review and permits are expected to exceed the original budget due to a variance hearing. Similarly, legal fees are exceeding the originally budgeted amount due to the variance hearing, as well as the legal compliance review completed by Funk & Bolton. While the Village had budgeted for four street cleanings in FY16, the more thorough street cleanings done this year will put the Village over-budget.

Motion by Councilmember Alexander to approve the budget amendments for building review and permits, legal fees, street cleaning, and leaf bags in amounts proposed; seconded by Councilmember Fattig. All in favor.

9:05 PM Discussion of Draft Data Protection Policy: Fattig

Councilmember Fattig announced that the Council is working on a draft Data Protection Policy for the Village to be compliant with State law. Edits will be made per the Council

and Attorney Bolt's input and a policy will be formally introduced at the February 18, 2016, Council meeting.

9:10 PM Manager's Report: Hall

Village Manager Hall gave her report.

Administrative Matters:

- Staffing: Beth Boa, our Assistant Village Manager, will serve as Acting Village Manager after Tori leaves on Jan. 29th, and until the Council selects a new Village Manager. Emails to the Village Office may continue to be sent to martinsadditions@gmail.com without interruption. Tori is currently training Beth on bill processing, building permit applications, and all other office business to ensure a smooth transition.
- Income Taxes: On Jan. 15, 2016, the Village Manager attended a meeting with other municipal Managers, Montgomery County, and the Maryland Comptroller's Office to discuss an apparent mis-assignment of some income tax returns among local jurisdictions, resulting in two municipalities owing an estimated total of \$15 million of income tax revenue to Montgomery County. The Comptroller's Office has arranged for an audit to review other jurisdictions, including the Village, going back to 2010. To improve accuracy in the future, residents should be sure to note on their State income tax return that they reside in the Village of Martin's Additions. Based on the average number of returns per household statewide, Hall expects the risk to the Village of owing a similar refund to the County or to neighboring municipalities is low. For FY17 budgeting planning purposes, the manager recommends that the Council assume neither a loss or refund from the pending audit. Regarding the Wynne decision and income tax refunds, if we budget conservatively, the Village may owe a total of \$150,000 over nine years, with the caveat that just one income tax return in a small municipality can significantly affect averages and the current estimate.
- Contracts: We now have a contract for lawn and landscaping services in certain public areas of the Village for 2016 with Abrahams Lawn Service, which submitted a highly competitive bid and came with excellent references. We sincerely thank all those who submitted proposals for the RFP: many of these companies and individuals work with current residents and also came with excellent recommendations. We appreciate all who took the time to submit proposals.
- Budget: staff prepared a proposed list of FY16 budget amendments for Council consideration.
- Records Retention Policy: The Maryland State Archives returned our draft policy for a third revision, now been tentatively approved by MSA pending submission of the necessary back-up forms. Once formally approved, we can begin archiving or destroying unneeded documents in the office.
- Data Protection Policy: staff prepared a first draft for Council consideration.
- Website: This month, among other changes, we have reorganized the main menu to highlight the Village Committees, updated the photos to highlight our coming Centennial Celebration, and refreshed links to Alert Montgomery, WSSC, and other key contacts.

- Newsletter: continues to be published monthly online. The office received one inquiry this month about purchasing advertising space in the Village newsletter; the newsletter currently includes no paid ads.

Safety and police:

- The State Highway Administration (SHA), which has jurisdiction over Brookville Road, is currently redesigning the intersection at Brookville Road and Taylor Street to improve safety. Their final design proposal should be completed by the end of January and SHA will present it at a public meeting in mid-February (date/time still TBD).

Utilities: WSSC

- The water main relocation/replacement is now virtually complete on Bradley Ln. and Melville Pl. The pressure tests and water quality tests have already been done, but the change over to the new pipes has been delayed due to the extreme cold weather. Once the change over on these streets is complete, there will be a break. The project will resume on Raymond and Quincy Streets on or about March 15, 2016.
- A recurring water main break on Summit Ave., outside the Village boundary, has caused intermittent water service disruption for some Village residents nearby.

Streets & Sidewalks:

- Preparing for snowstorm: a major accumulation is predicted starting Friday morning. The Village Office has been coordinating with Rolling Acres Landscaping, WSSC, and Wayne C. Fowler to plan for parking restrictions and locations where large amounts of snow can be moved. Please note that snow in the Village is moved, but not removed, under our contract with Rolling Acres, so parking restrictions are necessary to reserve a place for the snow.
 - o Residents are asked to keep cars off streets as much as possible to allow snow clearing to occur on as much of the roadway as possible.
 - o When clearing your own driveway, please move snow to the side and not into the street, or else the next pass of the plow may push it back into your driveway.
 - o County and municipal regulations require sidewalks to be cleared within 24 hours of a snowfall.
 - o We have had resident inquiries about resuming the practice of having the Village subsidize or cover the cost of clearing walkways for elderly or infirm residents. At present, the Village only takes care of the sidewalk along Brookville Rd. because the county plows push so much snow up onto the sidewalks there. The costs need to be considered.
- Sidewalk and curb repairs: After getting two estimates for a limited list of sidewalk repairs, and consulting with the arborist about how to do the repairs without damaging tree roots, we have scheduled with the Pavement Corporation for some sidewalk and curb repairs on Thursday, 1/28/2016, weather contingent. Repairs should take a day to complete. Please watch for parking restriction signs which will enable workmen to complete the project quickly and safely.
- Trees in the public right-of-way: All new tree plantings, tree removals (except one remaining on Brookville Rd.), stump grinding, and biennial fertilization of

trees with diameters < 6" has been completed as of December 2015. The fertilizer used by our arborist is Davey ArborGreen, which is mixed with water to make a liquid fertilizer and then injected into the ground throughout the root system of the tree. This is a slow-release fertilizer providing two years of nutrients, so we will not be fertilizing Village trees in 2016. New tree plantings will not occur until Fall 2016, with the possible exception of new trees (depending on the species) near 7302 and 7308 Summit.

- Street cleaning and catchment basin cleaning was completed in December 2015 by Rolling Acres Landscaping. The Spring 2016 street cleaning has not yet been scheduled.

Sanitation:

- Bulk trash was collected January 9th. As before, the Village coordinated with A Wider Circle for a pick-up the Friday before. Signs were also posted on light poles in advance. The next bulk trash collection will be on Saturday, March 12th, and the second Saturday of every other month throughout 2016.
- Pet waste bags: Sincere thanks to Friendship Animal Hospital for the donated dog waste bags for the Village's public dispensers, and to Chris Kohl and Dennis King for continuing to restock the dispensers.

Building Administration:

3505 Raymond Street has been issued a dumpster permit and demolition permit. They may need to revise drawings due to established building line (EBL).

Report from Doug Lohmeyer, our Building Administrator, attached.

Montgomery Consulting Memo on EBL Issues attached.

9:35 PM Ordinance Granting Non-Exclusive Franchise for the Operation of a Cable Television System: Alexander

Alexander introduced Attorney Bolt who discussed the Comcast agreement introduced at the December 17, 2015 Council meeting. The ordinance will not take effect unless and until the Montgomery County Council approves it.

Motion by Councilmember Alexander to adopt resolution 12-15-1 Ordinance Granting Non-Exclusive Franchise for the Operation of a Cable Television System as proposed; seconded by Councilmember Fattig. All in favor.

Text of Ordinance Granting Non-Exclusive Franchise for the Operation of a Cable Television System attached.

9:25 PM Adjournment: Alexander

Village of Martin's Additions
7013 Brookville Road, Suite B, Chevy Chase, MD 20815
Council Work Session Minutes
February 9, 2016

Council Members Present: Arthur Alexander, Tiffany Cissna, Susan Fattig, Richard Krajeck, and Katya Hill

Residents and other attendees: none

7:30 PM Call to Order: Krajeck

7:30 PM The Council reviewed and discussed the Election Committee's Report, Proposed Charter Amendments, and Proposed Process Recommendations. The Council concurred with most of the amendments and recommendations, making a few edits. The Council also noted that, while the Committee cannot implement the proposed changes to the Charter for this election cycle (e.g., changing the timeline for candidates to accept their nominations), it can move forward with implementing its absentee ballot procedures at this time.

8:45 PM The Council reviewed and discussed its draft response to Funk & Bolton's Recommendations. The Council concurred with the draft response except for one instance, item #3 ("Rather than specifically stating the VMA boundaries, refer to filings with the State and County to avoid having to amend the Charter at later dates), and made a few edits to its notes. On the one outstanding issue, Council member Alexander recommends VMA make Funk & Bolton's proposed edits to the Charter in case its geographic boundaries ever change. The Council tabled this discussion for a later date.

9:30 PM The Council entertained a motion to enter closed session pursuant to Maryland Code, General Provisions Article, Section 3-305(b)(1), to discuss the prospective employment, assignment, and compensation of the applicants for the position of Village Manager.

Motion made by: Alexander
Seconded by: Fattig
Vote: all in favor

10:30 PM Adjournment: Krajeck



Village of Martin's Additions
7013 B Brookville Road
Chevy Chase, MD 20815
301-656-4112 (Phone)
301-656-0030 (Fax)

Policy No. 2-16-2

Election Rules and Procedures

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 maintains the voter rolls, accepts and makes nominations of candidates for the Village Council, and oversees the annual election. Any qualified voter may nominate another qualified voter or may declare his or her own candidacy.

Village Council Election Process

The Election of 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. In general, the number of seats open on the Council alternates between two and three seats every other year unless there is a vacancy as provided for in Section 408 of the Charter. All elections are managed by the Committee. The Committee consists of a minimum of three, but preferably no less than five, qualified voter volunteers appointed by the Council. Each year the details of the election cycle for that year are published in the Village newsletter. The following guidelines apply:

- No later than sixty (60) days prior to the election, the Committee will request that declarations of candidacy or nominations of candidates be submitted in writing to the Committee. No later than fourteen (14) calendar days before the election, all nominated candidates and those submitting declarations of candidacy shall be required to submit a conflicts of interest disclosure statement, in a form provided by the Ethics Committee. 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.
- Pursuant to Village Charter Section 602(a), nominations must be received in writing at least thirty (30) days prior to the election, in order to be placed on the official ballot. The following rules shall apply to each election after the 2016 election (provided the Village Charter is revised accordingly):

1. To allow sufficient time to confirm the interest of nominated candidates, nominations of candidates must be received in writing at least forty-five (45) days prior to the election. The Committee will contact any person so nominated to determine such nominee's desire to be a

candidate. No nominations will be accepted by the Committee if received later than the deadline specified here.

- The Committee may specify any standard questions to which all candidates are requested to respond.

2. No later than thirty (30) days prior to the election, candidates' declaration of candidacy or confirmations of candidacy (if nominated by another qualified voter) and written statements of interest and qualifications must be received in writing by the Committee to be placed on the official ballot. No declarations of candidacy or written statements of interest and qualifications will be accepted by the Committee if received later than the deadline set forth here.

- Blank lines will be placed on the ballot for the purpose of adding write-in candidates at the time of the election.
- No later than three (3) weeks prior to the election, the Committee shall give public notice of the candidates for office and provide, or provide access to, the written statements of interest and qualifications and shall designate the date of the election, the polling place, and time. The Committee may establish a format, date and time for a public forum for residents to hear from candidates. The forum shall be moderated by the Committee at its sole discretion.
- Pursuant to the Charter and these rules and procedures, each qualified voter may cast a ballot on the day and at the time designated or may vote by absentee ballot. The rules for voting absentee are set forth under "Absentee Voting" below.
- 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 original election. The Council may choose to hold the runoff election by mail ballot.
- Each candidate may designate one person as an official observer to be present when the ballots are being counted, although such observer may not participate in or otherwise disrupt the counting of the ballots.

Who Can Vote?

Pursuant to the 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.” 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. The Committee will utilize the most recent electronically available Village qualified voter contact information to verify residents’ names and addresses. Any voter not listed in the data should be prepared to show a driver’s license, a utility bill or other documentation acceptable to the Committee in its sole discretion showing his/her Martin’s Additions address when he/she comes to the polls. Questions

regarding eligibility to vote at the polls or otherwise should be directed to the Chair of the Committee, who will refer the matter to the Committee for determination.

Voting Locations

Voting will be conducted from 5:00-8:00 PM on Election Day in front of the Village Office at 7013B Brookville Road, if weather permits. If the weather is inclement, voting will take place in the Village Office with appropriate accommodations to be made by the Committee for accessibility concerns. All qualified voters are encouraged to vote by casting their ballots in the polling area. Write-in candidates are permitted. All voting is by secret ballot and election procedures are designed to ensure that voters have the opportunity to cast ballots in privacy. A street festival, "Celebration on the Sidewalk," traditionally takes place during the voting.

Absentee Voting

Residents may apply for an absentee ballot. To ensure privacy, absentee ballots will be assigned randomized control numbers and will not reflect any voter information on the ballot. Control numbers will be maintained by the Committee and will be utilized by the Committee for purposes of authenticating absentee ballots received. Absentee ballots may be requested from the Committee using any of the following methods:

(1) by coming to the Village Office (7013 Brookville Road, Suite B) in person to complete an absentee ballot application provided by the Committee, or

(2) by sending a request via

(a) email to VMAelections@gmail.com or

(b) mail to the Committee's P.O. Box.

Such correspondence will be considered to be a ballot application and must contain the qualified voter's full name and permanent address in Martin's Additions together with a stated preference for receiving the absentee ballot by mail or e-mail. If no such preference is stated, the request will be deemed to have specified a delivery preference of mail through the United States postal service. Following verification that the requester is a qualified voter by the Committee, an absentee ballot and instructions will be mailed or emailed, as specified, to the requesting voter.

Absentee ballots may be requested on an individual or household basis by the qualified voter or a member of his or her household; provided, that if the absentee ballot request states e-mail as a delivery preference, each voter for whom an absentee ballot is requested must have a separate individual e-mail address for receipt of such absentee ballot, and such e-mail address must be provided with the request for each such qualified voter. The Committee will not accept absentee ballot requests from any person or by any method except as described in this Absentee Ballots section.

Absentee ballots can be requested starting 21 days prior to election day.

Absentee ballots must be received by the Committee by election day by one of the methods below. The Committee takes no responsibility for late ballots. Requests for absentee ballots should be made sufficiently in advance of the election to allow time for delivery. Delivery times cannot be guaranteed. Completed absentee ballots must be returned to the Committee according to the following procedures:

- (1) by mailing via the United States postal service the completed ballot to the Committee post office box as indicated on the absentee ballot instructions, to be received by 3 p.m. on election day.
- (2) by personally dropping the absentee ballot in the slot in the locked ballot box in the VMA office no later than 3:00 p.m. on the day of the election. The ballot must contain the assigned control number on the outer envelope to be considered eligible. Security of the locked ballot box will be maintained by the Committee and only designated members of the Committee will have access to the contents of the ballot box. Residents should not ask Village staff to handle completed ballots at any time.
- (3) by submitting the ballot in person at the polling place on Election Day during regular voting hours following verification by the Committee of the resident's identity and the ballot's control number.

Electioneering

- (1) Candidates' election materials: 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 in residents' mailboxes).
- (2) Yard signs: Residents may display candidates' yard signs, provided that the size, location, construction, and duration of such signs comply with the County's sign ordinance (Article 59-F of the Montgomery County Code).
- (3) On Election Day, no electioneering is permitted within 100 feet of the polling place (ballot table). Sound amplification systems such as bullhorns will not be permitted.

Policy Number: 2-16-2

Action/Adoption: February 18, 2016

Effective Date: February 18, 2016

**VILLAGE OF MARTIN'S ADDITIONS
CONFLICT OF INTEREST QUESTIONNAIRE**

The Village of Martin's Additions is governed by a municipal Charter that provides for a five-member elected Council to appoint an Ethics Committee (Committee). The Committee shall provide advisory opinions to persons subject to the provisions of Chapter 4 of the Village Code (Code) as to its applicability and to make determinations as authorized by Chapter 4 of the Code. This questionnaire is required by Village Charter Section 903 and will assist the Committee in doing its work.

During the prior calendar year and in this year up to the date of your signature (the Period), have you or any Related Party of yours had any material interest, direct or indirect, in any Transactions to which the Village of Martin's Additions (VMA) was, or is to be, a party? Yes___ No___ If Yes, provide details:

Do you or any Related Party of yours have any material interest, direct or indirect, in any pending or incomplete Transactions to which VMA was, or is to be, a party? Yes___ No___ If Yes, provide details:

During the period, have you or any Related Party of yours been indebted to VMA? Yes___ No___ If Yes, provide details:

During the period, have you or any Related Party of yours been an employee, officer, director, partner or trustee of any organization with which VMA now has or you have reason to believe may in the future have a business relationship? Yes___ No___ If Yes, provide details:

Are you or any Related Party of yours discussing or negotiating employment or any other relationship with any organization with which VMA now has or you have reason to believe may in the future have a business relationship? Yes___ No___ If Yes, provide details:

During the period, have you or any Related Party of yours received any gift from any organization with which VMA now has or you have reason to believe may have now or in the future, a business relationship? Do not include any unsolicited gifts from any

donor having a total value during the Reporting Period of less than fifty dollars (\$50.00).
Yes___ No___ If Yes, provide details:

During the period, have you or any Related Party of yours received any gift from any Village resident or property owner? Do not include any unsolicited gifts from any donor having a total value during the Reporting Period of less than fifty dollars (\$50.00). Yes___ No___ If Yes, provide details:

Is there any other circumstance or association that could be a Conflict of Interest between you or any Related Party of yours and VMA? Yes___ No___ If Yes, provide details:

.....
My answers to the questions above are correct to the best of my knowledge and belief.

Signature

Printed Name

Date

Definitions for Purposes of this Questionnaire

Related Party	Means any person who has the potential to influence the actions of another person, including without limitation immediate family members (spouses, parents, children, siblings, and in-laws) and business colleagues and associates.
Material Interest	Means a financial interest greater than \$50.00 or any interest that has the potential to influence the independent judgment of a person.
Conflict of Interest	Means the potential to influence or in the perception of other to erode the undiminished loyalty of a person to the interest of VMA.
Transactions	Means dealings with which one party agrees to perform one or more obligations in exchange for one or more obligations of another party, whether or not such arrangement is memorialized in writing.



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November 17, 2015

PRIVILEGED and CONFIDENTIAL

VIA EMAIL AND HAND DELIVERY

The Honorable Village Council of the Village of Martin's Additions
Attn: The Honorable Tiffany Cissna, Council Member
7013-B Brookville Road
Chevy Chase, Maryland 20815

Re: Legal Compliance and Ethical Conflict of Interest Review

Dear Council Members:

We have completed our review of the Charter for Martin's Additions (the "Charter"), the Code of Ordinances of the Village of Martin's Additions (the "Code"), and the resolutions and policies that were provided to us. This letter sets forth our recommended amendments and potential strategies for the Village Council to address areas of noncompliance, existing and potential conflicts of interest, and areas of general improvement and clarification with respect to the foregoing.

I. The Charter

Section 101. For purposes of clarity and consistency, we recommend moving the abbreviation for the municipal corporation to Section 301. Whichever abbreviation is desired (i.e., "Martin's Additions" or "the Village") should be used consistently throughout the Charter and the Code. The abbreviation "the Village" is consistent with other municipal Charters that refer to their respective jurisdictions as "the Town" or "the City."

If the General Assembly has passed legislation abolishing the special taxing district as stated in Section 101, and the same has actually been abolished, then the last sentence of Section 101 can be deleted as outdated.

Section 201. Rather than specifically stating the boundaries of the municipality, it would be simpler to state as follows:

The courses and distances showing the exact corporate limits or boundaries of the Village shall be filed at all times with the Clerk of the Circuit Court for Montgomery County and with the Director of the Department of Legislative Reference of the Maryland General Assembly. Additionally, a copy of the courses and distances showing the exact corporate limits or boundaries of the Village and a map showing the same shall be maintained on file in the Village office and available for public inspection during normal business hours.

Not only is the foregoing language more concise, it obviates the need for a Charter Amendment Resolution in the event any land is annexed into the municipal boundaries of The Village of Martin's Additions (the "Village").

Section 301.

Certain definitions should be changed for consistency throughout the Charter. As noted above, "The Village of Martin's Additions" can be abbreviated to simply "the Village" and the term "Corporate body" should be changed to "corporate body." Also, the abbreviation of "Council" is designated for the Village Council, but the term "Village Council" is used throughout the Charter.

We also recommend deleting the definitions of "Qualified Voter" and "Resident" and adding a section to Article VI (Annual Meetings and Elections) entitled "Voters" or "Qualified Voters" and stating substantially as follows:

Every person who is a citizen of the United States, is at least 18 years of age, is a resident of Maryland that has resided continuously within the corporate limits of the Village for at least six (6) months preceding any Village election, and is registered in accordance with the provisions of this Charter shall be a qualified voter of the Village.

If the Council desires to delete the definitions of "Qualified Voter" and "Resident" as recommended, the Council may also consider simply deleting Section 301 altogether and adding a parenthetical after each term that is abbreviated in the Charter, such as the "hereinafter" parenthetical in Section 101.

Section 401. The numbers used in this Section and in some other sections do not have a parenthetical (*i.e.*, "six (6)"), though the numbers used in some other Sections do (*i.e.*, Section 301, in the definition of "Resident"). For consistency, we recommend spelling each number and then using a parenthetical or using a number for 1-10 and spelling the numbers from 11 and



thereafter throughout the Charter. Spelling the number and then using the parenthetical tends to eliminate confusion.

Section 402. This Section can be shortened to simply state, "Council members shall be qualified voters of the Village." It is redundant to state that a Council member shall continue to reside in the Village because residency is a requirement to be a qualified voter.

Section 403. The way Section 403 is currently written, the Treasurer is not specifically authorized to sign checks. In subsection (c), it is implied that if the Treasurer, Chairman, or Vice-Chairman is absent or incapacitated, then some other Council member may be authorized to sign checks. If the Council intends that the Vice-Chairman can sign only in the absence of the Chairman, then that intent should be made clear. If the Council intends that the Treasurer can sign checks, then that intent should also be made clear. Clarifying the Council's intent with respect to signing checks eliminates any confusion (including among the elected officials) as to whether a check was properly and validly issued, which is an issue we have encountered in other jurisdictions. We recommend deleting the language in Section 403 regarding signing checks and adding a new section under Article VII (Finances) that details how checks are to be signed and specifies which signatures are necessary for a check to be valid. For example:

The authorized signatories of all checks issued in payment of salaries or other municipal obligations shall be the Chairman, the Vice-Chairman and the Village Manager. All such checks must be signed by two of the three foregoing individuals in order to be valid.

In subsection (d), the Council should consider authorizing the appointment of another Council member to serve as the custodian and undertake the Secretary's duties in the Secretary's absence or incapacitation.

Lastly, it is unclear as to when the Village's officers are selected. Typically, a new legislative body holds an organizational meeting shortly after the election to appoint the appropriate officers from among its members. The Council should consider providing for an organizational meeting at which it selects its officers in Section 403.

Section 405. The reference to "Sections 501 and 502" is redundant and can be deleted. Additionally, the Council may wish to consider increasing the expenditure threshold from \$1,000 to \$5,000 or even \$10,000.

Section 406. This Section can simply state when the Council meets, particularly if the Council does not have bylaws, in which case the reference to "bylaws" can be deleted. The reference to the Vice-Chairman is redundant because it is covered under Section 403(b).



We also recommend revising the language of this Section to state that the Council's meetings shall be open to the public unless closed by the Council in accordance with the Maryland Open Meetings Act, Md. Code Ann. Local Gov't § 3-101, et seq., as amended from time to time (or simply "in accordance with State law"). Though frequently used, the term "executive session" is misleading and does not accurately convey the purpose of meeting in closed session. It would be better to state that the Council may meet in closed or special sessions from time to time in accordance with the Maryland Open Meetings Act. Additionally, the reference to "Article 76A" should be deleted, as it is outdated and refers to an old version of the Maryland Open Meetings Act.

Section 407. This Section can be amended to state that minutes shall be open to the public in accordance with the Village's public information policy (which, in turn, should incorporate the Maryland Public Information Act, as more fully discussed herein below) and the Maryland Open Meetings Act. Except in limited cases, closed session minutes are sealed and not open to the public.

Section 408. The Council may want to consider deleting the requirement that the Election Committee provide a list of three candidates to fill a vacancy on the Council. If the Village does not have an Election Committee, this requirement would be problematic. It would be more efficient for the Council to simply select a qualified candidate.

Section IV – Other Issues. The Charter does not provide for any salary or benefits for Council members. If the Council members receive salaries or benefits, the Charter should be amended to authorize the same, though it does not need to specify the amount of the salaries or the benefits provided. The actual amount of the Council salaries and specific benefits provided can be set forth in an ordinance or resolution. If the Council members do not presently receive salaries but may wish to do so in the future, please keep in mind that, under State law, such salaries can only take effect as to the next Council elected following the passage of the Charter Amendment Resolution authorizing the same.

Section 501. The meaning of the term "regulations" is unclear. Presumably, the term does not refer to resolutions, which are separate and distinct from ordinances, in which case the language "and regulations" can be deleted. If the term actually means "resolutions," it should be changed accordingly. However, resolutions are not subject to the same legislative requirements as ordinances because they are generally operating policies and procedures for the local government and may need to be adopted quickly. Resolutions do not generally regulate or otherwise affect public conduct; therefore, the need for public notice and an opportunity to be heard prior to adoption do not apply.



Section 502. See above regarding "regulations." Additionally, the requirement that no ordinance shall be passed until 30 days following the meeting at which it was introduced is burdensome. For flexibility, we recommend amending this language to provide that, at any regular or special meeting of the Council held not less than six nor more than 60 days following introduction of an ordinance, the Council may pass, pass as amended, reject, or defer consideration to a specified future date the ordinance. Additionally, the 20-day period between the date of passage and the effective date is unnecessary if there is no right to referendum of ordinances. In the absence of any right to referendum, ordinances should be effective immediately upon passage. If the Council wishes to hold a public hearing on an ordinance prior to passage, then it is burdensome to then make the ordinance subject to referendum or publish notice of the same following passage. Post-passage requirements and delayed effective dates when there is no referendum period waste money (publication costs) and time (delay in making ordinances effective). However, if the Council does not hold a public hearing on every ordinance (unless otherwise required by State law) then it is appropriate to publish notice of passage of an ordinance following passage.

If the Council wants to keep the post-publication passage requirement, then we recommend specifying the timeframe in which publication shall be made (*i.e.*, 20 days following passage). Of course, the timeframe will depend on newspaper publication requirements and should not be too stringent.

In subsection (d) it is unclear as to why there is a reference to written notice directed to residents at their properties. Written notice is defined to include publication. It is burdensome and costs postage to send written notice to each Village resident of every ordinance or resolution. It is unclear as to what this subsection is intended to address.

Section 602. Section 602 provides that Council members shall be elected annually between March 1 and May 15. Section 401 provides that each Council member's term starts on July 1 following the election. The Council may want to consider fixing the election date to be held in June and exclusive of the annual meeting so that the newly elected Council member(s) take office shortly after the election. If a new Council member is elected on March 1 but does not take office for four months, a lengthy (and potentially awkward or difficult) transition period is created that could potentially impair the Council's ability to conduct business. Having the new Council members take office at the meeting shortly after their election eliminates the problems that could arise from such a lengthy transition.

Section 602 should also be revised to state that the Election Committee shall operate according to those rules and procedures established by ordinance, not in by-laws. The Council will then need to pass an ordinance setting forth the rules and procedures for the Election Committee, which should be fairly brief.



Article VI – Other Issues. The Council may wish consider adding language regarding the duties of the Election Committee (to the extent not otherwise specified in the ordinance setting forth the Committee's rules and procedures), voter qualification and registration (as previously stated), absentee ballots, special elections, vote counting, preserving ballots, and penalties for election violations.

Section 701. The sentence "No Council member shall sell supplies of any kind to Martin's Additions or contract in any manner with the Council" could be deleted since such a transaction is addressed in the Village's Conflict of Interest Code.

Section 701 should also be specific as to what constitutes a "professional service contract." Professional services typically include legal, engineering, and accounting services, but this should be made clear. Additionally, there should be some basic procedures for other types of contracts in the amount of \$10,000 or less, whether set forth in Section 701 or in a procurement ordinance.

Section 702. The reference to "Sections 31-37 of Article 23A of the Annotated Code of Maryland" is outdated, as Article 23A was repealed in 2013. This reference should be changed to § 19-301, et seq. of the Local Government Article regarding the creation of public debt in municipalities.

The debt limit provision in subsection (a) is also outdated because many jurisdictions no longer have one. If the Council feels that the debt limit provision is necessary, we recommend taking a look at the real property assessable base that is actually subject to tax (e.g., not exempt) and determining what debt limit covers the outstanding general obligation debt, if any, plus general obligation anticipated in the next five years and a cushion. Also, any debt limit should be written so it is tested at the time new debt is issued so that the amount outstanding fits within whatever is determined to be the stated debt limit, not the amount issued in the aggregate.

In subsection (b), we recommend the ability to authorize general obligation debt first by a parameters ordinance specifying the maximum amount to be borrowed, identifying the purpose(s) for debt, pledging full faith and credit and unlimited taxing power to the payment of debt (although see below regarding Section 703), and stating that the details will be determined by resolution. We can provide samples if so desired. Our usual language also allows all details to be determined by ordinance when possible and delegated to the appropriate officials to finalize the details. Lastly, we recommend adding private sale authority so that the Village could sell to a bank. Given the Village's size, it would likely never do a public sale at a competitive bid. There is also no need to refer to tax exemption of obligations because only the State has the power to grant such exemptions.



In subsection (c), we have never seen anything like the prior approval vote requirement and would be surprised if the Village has debt outstanding based thereon. Accordingly, we recommend that this requirement be deleted. If the Village does not otherwise have a referendum right on ordinances and wants to give residents change to vote down debt, it would be better to: (1) require public hearings on bond ordinances before they are passed (after publication of notice of the public hearing at least 20 days prior to the public hearing); (2) require that notice of passage of a bond ordinance be published within the referendum period; and (3) provide for a 30-day referendum period on bond ordinances (and provide bond ordinances are not effective until 30 days following their passage).

Section 703. If the Council wants to make general obligation debt subject to the tax rate limit then Section 702 should make that clear. If the Council wants to be able to pledge its full faith and credit and unlimited taxing power to payment of general obligation debt, then an appropriate carve out needs to be made in this Section. Any tax limit affecting general obligation debt will make it harder for the Village to borrow.

The Council also needs to consider the appropriate tax rate limit for current and future budgets. The Maryland Truth in Taxation Act, Chapter 80 of the Laws of Maryland of 2000, which was passed after the adoption of the Charter Amendment Resolution that enacted Section 703, provided that debt limits and tax rate limits be construed as 40 percent of the stated amounts from and after effective date of that Act.

Article VII – Other Issues. The Council may also wish to add provisions regarding the chief financial officer of the Village (the Treasurer), preparation of the budget, the maintenance of an accounting system, the annual submission of a complete financial report, the designation of a fiscal year, appropriation of public money, the transfer of funds, budget amendments, over-expenditures, appropriations lapse, overdue taxes, and collection of taxes.

Section 801. The Council may wish to consider specifying the duties and responsibilities of the Village Manager or passing an Ordinance specifying the same.

Section 802. This Section can be combined with § 2-203 of the Code as stated below.

Article VIII – Other Issues. The Council may wish to consider adding provisions regarding compensation, benefits, and retirement systems for its employees.

Section 903. This Section can be deleted, especially if there are no bylaws. As discussed more fully below, the Village is exempt from having an ethics ordinance. For the good government of the Village, we recommend having an ethics ordinance (which the Village does). However, the requirement to make disclosures may be unduly burdensome and may dissuade



potential candidates from running for office, which can be problematic in a municipality of the Village's size.

Section 906. This Section can be deleted because the reference to Article 23A is outdated and this Section is otherwise unnecessary.

Article IX – Other Issues. The Council may wish to consider adding language regarding the effect of the Charter on existing ordinances stating that all ordinances or provisions of ordinances in conflict with the Charter are repealed to the extent of such conflict.

II. Code of Ordinances

Chapter 1. The abbreviated terms should be reviewed for consistency. The terms “code,” “Code,” and “Code of Ordinances” are used interchangeably. We recommend using the abbreviated term “Village Code” in § 1-101 and revising the rest of Chapter 1 for consistency therewith. Section 1-204(a) uses the abbreviation “Council” for the Village Council but the term “Village Council” is used throughout Chapter 1. This should be revised for consistency throughout the Code.

Chapter 2. Chapter 2 should be amended to include the rules and procedures for the Elections Committee. The language regarding the term and qualifications for the Committee members should be changed to be consistent with the language in Section 602 of the Charter.

Section 2-203 can be incorporated into Section 802 of the Charter to read substantially as follows:

The Council may employ those whom it deems necessary to execute the powers and duties provided by this Charter and other local law, and State law, subject to the availability of budgeted funds.

Section 2-501 contains the same language as Section 407 of the Charter; therefore, it is redundant and can be deleted.

Chapter 3. We recommend removing § 3-102 and incorporating it into Chapter 2, Section 5 for consistency. We also recommend deleting the penalty set forth in § 3-102(c) or, at a minimum, changing the penalty to a municipal infraction. In our experience, Maryland courts disfavor misdemeanor punishments for municipal code violations, even though they are authorized under § 6-101 of the Local Government Article of the Maryland Annotated Code.

The references to Article 23A in § 3-207 are outdated and should be changed to Title 6 of the Local Government Article. The Council may wish to consider increasing the general penalty for commission of a municipal infraction as set forth in § 3-302 and elsewhere in the Code (e.g., § 6-311(c), § 3-303) or adopting a class schedule for municipal infractions and using uniform



language in each applicable Chapter of the Code providing that a violation thereof shall constitute a municipal infraction, as follows:

A violation of this Chapter shall constitute a Class (insert class of violation) municipal infraction and shall be punishable as set forth in Chapter 3 of the Code. Each day that a violation continues shall be deemed to be a separate infraction.

Chapter 4. The State Ethics Commission exempted the Village from adopting conflict of interest, financial disclosure, and lobbying provisions in 2012. Nonetheless, we recommend having a basic conflict of interest code and the Village's is sufficient. Section 4-102(a) can be deleted since the Village is exempt from adopting a public ethics law in compliance with Title 15, Subtitle 8 of the State Government Article of the Maryland Annotated Code. If the Council is inclined to keep § 4-102(a), the reference to Article 40 should be changed to Title 15, Subtitle 8 of the State Government Article.

Chapter 5. Chapter 5 is generally consistent with Md. Code Ann., Local Gov't § 4-111(b)(3), which provides that legislation enacted by a county does not apply in a municipality if the legislation relates to a subject on which a public general law or the municipal Charter grants the municipality legislative authority and the municipality, by ordinance or Charter amendment, specifically exempts itself from the legislation or generally exempts itself from county legislation covered by the type of grant of authority to the municipality. Section 5-103 sets forth the specific sections of the Montgomery County Code from which the Village has exempted itself, and all of those sections fall within the scope of the Village's legislative authority under the Charter.

Chapter 6. We have no recommended changes other than with respect to the municipal infraction language set forth in § 6-311(c).

Chapter 7. Article 2 makes no reference to the Maryland Minimum Livability Code ("MMLC"), which incorporates the most recent version of the International Property Maintenance Code ("IPMC") published by the International Code Council ("ICC"). Pursuant to the Code of Maryland Regulations ("COMAR") 05.02.03.04, the MMLC, including the IPMC, shall apply to residential structures used for human habitation, except: (1) owner-occupied single family housing units; (2) housing located in a political subdivision that has adopted a local housing code containing provisions that substantially conform to the provisions of the Code; or (3) housing exempted by the Maryland Department of Housing and Community Development.

Presumably, the vast majority of property in the Village consists of residential structures used for human habitation that are owner-occupied single family housing units, in which case those structures are not subject to the MMLC or the IPMC. However, the Council should be aware of the MMLC and the IPMC and consider whether it wishes to amend Article 2 to contain provisions that substantially conform to the MMLC and the IPMC. Alternatively, the Council could simply add language to Article 2 substantially stating as follows:



The provisions of this Article shall apply to all real property within the Village. Additionally, the provisions of the Maryland Minimum Livability Code, including the most current edition of the International Property Maintenance Code, as amended from time to time, shall apply to all real property within the Village consisting of residential structures used for human habitation that are not owner-occupied single family housing units and are not exempted by the Maryland Department of Housing and Community Development. In the event of any conflict between any provision of this Article and the Maryland Minimum Livability Code or the International Property Maintenance Code, the provisions of this Article shall control.

Article 2 also lacks penalties for violations other than for unremoved snow and ice and failing to maintain any public right-of-way. Rather than having penalty provisions in separate sections, we recommend having a single penalty section applicable to the entire Article.

Article 4 makes no mention of the Maryland Building Performance Standards ("MBPS"), which incorporates the current editions of the International Building Code ("IBC"), International Residential Code for One- and Two-Family Dwellings ("IRC"), and the International Energy Conservation Code ("IECC"), with amendments. Pursuant to COMAR 05.02.07.06, the MBPS applies to all buildings and structures within the State for which a building permit application is received by a local jurisdiction. However, pursuant to COMAR 05.02.07.05, local jurisdictions may modify provisions of the MBPS to address conditions peculiar to the local jurisdiction's community, so long as such modifications do not weaken the requirements of the IECC, Chapter 13 (Energy Efficiency) of the IBC, the automatic fire sprinkler system requirements for townhouses and one- and two-family dwellings (except in limited cases) contained in the MBPS, or the wind design and windborne debris provisions contained in the MBPS.

The Village does not need to delete its residential building standards set forth in Article 4, but we recommend adopting language similar to that above regarding Article 2 substantially stating as follows:

The provisions of this Article shall apply to all buildings and structures within the Village. Additionally, the provisions of the Maryland Building Performance Standards ("MBPS"), which incorporates the current editions of the International Building Code ("IBC"), International Residential Code for One- and Two-Family Dwellings ("IRC"), and the International Energy Conservation Code ("IECC"), with amendments, as amended from time to time, shall apply to all buildings and structures within the Village for which a building permit application is received. In the event of any conflict between any provision of this Article and the Maryland Building Performance Standards, the provisions of this Article shall control.



The ordinance enacting the following should state the conditions peculiar to the Village justifying the exceptions to the MBPS. One such condition is found in § 7-401(b), which states that the purpose of the Village's building standards is to encourage appropriately sized construction in keeping with lot sizes and character of the Village. Once passed, the ordinance must be sent to the Department of Housing and Community Development at least 15 days prior to the ordinance's effective date.

Lastly, we recommend that the Council consider adding a penalty section to Article 4, or simply rely on the penalty provisions set forth in the MBPS (*see, e.g.*, Chapter 1, Part 2 of the 2015 IBC).

Chapter 8. Section 8-103 provides that no regulatory traffic or parking control signs or other devices shall be erected on State highways without the approval of the State Highway Administration. Md. Code Ann., Transp. § 25-102 sets forth the powers of local authorities with respect to highways under their jurisdiction. Subsection (b) thereof provides that a local authority may not place or maintain any stop sign or traffic control signal that requires the traffic on any State highway to stop before entering or crossing any intersecting highways or place or maintain lighting along or at an intersection with a State highway. We recommend amending § 8-103 to be consistent with the foregoing State law.

Chapter 9. Chapter 9 contains several penalty sections (§§ 9-106, 9-108, 9-109, and 9-112). For purposes of clarity and consistency, the Council may want to consider consolidating these various penalty sections into one and provide that a violation of Chapter 9 shall be a municipal infraction and subject to the penalties set forth in Chapter 3 (as previously discussed). Furthermore, Md. Code Ann., Nat. Res. § 5-403(f) authorizes a county or municipality that adopts a local law or ordinance for the planting, care, and protection of roadside trees to issue a stop work order against any person that violates any provision of the local law or ordinance. Thus, the Council should consider adding the stop work provision to Chapter 9 as well.

III. Resolutions and Policies

A Resolution to Establish a Schedule of Standard Completion Bonds Pursuant to Section 6-304 of the Code of Ordinances of the Village of Martin's Additions. This Resolution has no number and was not signed. Thus, it is not clear as to whether this Resolution was ever adopted. If the Resolution was adopted, the language in the first "Whereas" clause needs to be made consistent with the language in § 6-304 and the schedule of amounts for the security required under § 6-304 needs to be included.



Interpretative Policy No. 3-19-15. Generally, if the Council wishes clarify its intent with respect to a particular local law, it should just amend the law by ordinance to clearly state its intent. Otherwise, the argument could be made that the policy/resolution is an improper and illegal amendment to the Code. Accordingly, the interpretation of § 31-16 of the County Code would be more appropriate in an Ordinance.

Resolution No. 12-12-1. Like Interpretative Policy No. 3-19-15, it would be cleaner and safer to simply amend § 7-402(e)(5)(iii) by ordinance to apply to generators and auxiliary power units as well as air conditioners and heat pumps. The plain language of § 7-402(e)(5)(iii) specifically refers to air conditioners and heat pumps, which are separate and distinct from generators and auxiliary power units.

Resolution No. 4-10-2. The language in the policy attached to the Resolution should be added to Chapter 7 or 8 of the Code by ordinance.

Resolution No. 4-10-1. The language in the policy attached to the Resolution should be added to Chapter 7 or 8 of the Code by ordinance.

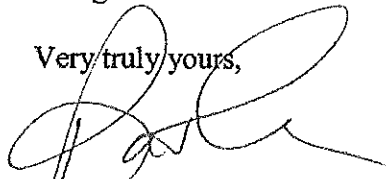
Policy No. 12-18-14. The language in this Policy should be added to Chapter 7 of the Code by ordinance.

Resolution No. 09-15-01. The Village's Public Information Act regulations are sufficient; however the Council may consider adding a provision stating that if the regulations conflict with the Maryland Public Information Act, Md. Code Ann., Gen. Prov. § 4-101, et seq., as amended, the MPIA shall control.

Overall, we believe that the Charter, the Code, and the resolutions and policies of the Village are legally sufficient, with the exceptions noted herein. Please do not hesitate to contact me with any questions or concerns regarding the foregoing or if we can be of further assistance as the Council and the Village Attorney develop a strategy for enacting any of the changes discussed herein.

We greatly appreciate the Council allowing us to assist it in this matter.

Very truly yours,



Patrick W. Thomas



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VMA Council Response to Funk Bolton Recommendations

#	Section	Funk & Bolton Recommendation Summary	Bolt Legal Counsel*	VMA Council Response**	Notes/Action Taken
1	I. The Charter, Section 101	Ensure consistency of abbreviation of VMA throughout.	Defer to VMA Council. Using both "Martin's Additions" and "Village" may not be an issue.	Agree	Make changes when Charter amendment is done.
2	I. The Charter, Section 101	Remove reference to special taxing district	Agree	Agree	Make changes when Charter amendment is done
3	I. The Charter, Section 201	Rather than specifically stating the VMA boundaries, refer to filings with State and County, to avoid having to amend Charter at later dates	Defer to VMA Council	Disagree	VMA will not be growing or annexing, as a result, the change is unnecessary
4	I. The Charter, Section 301	Ensure consistency of abbreviation of Village Council (and VMA, per #1) throughout.	Defer to VMA Council. Using both "Council" and "Village Council" may not be an issue.	Agree	Make changes when Charter amendment is done
5	I. The Charter, Section 301	Amend definitions of "Qualified Voter" and "Resident"	Agree	Agree	Make changes when Charter amendment is done. Counsel has advised on a voter qualification issue.
6	I. The Charter, Section 401	Recommend adding the Arabic numeral in a parenthesis after any number that is written out	Defer to VMA Council	Agree	Make changes when Charter amendment is done
7	I. The Charter, Section 402	Shorten to define who may run for Council	Disagree	Disagree	Counsel recommends no change. Although the provision could be simplified, the subject sentence clarifies an issue that may not be clear if the sentence were deleted.

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8	I. The Charter, Section 403	Clarification about who has check signing authority	Defer to VMA Council	Agree	Make changes when Charter amendment is done, clarifying that 2 Council members have the authority to sign checks and updating who must be bonded in Section 902
9	I. The Charter, Section 403	Appoint another member of the Council to fulfill Secretary's custodial duties, if/as needed	Disagree	Disagree	The Village Manager has already been tasked with this (per Section 404).
10	I. The Charter, Section 403	Recommend that officer selection be done during a specific organizational meeting	Defer to VMA Council	Disagree	The Council handles this at the beginning of the first meeting of the new Council as the first order of business, after the Oath is given per Section 901.
11	I. The Charter, Section 405	Delete reference to "Sections 501 and 502" and increase expenditure threshold from \$1,000 to \$5,000 or \$10,000	Agree	Agree	Make changes when Charter amendment is done
12	I. The Charter, Section 406	Delete references to "by-laws"	Agree	Agree	Make changes when Charter amendment is done
13	I. The Charter, Section 406	Revise language of this section to say that Council meetings are open unless closed pursuant to Maryland Open Meetings Act and revise for updates to that Act	Agree	Agree	Make changes when Charter amendment is done
14	I. The Charter, Section 407	Revise to refer to and make the meeting minutes open pursuant to the Village's Public Information Policy	Defer to VMA Council	Disagree	Recommendation OBE as meeting audio recordings and minutes are posted on the Village website
15	I. The Charter, Section 408	Consider removing the requirement to have the Election Committee recommend 3 candidates in case of a Council Vacancy	Defer to VMA Council (but the current process provides a public benefit)	Disagree	Council believes that the process as originally set forth is best

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16	I. The Charter, Section IV - Other issues	Recommendations based on if the Council were to ever draw pay	Defer to VMA Council	Disagree	Council does not believe the VMA Council will ever be more than resident-volunteers
17	I. The Charter, Section 501	Clarify the meaning of "regulation"	Disagree	Disagree	"Regulations" are not always ordinances or resolutions. They could be, <i>e.g.</i> , traffic orders under the Maryland Transportation Article.
18	I. The Charter, Section 502	Recommendation for making the Ordinance passage process less burdensome	Disagree	Disagree	Council believes that the process as originally set forth is best
19	I. The Charter, Section 602	Recommendation to change the Election Date to make more consistent with other meetings and facilitate transition. Also, notes need for rules and procedures to be adopted by the Council	Agree	Agree	Council referred comments to Election Committee for review and consideration.
20	I. The Charter, Section VI - Other issues	Council may consider other clarifying language on election procedures, qualified voters, etc.	Defer to VMA Council (Section 602 contemplates adoption of rules)	Agree	Council believes this will be resolved with Election Committee work and other proposed changes.
21	I. The Charter, Section 701	Recommend deleting redundant conflict of interest language regarding Council members	Defer to VMA Council (it may be best to retain because Code is amended more easily)	Agree	Make changes when Charter amendment is done
22	I. The Charter, Section 701	Recommend defining "professional services" contract and establishing some basic contract procedures	Agree (a procurement ordinance would be useful)	Disagree	Council concurs with the recommendations needing to be addressed, but will handle in the Code, not the Charter

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VMA Council Response to Funk Bolton Recommendations

23	I. The Charter, Section 702	Recommend further addressing of debt provision language	Defer to VMA Council	Disagree	The proposed amendment may be unnecessary. The Council could wait until such time as public debt borrowing is anticipated, before undertaking this edit.
24	I. The Charter, Section 703	Recommend further addressing of debt provision language, making it easier for the Village to borrow money	Defer to VMA Council	Disagree	The proposed amendment may be unnecessary. The Council could wait until such time as public debt borrowing is anticipated, before undertaking this edit.
25	I. The Charter, Section VII - Other issues	Council may consider adding provisions regarding the Treasurer's duties and responsibilities	Defer to VMA Council		The recommendations could be addressed in the Code, instead, if deemed necessary by the Council. The proposed edits may be deemed unnecessary (e.g., regarding budget preparation, the maintenance of an accounting system, budget amendments, etc.).
26	I. The Charter, Section 801	Consider specifying duties of the Manager	Disagree	Disagree	This is already handled in the Code
27	I. The Charter, Section 802	Combine with section in Code?	Agree (but delete Code Section 2-203 in favor of Charter, rather than <i>vice-versa</i>)	Agree	Address with Code amendment
28	I. The Charter, Section VIII - Other issues	Consider adding section on compensation and benefits of employees	Disagree (this should be covered by non-binding employment manual)	Disagree	Council does not believe such information needs to be in the Charter

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29	I. The Charter, Section 903	Delete requirement for pre-election/pre-employment "disclosure."	Defer to Council (but reference to "bylaws" should be deleted. Disclosure may be deemed unnecessary based on conflicts of interest Code)	Agree	Make changes when Charter amendment is done
30	I. The Charter, Section 906	Recommend deleting reference to outdated Maryland Code	Defer to VMA Council	Agree	Make changes when Charter amendment is done
31	I. The Charter, Section IX - Other issues	Consider adding language regarding conflicts between Charter and existing ordinances	Disagree	Disagree	Council believes the Charter takes precedence by law
32	II. Code of Ordinances, Chapter 1	Review abbreviated terms for consistency	Defer to VMA Council	Agree	Make remaining changes when next Code amendment is done
33	II. Code of Ordinances, Chapter 2	Amend Chapter to include Elections procedures and make term language consistent with the Charter	Defer to Council (rules could be separately adopted, rather than added to the Code)	Agree	Make changes upon Council approval of Elections Committee recommendations
34	II. Code of Ordinances, Chapter 2	Incorporate Section 2-203 "council may employ..."	Disagree	Disagree	Recommendation has already been addressed
35	II. Code of Ordinances, Chapter 2	Delete 2-501 as redundant of Charter	Disagree	Disagree	Council has conferred with counsel and will leave in as consistent with the MD AG's model

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VMA Council Response to Funk Bolton Recommendations

36	II. Code of Ordinances, Chapter 3	Recommend moving 3-302 and incorporating it into Chapter 2, Section 5 for consistency	Agree	Agree	Recommendation has already been addressed by Ordinance No.: 11-15-1 (see Section 3-201)
37	II. Code of Ordinances, Chapter 3	Recommend updating 3207 to refer to Title 6 of the Local Government Article and adopting a penalty class schedule	Defer to VMA Council	Agree/Disagree	Recommendation has already been addressed regarding outdated reference. The Council finds that a more-detailed penalty class schedule is not needed at this time.
38	II. Code of Ordinances, Chapter 4	Update the Ethics Code with minor changes	Agree	Agree	Council referred comments to Ethics Committee for review and consideration.
39	II. Code of Ordinances, Chapter 5	No recommendation.	Counsel noted that VMA "opts-in" to County Code unless it specifically "opts-out"		Council may consider having a "holistic review" of County Code to ensure that the Village does not want to "opt-out" of anything else. County Code has changed significantly since the last time it was reviewed.
40	II. Code of Ordinances, Chapter 6	Recommended changes to the municipal infraction schedule	Defer to VMA Council	Disagree	The Council finds that a more-detailed penalty class schedule is not necessary at this time.
41	II. Code of Ordinances, Chapter 7	Recommendation about the MD Minimum Livability Code	Disagree (unless VMA wants to take on enforcement)	Disagree	Council believes best deferred to the County
42	II. Code of Ordinances, Chapter 7	Article 2: Add penalty section for the entire article	Disagree	Disagree	Currently, Section 3-302 is the default provision and imposes a fine of \$100 for any Code violation. If a different penalty is to be imposed for any specific violation, it can be separately provided as needed.

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43	II. Code of Ordinances, Chapter 7	Article 4: Recommendation about Maryland Building Performance Standards	Disagree (unless VMA wants to enforce)	Disagree	Council believes best deferred to the County
44	II. Code of Ordinances, Chapter 7	Recommend adding a penalty section to Article 4	Disagree	Disagree	Recommendation has already been addressed
45	II. Code of Ordinances, Chapter 8	Recommend making 8-103 consistent with State law restrictions for signs in State roads	Disagree	Disagree	This Section governs Village roads.
46	II. Code of Ordinances, Chapter 9	Consolidate penalty sections, clarify municipal infractions, and authorize issuance of a stop work order	Agree	Agree	Make remaining changes when next Code amendment is done
47	III. Resolutions and Policies, Establish Schedule of Completion Bonds	Confirm adopted and make language consistent with 6-304	Defer to VMA Council	Agree	Resolution could be re-adopted
48	III. Resolutions and Policies, Interpretive Policy re parking	Recommend clarifying intent in Code rather than in policy	Agree	Agree	Recommendation has already been addressed
49	III. Resolutions and Policies, generators and auxiliary power units	Recommend clarifying intent in Code rather than in policy	Agree	Agree	Recommendation has already been addressed

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50	III. Resolutions and Policies, Policy on Objects in the ROW	Recommend clarifying intent in Code rather than in policy	Agree	Agree	Make remaining changes when next Code amendment is done
51	III. Resolutions and Policies, Policy on Sump Pump Charges in the ROW	Recommend clarifying intent in Code rather than in policy	Agree	Agree	Make remaining changes when next Code amendment is done
52	III. Resolutions and Policies, Block Party Policy	Recommend clarifying intent in Code rather than in policy	Defer to VMA Council	Disagree	Council believes that the process as originally set forth is best
53	III. Resolutions and Policies, VMA Public Information Act	Recommend clarifying that if there is conflict with State law/regs, defer to State law/regs	Defer to VMA Council	Agree	Make relevant changes when next Code amendment is done

* Bolt Legal response "Agree" means the issue should be addressed, but not necessarily according to the recommendation. "Defer to Council" means a policy decision is involved, rather than a legal deficiency.

** VMA Council Response (i.e. Agree/Disagree) does not mean that the Council agrees with the approach recommended by Funk & Bolton but rather whether the issue raised requires addressing.

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Martin's Additions - Street Lighting Replacement Project

Summary of Proposed Alternatives - Scott Watson Associates, Lighting Consultants

November 17, 2015

Previous History:

Several years ago, Scott Watson Associates was engaged by the Martins Additions Village Council to explore upgrading the existing street lighting system. This system consists of overhead lights, bracket-mounted to utility poles. Most of the existing street lights are incandescent, which produce light of acceptable brightness and a pleasant color but have a short life, resulting in frequent outages in the village. We had recently completed upgrading the street lighting in Garrett Park and Chevy Chase View to Teardrop-style decorative street lights using 55-watt Philips QL Induction lamps in 3000K color temperature, and the Council indicated that a similar solution would be welcomed in Martin's Additions.

Coincidentally, PEPCO had recently mounted a sample of this street light on Georgia Street, near Bradley Lane, so the residents could come out and see it. Based on the reaction of the community, we were given the go-ahead to design a new street-lighting system with these fixtures, using only the existing utility poles in one scenario, and adding some, in another scenario, to provide more sensible spacing of the fixtures on some streets.

We produced a layout with a couple of variations and obtained pricing from PEPCO to remove the existing lights, install new ones, and maintain them. The upgrade was not implemented at that time, however.

Recent Work:

I was contacted recently by Jean Sperling, the former Village manager, and advised that the street lighting project was once again under discussion. I informed her that in the intervening years, the originator of the QL induction lamp, Philips Lighting Co., had changed its focus to LED lighting and had ceased to produce Induction lamps. The production of these lamps had not been licensed to a separate company. This made us question whether QL was still going to be the best solution for Martins Additions' street lighting.

Over the years, I had watched the development of LED street lights and had assessed and measured several installations, none of which was as comfortable as our installations in Garrett Park or Chevy Chase View. Although the light levels were often good, and the uniformity of lighting at street level was generally acceptable, I found that the glariness of the LED fixtures, at most viewing angles, was not acceptable, and the color of the light was very often too cool (blueish). Since Martin's Additions is used to incandescent light, I have always believed that the best upgrade would maintain an incandescent feel to the lighting, meaning a color temperature of 3000K (equivalent to halogen).

Last Fall, we were fortunate in that Chevy Chase Village had PEPCO install a mock-up of several LED fixtures in two styles and various spacings. I took a lighting tour with the Village Council and a few concerned citizens, and we came back with the impression that the Teardrop fixture, while somewhat brighter at certain viewing angles than the "cobra-head" alternative, produced a better quality of light. We agreed that the 4000K, 77-watt LEDs, which were on display, were too bright and

too cool-colored. Some people liked the presence of an external glare shield (referred to by the manufacturer as a “short skirt”) on the fixture, and some did not. We saw one installation where the street lights were mounted on every utility pole, which produced very even light that was much too bright, and we saw others where the lights are on every other pole, which is what we had originally proposed for Martins Additions. Although this results in areas of darkness between the pools of light under the light fixtures, the average light levels are about the same as what you have now, which we believe you would like to maintain.

Since the look and feel of the Induction light had been approved several years previously, I wanted any new fixture to match this look as closely as possible. It is often the case that LED fixtures do not exactly match, in every way, the output of the older-style fixtures they are designed to. Before considering a change from induction lighting to LED and risking the possibility of an unpleasant surprise, we asked PEPCO to hang two sample LED fixtures on Bradley Lane, east of Brookville Road, for us to see and measure. Both had a 38-watt LED source, but only one had the “short skirt” glare shield. These were hung last spring. I measured them, and some members of the Board came out to look at them and discuss them with me.

I was not happy with the distribution of the fixtures, which seemed to be asymmetrical, so we subsequently had PEPCO replace one of them with a different version, which uses 55 watts and is intended to spread the light better along the street, with less penetration into the yards across the street. Both fixtures are still hanging on Bradley Lane. The 55-watt version is closer to Brookville Road, and the 38-watt version is the next one to the east. Both have the “skirt” shield, since I believe this makes the fixture less glary when viewed from a distance or from the second-floor windows of the nearby houses.

The Board and concerned citizens can see these fixtures and compare them to an incandescent one on Brookville Road, opposite the end of the eastern portion of Bradley Lane, and you can also walk over to the QL induction sample on Georgia Street, a short distance away. We have sent charts comparing the output at street level and the luminance (brightness) of all the fixtures, and these show that the 55-watt LED lantern is close in output to the originally-approved 55-watt induction fixture. Therefore, either one could be considered for the upgrade.

The 3000K color temperature is appropriate and looks good to me, but both of the LED fixtures seem glarier to me than the Induction fixture. I think it might be helpful for the Board members to go out and decide for themselves, individually, which fixture they prefer. Then there can be a discussion and a vote on which one to use. If it turns out to be the induction fixture, PEPCO is still installing these and stocking replacement parts. The installations we designed for Garrett Park and Chevy Chase view have been running for many years, and there have only been a couple of replacements in each installation, apparently due to storm damage. The light levels are virtually the same as they were initially, and the installations look good. I think it would be beneficial for the Board to see these again.

Based on the longevity of these installations, I believe that if the Board were to install induction lighting now, it would be 20 years before the question would need to come up again. At that time, if induction lamps are still available and in plentiful supply, you could simply group-relamp with induction and wait another 20 years before thinking about it again. If induction lamps have become

less available by then, it is probable that LEDs will have improved considerably, so there could be a good retrofit that could be installed directly into the induction fixtures.

Summary of four available options:

In the subsequent pages, please find cost estimates for four scenarios for upgrading your lighting:

- A. Replace, one-for-one, with HPS (high-pressure sodium) cobra-head lights, as was done in Section 3 about five years ago. This is PEPCO's standard lighting system upgrade. The light from these fixtures is yellowish white, and there are significant dark areas between fixtures. You can walk around in Section 3 to see how this looks. We do not recommend this option.
- B. Replace, one-for-one, with LED Cobra-heads. These will have a cool color temperature, 4000K (more blueish than incandescent), and depending on which version is used (full cut-off vs. drop lens), there will either be very dark areas on the streets between well-shielded fixtures, or the fixtures will be glary but the streets will look more evenly lit. We do not recommend any cobra-head option.
- C. Replace the existing with induction Tear Drops, per the sample on Georgia Street. The color will be 3000K, almost the same as the existing incandescent. A tour of Chevy Chase View will show basically how this will look. This is our preferred approach. We have broken this into two options. Option C is a system installed and maintained by PEPCO. Option C1 is a system installed by PEPCO but maintained by Martin's Additions. PEPCO's monthly maintenance fee is quite different for the two options.
- D. Replace the existing fixtures with LED Tear Drops, per the sample near the intersection of Bradley and Brookville. PEPCO has agreed to provide this option in 3000K color temperature, rather than their preferred 4000K, which we feel is too cool-colored for residential street lighting. Again, this is priced two ways - as a PEPCO-maintained installation and as one that is client-maintained.

Costs for new street lighting proposals:

A brief summary and explanation of the costs is as follows, first regarding installation and second regarding recurring monthly costs. After this, you will find a chart that summarizes both sections, for easy comparison.

Installation Costs:

- A. **Standard upgrade:** Remove the existing fixtures and install 70-watt HPS cobra-head lights on the existing brackets (2200K - very yellowish - color temperature). Based on a quantity of 76 new fixtures at \$467 each, PEPCO will charge \$35,492 for this installation.
- B. **Enhanced standard upgrade:** Remove the existing fixtures and install "70-watt equivalent" LED cobra-head lights on the existing brackets (4000K - cool white - color temperature). Based on a quantity of 76 new fixtures at \$892 each, PEPCO will charge \$67,792 for this installation.

- C. **Induction Teardrop Upgrade:** Remove the existing fixtures and brackets and install Teardrop Esplanade decorative fixtures and brackets using 55-watt QL induction lighting systems (3000K - warm white- color temperature). Based on a unit price of \$3,427 each, PEPCO will charge \$260,452 for this installation. An alternative installation, where we would add up to seven poles to more evenly distribute the light along some streets, would add roughly \$40,000 to this price.
- D. **LED Teardrop Upgrade:** Remove the existing fixtures and brackets and install Teardrop Esplanade decorative fixtures and brackets using 55-watt LED lighting systems (3000K color temperature). Based on a unit price of \$3,627 each, PEPCO will charge \$275,652 for this installation. Again, an alternative installation, where we would add up to seven poles to more evenly distribute the light along some streets, would add roughly \$40,000 to this price.

Maintenance Costs:

PEPCO's monthly price for operation and maintenance of a street lighting system consists of three components. One is Fixed Charges, the next is O&M (operating and maintenance) charges, which include an allowance for fixture replacement on PEPCO-maintained systems, and the last is the energy charge, at roughly 3¢ per kilowatt-hour. These are broken out in the chart at the end of this report.

Before considering the maintenance costs for the proposed lighting upgrades, we should first look at the maintenance costs for the present lighting system, which has 65 luminaires of three types:

11 HPS fixtures at \$7.21 per month = \$952 per year

38 incandescent globes at \$12.49 per month = \$5,695 per year

16 open incandescent fixtures at \$6.51 per month = \$1,250 per year

This comes to \$7,897 per year or \$157,940 for 20 years.

Below is a summary of the maintenance costs for the various proposed alternatives. Alternatives A and B are PEPCO-maintained. Options C and D are priced two ways - PEPCO-maintained and client-maintained. With PEPCO's maintenance, if anything happens to a lighting fixture, you call PEPCO and they fix it. With client maintenance, Martins Additions will need to have a PEPCO-approved contractor repair or replace a damaged fixture and/or bracket. It will also be prudent to have at least one, and perhaps two, replacement fixtures and brackets on hand, in storage, for immediate access, since it can take several weeks to have these fixtures made, and LED modules are constantly being upgraded, so there is no guarantee that a particular LED module will have an exact, easily-available replacement in the future. Based on the experience of Chevy Chase View and Garrett Park with QL induction fixtures, there should be very little maintenance expected over the anticipated 20-year life of the lamps. We have no experience with LED street-lighting maintenance over time, but the LED lighting systems themselves are rated for approximately the same life as QL.

- A. **Standard upgrade** with HPS cobra-heads: 76 HPS cobra-heads at \$6.81 per month, comes to \$6,211 per year.

- B. **Enhanced Standard Upgrade** with LED cobra-heads: 76 LED cobra-heads at \$1.58 per month, comes to \$1,441 per year.
- C. **QL Teardrop upgrade, PEPCO-maintained:** 76 QL Teardrops at \$4.83 per month comes to \$4,405 per year.
- C1. **QL Teardrop upgrade, client-maintained:** 76 QL Teardrops at \$1.26 per month comes to \$1,149 per year.
- D. **LED Teardrop upgrade, PEPCO-maintained:** 76 LED Teardrops at \$9.45 per month comes to \$8,618 per year.
- D1. **LED Teardrop upgrade, client-maintained:** 76 LED Teardrops at \$1.58 per month comes to \$1,441 per year (same as Option B, above).

Note that the monthly costs for PEPCO-maintained systems are considerably higher than for client-maintained, and in particular, the O&M cost for the LED Teardrop, which includes their "optional replacement coverage," is quite high.

Please see the table after this section for a summary of costs, over the 20-year expected life of a QL induction or LED lighting system. The costs are in today's dollars, figured at PEPCO's current rates. PEPCO's applicable rate charts are appended after the chart, for reference. Schedule MD-SL lists the energy charges; Schedule MD-SSL-OH lists other monthly charges for non-LED luminaires, and Schedule MD-SSL-OH-LED lists monthly charges for LED luminaires.

Conclusion:

I hope I have explained the included street lighting options and their costs in an understandable way. All of the fixtures, as noted, are on display nearby. You can talk to Chevy Chase View and Garrett Park about their experience with the utility-pole-mounted induction street lights, and with Section 3 about their experience with HPS cobra-heads.

Respectfully submitted,



Scott M. Watson, IALD

MARTINS ADDITIONS STREET LIGHTING SUMMARY

NOVEMBER 17, 2015

OPTIONS	DESCRIPTION	INSTALLATION	MONTHLY COST/ FIXTURE				YEARLY MAINT.	20 YRS MAINT.	TOTAL
			FIXED	O&M	ENERGY	TOTAL			
A	Standard upgrade to 70W HPS Cobra Heads (2200K)	\$35,492	4.43	1.84	0.54	6.81	6,211	124,220	\$159,712
B	Enhanced standard upgrade to 70W equivalent LED Cobra-heads (4000K)	\$67,792	0.38	0.78	0.42	1.58	1,441	28,820	\$96,612
C	Upgrade to QL Induction Teardrop Globes on decorative brackets, PEPCO-maintained	\$260,452	0.06	4.35	0.42	4.83	4,405	88,099	\$348,551
C1	Upgrade to QL Induction Teardrop Globes on decorative brackets, Client-maintained	\$260,452	0.06	0.78	0.42	1.26	1,149	22,980	\$283,432
D	Upgrade to LED Teardrop Globes on decorative brackets, PEPCO-maintained	\$275,652	0.38	8.65	0.42	9.45	8,618	172,360	\$448,012
D1	Upgrade to LED Teardrop Globes on decorative brackets, client-maintained	\$275,652	0.38	0.78	0.42	1.58	1,441	28,820	\$304,472
Existing	Existing installation	N/A	per description in report				7,897	157,940	\$157,940

NOTE: ALL NUMBERS ARE IN TODAY'S DOLLARS AT CURRENT PRICING.

STREET LIGHTING SERVICE**SCHEDULE "SL"****AVAILABILITY**

Available for Distribution Service and Standard Offer Service when modified by Rider "SOS" for street, highway and park lighting purposes in the Maryland portion of the Company's service area when owned by agencies of Federal, State and Municipal governments.

Also available for holiday lighting and seasonal street decoration lighting where the lights are in public space and where the only load supplied is lighting load. Schedule "SL" is not available for services that supply any load other than lighting and telecommunications network devices supplied under Rider "SL-TN".

CHARACTER OF SERVICE

Electricity supplied to multiple lights normally will be sixty hertz, single phase, 120 volts.

MONTHLY RATE**Distribution Service Charge**

Standard Night Burning	\$0.02197 per kwhr
24-Hour Burning	\$0.02199 per kwhr

Generation and Transmission Service Charges - Customers who do not receive service from an alternative Electric Supplier as defined in the Company's General Terms and Conditions will receive Generation and Transmission Services from the Company under the provisions of Rider "SOS" – Standard Offer Service.

Billing Credit - A monthly billing credit in the amount of \$0.74 will be applied to the bill of each customer receiving a consolidated bill from an alternative supplier for services provided both by Pepco and by the alternative supplier.

The above charges do not include furnishing and/or maintaining street lighting equipment.

MEASUREMENTS OF ELECTRICITY

If electricity delivered for street lighting is unmetered, monthly kilowatt-hour consumption will be computed on the basis of manufacturers' wattage ratings of installed lamps, auxiliary devices where required, and scheduled 4,200 hours of burning time. If metered, watt-hour meters will be read to the nearest multiple of the meter constant and bills rendered accordingly.

Lights controlled for night burning only will be billed at the monthly rate for Standard Night Burning street lights. Lights not controlled for night burning only will be billed at the monthly rate for 24-Hour Burning street lights.

METER READING

Watt-hour meters will be read to the nearest multiple of the meter constant and bills rendered accordingly.

MD - SL

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Fifteenth Revised Page No. 15.1

GROSS RECEIPTS TAX

A surcharge of 2.0408% is applied to the transmission and distribution components of the customer's bill to recover the amount attributable to the Gross Receipts Tax.

GENERAL TERMS AND CONDITIONS

This schedule is subject in all respects to the Company's "General Terms and Conditions for Furnishing Electric Service" and the Company's "Electric Service Rules and Regulations."

APPLICABLE RIDERS

Standard Offer Service – Type I Non-Residential
Administrative Credit
Telecommunications Network Charge
Delivery Tax Surcharge
Montgomery County Surcharge
Maryland Environmental Surcharge
Empower MD Charge
Non-Residential Direct Load Control
Demand Resource Surcharge
Grid Resiliency Charge

**CHARGES FOR SERVICING
STREET LIGHTS SERVED FROM OVERHEAD LINES
SCHEDULE "SSL-OH"**

AVAILABILITY

Available in the Maryland portion of the Company's service area to Municipal, County, Federal and State Governmental Agencies for servicing street, highway and park lighting equipment mounted on Company-owned wooden poles or on poles of another utility with whom the Company has an attachment agreement, when the electricity supplied to such equipment is furnished by the Company from overhead lines.

Available only for lights having a manufacturer's nominal rating of:

Incandescent*	10,000 lumens or less
Mercury Vapor*	175, 250 and 400 Watts
High Pressure Sodium	70, 100, 150, 250 and 400 Watts
Induction QL	55 and 85 Watts

*Not available for new installation or replacement of defective fixtures.

CHARACTER OF SERVICE

Service rendered under this schedule will consist of (1) furnishing, installing and maintaining street lighting luminaries and mounting arms or brackets, (2) furnishing, installing, connecting, operating and maintaining electric service circuits connecting the street lighting equipment to the Company's overhead distribution system, (3) group relamping, (4) washing of globes, (5) furnishing and installing replacement globes, lamps, ballasts and light sensitive switches as needed to maintain the system in an operating mode; all normally limited to standard items of equipment meeting ANSI Standards for street lighting equipment and accepted by the Company for maintenance.

If the Customer agrees in writing with the Company, the Customer may own their street lighting equipment at all locations to include the bracket, fixture, ballast, light sensitive switch unit, and lamp. The maintenance for which can be supplied by the customer or the Company. The supply circuits terminating at the luminaire would still be owned and maintained by the Company.

Street lights will be installed on existing Company-owned distribution poles or on existing poles owned by another utility where practicable.

MD - SSL - OH

Electric--P.S.C. Md. No. 1
Eleventh Revised Page No. 16.1

MONTHLY RATE

	<u>FIXED CHARGES</u>	<u>O&M CHARGES COMPANY MAINTAINED</u>	<u>O&M CHARGES CUSTOMER- SUPPLIED MAINTENANCE</u>
<u>Incandescent Lights*</u> - Night Burning			
Without Globes - all sizes	\$ 0.48	\$5.27	\$0.78
With Globes - all sizes	\$ 6.46	\$5.27	\$0.78
Fire Alarm Designation	\$ 3.00	\$5.23	\$0.78
<u>Other:</u>			
Attachments to Poles Owned By Another Utility	\$ 0.16 each		
<u>Mercury Vapor Lights*</u> - Night Burning			
100 Watt	\$2.72	\$ 1.83	\$0.78
175 Watt	\$2.74	\$ 1.83	\$0.78
250 Watt	\$3.37	\$ 1.83	\$0.78
400 Watt	\$4.18	\$ 1.83	\$0.78
<u>High Pressure Sodium Lights</u> - Night Burning			
70 Watt	\$ 4.33	\$ 1.84	\$0.78
100 Watt	\$ 4.84	\$ 1.83	\$0.78
150 Watt	\$ 5.03	\$ 1.83	\$0.78
250 Watt	\$ 6.93	\$ 1.83	\$0.78
400 Watt	\$ 7.91	\$ 1.83	\$0.78
<u>Induction QL</u> – Night Burning			
55 Watt	\$ 0.06	\$ 4.35	\$0.78
85 Watt	\$ 0.06	\$ 4.35	\$0.78

*Not available for new installation or replacement of defective fixtures.

The above charges will be separate from and in addition to charges for electricity supplied under the provisions of Schedule "SL".

CONTRIBUTION-IN-AID-OF-CONSTRUCTION

The Company will install, remove, or convert each street light upon payment by the customer of a one-time contribution in aid of construction equal to the average estimated cost per street light during the most recent three year period available. This fee shall be updated annually.

For a new overhead street light, this cost shall normally include the following:

1. The luminaire including the lamp, ballast, globe, light-sensitive switch, and mounting arm or bracket; plus,
2. Connection of the street light to the Company owned low voltage (120 volts) overhead distribution system; plus,
3. Installation of replacement poles if required by either the Company or another utility; plus,
4. Tree trimming and adjusting Company owned facilities or the facilities of another utility, in order to provide adequate clearances for the street light.

As discussed under Character of Service, if the Customer agrees in writing with the Company, the Customer may install their own street light and mount. The contribution-in-aid-of-construction shall include only the estimated cost of connecting the new supply (items 2-4 above).

MD - SSL - OH

Electric--P.S.C. Md. No. 1
Eleventh Revised Page No. 16.2

For removing a street light, the contribution-in-aid-of-construction shall normally include the estimated reasonable cost of removing the existing luminaire (and/or bracket, if also removed). This removal charge shall not apply where the light is removed temporarily for repairs to the light or pole, or relocated in the immediate vicinity at the convenience of the Company (or other utility owning the pole on which the light is mounted).

For conversions from one size or wattage of light to another or one type of light to another, the contribution-in-aid-of-construction shall be the estimated reasonable cost of removing the existing equipment and the installation of the new equipment. This charge does not apply if the street light is converted at the convenience of the Company or if the street light is owned by the customer. The Customer is required to inform the Company of the date and characteristic of such conversions as soon as possible.

Beginning on the effective date of this schedule, the rates are as follows:

	<u>Luminare & Mount</u>	<u>New Supply Connection</u>	<u>Type Conversion</u>	<u>Wattage Conversion</u>
<u>High Pressure Sodium</u>				
All Standard Wattages	\$ 915.00	\$ 1,415.00	\$ 467.00	\$ 496.00
<u>Induction QL</u>				
All Standard Wattages	\$ 3,242.00	\$ 1,415.00	\$ 3,336.00	\$ 3,254.00

The cost of removal only for all light types is \$ 196.00.

If the Customer requests that the Company provide facilities or an installation of excess of, or different than, those normally installed or if such excess installation is required by local, state, or federal ordinance, the total estimated additional cost shall be contributed by the Customer.

This contribution shall be in addition to any other service connection fee or contribution required under the "General Terms and Conditions." The contribution-in-aid-of-construction shall not be less than zero.

NON-STANDARD EQUIPMENT

Non-standard equipment, including all equipment not meeting ANSI Standards, if accepted by the Company for maintenance, will be subject to special contract charges and arrangements.

GROSS RECEIPTS TAX

A surcharge of 2.0408% is applied to the transmission and distribution components of the customer's bill to recover the amount attributable to the Gross Receipts Tax.

MD - SSL- OH - LEDElectric--P.S.C. Md. No. 1
Second Revised Page No. 17.3

CHARGES FOR SERVICING
STREET LIGHTS SERVED FROM OVERHEAD LINES
SCHEDULE "SSL-OH-LED"

AVAILABILITY

Available in the Maryland portion of the Company's service area to Municipal, County, Federal and State Governmental Agencies for servicing street, highway and park lighting equipment mounted on Company-owned wooden poles or on poles of another utility with whom the Company has an attachment agreement, when the electricity supplied to such equipment is furnished by the Company from overhead lines.

Available only for LED lights having a high pressure sodium (HPS) equivalent manufacturer's nominal rating of: 50, 70, 100, 150 and 250 Watts.

CHARACTER OF SERVICE

Service rendered under this schedule will consist of (1) furnishing, installing, and maintaining street lighting luminaries and mounting arms or brackets, (2) furnishing, installing, connecting, operating and maintaining electric service circuits connecting the street lighting equipment to the Company's overhead distribution system, (3) washing of globes, (4) furnishing and installing replacement globes, fixtures, and light sensitive switches as needed to maintain the system in an operating mode; all normally limited to standard items of equipment meeting ANSI Standards for street lighting equipment and accepted by the Company for maintenance.

If the Customer agrees in writing with the Company, the Customer may own its street lighting equipment at all locations to include the bracket, fixture, light sensitive switch unit, and lamp. The maintenance for which can be supplied by the Customer or the Company. The supply circuits terminating at the luminaire would still be owned and maintained by the Company.

Street lights will be installed on existing Company-owned distribution poles or on existing poles owned by another utility where practicable.

MONTHLY RATE

	<u>FIXED CHARGE</u>	<u>O&M CHARGE</u>	<u>OPTIONAL REPLACEMENT CHARGE</u>
<u>Utility Grade</u>			
50 Watt	\$ 0.38	\$ 0.78	\$ 3.76
70 Watt	\$ 0.38	\$ 0.78	\$ 5.22
100 Watt	\$ 0.38	\$ 0.78	\$ 5.64
150 Watt	\$ 0.38	\$ 0.78	\$ 6.23
250 Watt	\$ 0.38	\$ 0.78	\$ 6.26

MD - SSL - OH - LED

Electric--P.S.C. Md. No. 1
Second Revised Page No. 17.4

MONTHLY RATE (continued)

	<u>FIXED CHARGE</u>	<u>O&M CHARGE</u>	<u>OPTIONAL REPLACEMENT CHARGE</u>
<u>Decorative Grade</u>			
70 Watt	\$ 0.38	\$ 0.78	\$ 7.87
100 Watt	\$ 0.38	\$ 0.78	\$ 7.95
150 Watt	\$ 0.38	\$ 0.78	\$ 8.69
250 Watt	\$ 0.38	\$ 0.78	\$ 9.50

The above charges will be separate from and in addition to charges for electricity supplied under the provisions of Schedule "SL".

CONTRIBUTION-IN-AID-OF-CONSTRUCTION

The Company will supply for the Customer a luminaire (including lamp, globe and light-sensitive switch) mounting arm and/or bracket required, upon payment by the Customer of a one-time contribution-in-aid-of-construction equal to the estimated reasonable installed cost of such equipment agreed to by the Company and the Customer at the time of the installation.

For a new overhead street light, this cost shall normally include the following:

1. The luminaire including the lamp, globe, light-sensitive switch, and mounting arm or bracket; plus,
2. Connection of the street light to the Company owned low voltage (120 volts) overhead distribution system; plus,
3. Installation of replacement poles if required by either the Company or another utility; plus,
4. Tree trimming and adjusting Company owned facilities or the facilities of another utility, in order to provide adequate clearances for the street light.

As discussed under Character of Service, if the Customer agrees in writing with the Company, the Customer may install their own street light and mount. The contribution-in-aid-of-construction shall include only the estimated cost of connecting the new supply (items 2-4 above).

For removing a street light, the contribution-in-aid-of-construction shall normally include the estimated reasonable cost of removing the existing luminaire (and/or bracket, if also removed). This removal charge shall not apply where the light is removed temporarily for repairs to the light or pole, or relocated in the immediate vicinity at the convenience of the Company (or other utility owning the pole on which the light is mounted).

For conversions from one size or wattage of light to another or one type of light to another, the contribution-in-aid-of-construction shall be the estimated reasonable cost of removing the existing equipment and the installation of the new equipment. This charge does not apply if the street light is converted at the convenience of the Company or if the street light is owned by the Customer. The Customer is required to inform the Company of the date and characteristic of such conversions as soon as possible.

If the Customer requests that the Company provide facilities or an installation in excess of, or different than, those normally installed or if such excess installation is required by local, state, or federal ordinance, the total estimated additional cost shall be contributed by the Customer.

This contribution shall be in addition to any other service connection fee or contribution required under the "General Terms and Conditions." The contribution-in-aid-of-construction shall not be less than zero.

MD - SSL - OH - LED

Electric--P.S.C. Md. No. 1
Second Revised Page No. 17.5

In lieu of a one-time payment at the time of installation, the Customer may elect one of the following alternative payment options:

1. Finance the contribution-in-aid-of-construction through the Company, amortized over the number of years to be agreed upon by Pepco and the street light Customer at the applicable Commission-approved overall rate of return at the time of the installation, subject to update as approved in subsequent rate proceedings, if any.
2. A monthly service charge that amortizes the total cost of the installation or conversion, which will be based on the estimated reasonable cost of the LED installation or conversion at that time, over the depreciable life of the installed LED street lights at the applicable Commission-approved overall rate of return at the time of the installation, subject to update as approved in subsequent rate proceedings, if any.

The Customer may only choose a single payment option for all LED lights installed, unless otherwise agreed to by the Company.

REPLACEMENT OF EQUIPMENT

When replacement of installed equipment is necessary, the Company will replace such installed equipment upon payment by the Customer of a contribution equal to the Company's reasonable cost to replace the equipment. If the Customer has chosen either of the alternative payment options for the initial installation of the equipment subject to replacement, the replacement contribution will be added to the unrecovered balance, if any, of the initial installation contribution and recovered consistent with the elected option.

In lieu of the contribution at the time of replacement, the Customer may elect to pay a monthly charge to cover the cost of future replacements (Optional Replacement Charge). The Optional Replacement Charge will be effective at the time of the initial installation of the equipment and will remain in effect to the time of equipment replacement. The monthly Optional Replacement Charge for future replacement are listed in the table of monthly rates.

The Customer may only choose a single replacement charge option for all lights installed.

NON-STANDARD EQUIPMENT

Non-standard equipment, including all equipment not meeting ANSI Standards. If accepted by the Company for maintenance, will be subject to special contract charges and arrangements.

GROSS RECEIPTS TAX

A surcharge of 2.0408% is applied to the transmission and distribution components of the customer's bill to recover the amount attributable to the Gross Receipts Tax.



Village of Martin's Additions
7013 B Brookville Road
Chevy Chase, MD 20815
301-656-4112 (Phone)
301-656-0030 (Fax)

Policy No. 2-16-1

Data Security

As required by State law, the Village of Martin's Additions (VMA or Village) hereby establishes the following written policies and procedures for the protection of personal information lawfully obtained by VMA. They apply to all VMA staff, Council members, volunteers, and contractors ("responsible parties" or "authorized individuals").

Definitions

For the purposes of this policy, the following words have the meanings indicated.

(a) "Personal information" means an individual's first name or first initial and last name, personal mark, or unique biometric or genetic print or image, in combination with one or more of the following data elements:

- (1) a Social Security number;
- (2) a driver's license number, state identification card number, or other individual identification number issued by a unit;
- (3) a passport number or other identification number issued by the United States government;
- (4) an Individual Taxpayer Identification Number; or
- (5) a financial or other account number, a credit card number, or a debit card number that, in combination with any required security code, access code, or password, would permit access to an individual's account.

"Personal information" does not include the following: (1) publically available information that is lawfully made available to the general public from federal, State, or local government records; (2) information that an individual has consented to have publically disseminated or listed; or (3) information that is disclosed according to other applicable law or judicial order.

(b) “Records” means personal information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

Security Measures

To protect personal information from unauthorized access, use, modification, or disclosure, VMA will employ the following security procedures and practices. All records shall be protected with a minimum of two layers of security, which may include but not be limited to, the Village Office door being locked when the Office is not in use; the Village Office computers being password protected and locked when not in use by authorized individuals; filing cabinets being locked when not in use by authorized individuals; and the Village internet service being password protected. The Village will maintain appropriate network security, including firewalls, on all computers.

Destruction of Records

VMA will retain records in the Village Office in accordance with the VMA’s State-approved document retention schedule. When a record meets the criteria for removal under the retention schedule, it will be purged, destroyed (e.g, by shredding paper files), deleted, or returned to the submitting source as required.

Reporting Violations

Responsible parties will promptly and without unreasonable delay report any and all violations of this policy to the Village Manager or Village Council, as appropriate.

Investigating a Possible Breach

The Village Manager or Village Council, or Village contractors, as appropriate, will investigate the circumstances of a possible breach to determine whether the unauthorized acquisition of personal information has resulted in or is likely to result in the misuse of the information. The results of such investigation shall be shared promptly and without unreasonable delay.

If/When a Breach is Confirmed

Notification

The Village Manager or Council, as appropriate, will work with VMA’s legal counsel to notify impacted individuals promptly and without unreasonable delay. Notification should be made in writing as soon as practicable to the most recent address of the impacted individual(s). Alternatively, notice may be provided by e-mail or telephone.

Notifications shall include the following: (1) to the extent possible, a description of the categories of information that were, or are reasonably believed to have been, acquired by

an unauthorized person, including which of the elements of personal information were, or are reasonably believed to have been, acquired; (2) contact information for the responsible party making the notification, including an address, telephone number, and toll-free telephone number if one is maintained; (3) the toll-free telephone numbers and addresses for the major consumer reporting agencies; and (4) (i) the toll-free telephone numbers, addresses, and Web site addresses for: 1. the Federal Trade Commission; and 2. the Office of the Attorney General; and (ii) a statement that an individual can obtain information from these sources about steps the individual can take to avoid identity theft.

Before giving the notification, the responsible party shall provide notice of a breach of the security of a system to the Office of the Attorney General and to the Department of Information Technology.

If, after the investigation is concluded, it is determined that notification is not required, the responsible parties shall maintain records that reflect its determination for 3 years after the determination is made.

Containment

If a breach is confirmed, the Village Manager or Council, as appropriate, working with the responsible parties and individuals impacted, shall take the following steps to limit the scope and effect of the breach without unreasonable delay.

1. Stop any unauthorized practice;
2. Recover the records, if possible;
3. Shut down the system that was breached;
4. Change passwords;
5. Change locks on cabinets or doors;
6. Correct weaknesses in security practices; and
7. Notify the appropriate authorities including the Montgomery County, MD Police Department, if the breach involves, or may involve, any criminal activity.

Enforcement

If, after a thorough review, any responsible party is found to be in violation of this policy as it pertains to the gathering, collection, use, retention, destruction, or disclosure of records, VMA will:

1. Immediately suspend access to VMA information systems by the person(s) involved in the violation.
2. If an individual is a VMA employee or contractor, he or she will be referred to the Village Manager for disciplinary action, up to and including termination of employment or their contract with the VMA.
3. If the individual is the Village Manager, he or she will be referred to the Village Council for disciplinary action, up to and including termination of employment.
4. If appropriate, refer the violation to the appropriate law enforcement authority to initiate a criminal investigation in their sole discretion.

VMA reserves the right to restrict the qualifications and number of individuals having access to VMA information and to suspend or withhold service and deny access to any individual.

Prevention

In order to ensure the Village maintains the most current approach to the protection of personal information, this policy may be periodically updated as deemed necessary by the Village Council. It may also be updated following any confirmed breach to implement any resolution plan resulting from an investigation of the circumstances of the breach, its root cause(s), and any remaining risk(s).

The Council, in its sole discretion, may dispense with the above requirements in the rare case of an emergency in order to protect the health, safety, comfort, and welfare of the Village and its residents.

Policy Number: 2-16-1

Action/Adoption: February 18, 2016

Effective Date: February 18, 2016

MONTGOMERY CONSULTING
MEMO

TO: Village of Martin's Additions Council

FROM: Doug Lohmeyer

DATE OF MEMO: February 18, 2016

SUBJECT: Building Permit Status Report

3413 Bradley Lane

The applicant has submitted a building permit application to construct a shed in the back yard. The applicant may change the location of the proposed shed and the application is on hold.

3414 Cummings Lane

Construction of the detached garage and driveway is underway. The applicant has provided field surveyed information that the new garage does not exceed the Code's 20 foot maximum height restriction. This information has been shared with next door neighbor.

159 Quincy Street

The contractor is making interior improvements to the house and a Village Building Permit was not required. However, the contractor has installed a temporary, toilet in the front yard, which has been enclosed by a wooden screen.

3505 Raymond Street

The applicant has submitted a building permit application. On Friday, Jan. 22, 2016, the staff observed that work was taking place without a Village demolition or building permit. The applicant was told to immediately stop work. That afternoon, a demolish permit was issued but the applicant was told that no new construction could occur until the building permit application review was completed and a Village Building Permit was issued. On Monday, Feb. 1st, the staff again observed new construction and the applicant was told to stop work. On Thursday, Feb. 4th, the contractor was still working on the new

addition. The contractor was told to immediately stop work. Later that morning, the applicant met with the staff and Richard Krajeck. A "Notice of Violation" was signed by Richard and handed to the applicant who also signed it. Later, the building permit application review was completed and the Village Building Permit was issued. Work is continuing and the staff is monitoring the work closely.

3525 Raymond Street

The owner is making internal improvements and a VMA Building Permit is not required. However, a permit for a dumpster has been issued by VMA.

3507 Turner Lane

The building permit has been issued. Work has begun on the two story addition.

WSSC Water Main Construction

The WSSC contractor has completed the water main installation in Bradley Lane and Melville Place. The trenches have been backfilled with temporary asphalt. WSSC said the pressure test and bacteria test was successful. The contractor attempted to make the water main connection in Brookville Road, but an existing WGL gas transmission line was in the way. The gas main cannot be relocated, so WSSC is investigating another connection location.