

**Village of Martin's Additions
Minutes of Council Meeting
January 17, 2008
7013 B Brookville Road, Chevy Chase, MD 20815**

COUNCIL MEMBERS AND VILLAGE REPRESENTATIVES PRESENT: Tim Price, Chairman; Noell Sottile, Vice-Chair; Richard Krajeck, Treasurer; Diane Everts, Secretary; Catherine Gwin, Council member; Jean Sperling, Village Manager; Ron Bolt, Attorney; Alan Beal, Building Administrator.
Residents: Mo Salehy, Paul Weller, Mike Zielinski, Hanne and Frank Correl, Ted Stoddard, Sharon Hadary Coyle, Jenny Brody, Bill Lebovich, Mark Shaffer, Mike Zielinski, Boucie Addison

CALL TO ORDER: The meeting was called to order by the Chairman Tim Price at 7:35PM

POLICE REPORT: There was no police report available for the meeting.

APPROVAL OF MINUTES- The minutes of the December 20, 2007 Monthly Meeting were approved with a motion from Catherine Gwin, and a second by Noell. All voted in favor.

WELCOME AND APPOINTMENT OF LAND USE TASK FORCE MEMBERS: Chairman Tim Price welcomed the seven members of the Land Use Task Force and appointed them to the Task Force. They are: Mark Shaffer, Jenny Brody, Mike Zielinski, Boucie Addison, Paul Weller, Bill Lebovich; Task force member Iadarola was not able to attend. They were presented with a Village of Martin's Additions Tote Bag as a way of welcoming.

RESIDENTS COMMENTS: There were no resident comments.

TREASURER'S REPORT

FINANCIAL REPORTS. Treasurer Richard Krajeck read the following Treasurer's report into the record. Numbers had been rounded.

- **Income** for the month of December was about \$17,180. The largest portions of that income were from the Holiday Fund--\$6,125--(which was also distributed), Interest Income of about \$4,000, and Highway User Fees of \$2,300 and Permit Fees of \$4,225.
- **Expenses** for the month were \$154,280. The most significant expense was for Capital Improvements—replacing sidewalks on Raymond, Bradley, Melville and Quincy streets—which accounted for \$109,000 which is the final payment for that project. The project was budgeted at \$160,000; payments totaled \$159,065. All other expenses were within normal limits. Expenses were \$137,100 greater than income for the month. Year-to-date, expenses are about \$106,700 greater than income.
- **Financial Status to Date - Revenues:** The Village has completed 50% of the fiscal year and has received 41% of projected fiscal year income. Generally, the highest revenues are received in February, May and June when income tax rebates are paid.
- **Financial Status to Date- Expenditures:** The Village has spent about 49% of the budget. If Capital Expenditures, which represent a one-time expense from both the budget and expenses, are taken out to give a more accurate reflection of year-to-date budget expenditures, we have spent about 35% of our budget.
- **Approval of Financial Report:** Richard moved that the December Financial Report be approved as presented. Diane seconded and all voted in favor.

DESIGNATION OF RESERVES. There continues to be concern that the County, which is facing a budget shortfall, is looking to municipalities such as Martin's Additions, who have unallocated reserves, as a potential revenue source. While it doesn't seem that the County could take any of our reserve funding, they could, perhaps, reduce our percentage of the income tax allocation or require that we have to spend all of our money in each fiscal year as many governmental agencies are required to do. As of today, the Village has \$1,020,342 in our account with the Maryland Investment Pool. In the Village budget for FY 2008, reserves are projected to be

approximately \$960,000 at the end of the Fiscal year. Richard suggested two approaches to address the issue of reducing visible reserves that also meets a need we have discussed as necessary for the Village long-range financial planning:

- **Evaluation of Capital Assets:** Richard recommended that the Village get a full assessment of the condition of our capital assets (streets, sidewalks, etc.) and formulate a long range plan for repairs and replacement. This could be accomplished by authorizing the Village to request an RFP to carry out such a study.
- **Designation of Funds for an Infrastructure Reserve Fund.** Richard recommended that the Village designate a portion of its reserves into a fund for infrastructure maintenance. A recommendation for the allocation of \$600,000 of Village funds for infrastructure improvements was made. Richard pointed out that this would provide \$150,000 to make capital improvements for each of the next 4 years.
- **Access to Reserved Funds in an Emergency.** Richard also recommended that if the Village should face an emergency, any or all of the unspent designated funds could be returned to the operating accounts by a “super” majority vote of the Council (a yea vote by 4 of the 5 council members)

Discussion: Catherine asked how Richard arrived at the figure of \$600,000. There was also discussion of what would be included in the definition of capital assets. It was agreed that the purchasing of our street lights was an important and potential extremely expensive proposition for the Village that should be entered into the calculations.

Motion and Action: Richard moved that the Council authorize the Village Manager to request RFPs from professionals who could inventory and evaluate the Village infrastructure and develop a long range plan for the Village for the replacement and maintenance of the infrastructure; and that the Council at this time designate \$600,000 of the Village’s funds for infrastructure replacement and maintenance at the rate of \$150,000 per year for the next four years subject to review and reallocation at the completion of formal infrastructure study. Noell seconded the motion. All voted in favor.

ELECTION COMMITTEE REPORT

Welcome of New Appointees: The Village Council welcomed the new appointees for the Elections Committee, residents Frank Correl, Ted Stoddard and Sharon Coyle.

Schedule for the 2008 Elections (shown below). Frank Correl reviewed the election schedule and assured the Council that it was in compliance with Charter and Code requirements.

- **Terms are Up for:**
Richard Krajeck, Tim Price, Noell Sottile
- **Nominations Open: Friday, February 29, 2008** [Nominations shall be requested not less than 60 days prior to the election-this would be 76 days]
- **Nominations Received in Writing: by Tuesday, April 1, 2008**
[Must be “received in writing at least 30 days prior to the election”—this is 41 days]
- **Candidate Statements Due: Monday April 7, 2008; Candidates Statement published and in residents’ hands by Monday April 14th in a special flyer.**
[“At least two weeks prior to the election...written notice of the nominations {shall be given} together with resumes of the nominees and {announcements of} the date of the election, the polling place and time”—this would be 28 days.]
- **Candidates Forum and Regular April Council Meeting: Thursday April 17, 2008**
[Written notice of nominations given “at least”2 weeks prior to the election—this would be 4 weeks]
- **Elections and Annual Meeting: May 15, 2008**
[The election “shall take place” by May 15]

Voting /Election Requirements Contained in the Charter

Article III. DEFINITIONS.

“Qualified Voter” is any person who owns property or any resident of Martin’s Additions who is eighteen years of age or over.”

Article VI. ANNUAL MEETINGS AND ELECTIONS

Section 601. Annual Meeting.

There shall be an Annual Meeting of the residents of Martin’s Additions. The Annual Meeting shall be held between March 1 and May 15 of each year. At least two weeks written notice of the time and place of the meeting shall be given. Such notice shall include a list of the candidates for election to the Council as required by Section 602, a proposed budget for the following year, and notice of any proposed change in the tax rate levied by Martin’s Additions.

Section 602. Elections:

The election of Council Members ...shall take place between March 1 and May 15 each year.

(a) Not less than sixty (60) days prior to the election, the Election Committee shall request that written nominations be submitted to the Council...Nominations must be received in writing at least thirty (30) days prior to the election.

(b) At least two weeks prior to the election, the Election Committee shall give written notice of the nominations together with resumes of the nominees and designate the date of the election, the polling place and time.

Motion and Action: Richard moved for approval of the schedule presented by the Elections Committee. Catherine Gwin seconded the motion. All in favor.

TREE WORK UPDATE: Dan Gardner, Village Tree Supervisor.

Tree Plantings: Dan reported that 7 of the 8 trees that were underwritten by McCullough have been planted in the Village. The final tree was not available at the time, but will be planted in the spring. An additional 8 sites were identified for news trees, and thanks to the warm weather, 6 of those trees have been planted.

Mulch Mounds on Trees Cleaned up. Paul Wolfe has opened up the “mulch volcanoes” on many Village trees that have been improperly cared for over the years. Paul found that numerous trees have been planted much too deep; the addition of too much mulch on the top of the root balls has created a very poor growing environment for many trees throughout the village. Such a planting process forces the roots to grow up into the mulch, rather than down into the earth. Paul also found many girdling roots that had to be cut. These unusual root systems also result from improper planting.

Once the mulch and packed earth was removed from the root balls, Paul replaced the soil around the roots and gently and properly mulched the area. Paul also reported that he found several occurrences of root balls that had been left in their wire baskets and planted with them still intact. They cannot be removed at this point. The growth of these trees will be seriously impacted by these wire baskets.

Trees Needing Care in the South End of Village Identified. Mr. Wolfe has identified the trees the needs pruning and he and Dan Gardner, the Village Tree Supervisor, have developed a plan for the work to be conducted in late January. The list of trees that will be taken care of was estimated at \$6,075. The Council approved of the tree care plan.

MANAGER REPORT Jean Sperling reported the following.

Directory 2008. Work will begin on the new village directory as soon as possible.

Traffic Signage Changes Made. Quincy Street Stop Sign has been removed at the direction of the council and supervision of the traffic engineer. In addition, the parking restricting “Here to Corner” on Oxford Street has been properly installed to open up the intersection with Quincy and reduce some of the bottleneck problems reported by the residents. The Stop signs at Bradley and Melville are scheduled to be removed during the week of January 28. The No Outlet flag sign will be installed soon at Brookville and Bradley Lane.

Mr. Cutro’s list of future Traffic engineering projects was included in this discussion

LaFerme Event Planning. The Village Winter Gathering has been scheduled for February 10th. Jean asked the Council to please consider which residents should be recognized.

Designation of MML Representative. Jean suggested that the Council consider appointing a village representative to attend the Monthly meetings of the Montgomery Chapter of the Maryland Municipal League. Fred Felton, Secretary of the Chapter indicated that this would not be a problem. The Council suggested that Jean forward some names for consideration.

Request for Information under the Public Information Act received. The Village was asked for information regarding traffic actions taken over the past 20 years. A reply was prepared for the request specifying an estimated number of hours and cost associated with fulfilling the request. There has been no response to date.

Census work due month of February. Noell Sottile and Jean attended a workshop on how to prepare the preliminary information for the Census Bureau. Noell will be spearheading this reporting effort.

Street Repairs-The Village has received a Proposal from Chamberlain Contractors, Inc. for the repair of the street in front of 3506 Taylor Street in the amount of \$1,570. Jean explained that a bond in the amount of \$2,000 was posted for this construction site. The Council agreed that Jean should move forward with the necessary repairs and return the balance of the bond.

Storm Drain on Taylor- The storm drain on Turner Lane on the north curb near the exit from the parking lot is very badly damaged. Jean has received an estimate for \$7,750 from Chamberlain to repair the catch basin and the curb. It was suggested that the Village should discuss this with the owners of the market area to see if their insurance might help cover some of the damage. Tim asked Jean to provide him with information to make this contact.

CONSTRUCTION ISSUES REPORT: Alan Beal

Permits Requested/ Issued during the month were:

- Fence 6809 Brookville-Patel
- Fence-3410 Taylor Metzger- License to use ROW still to be filed.
- Building Permit 6801 Brookville- New plans were received and the permit was issued.

Driveway Apron at 7207 and 7205 Chestnut Street. Alan explained that the developer of 7207 Chestnut Street, Mr. Mo Salehy, received a permit to install a new driveway and apron for his property. Currently the property shares an apron with 7205 Chestnut Street, Mr. Joseph Spencer. Mr. Salehy proposes to abandon the shared apron. Abandonment of the shared apron would result in a substandard apron for Mr. Spencer and limit his access to his property. As part of the performance bond, the permittee is required to repair, re-construct, and/or restore any facilities in the public right-of-way, including curbs and driveway aprons, that may be damaged or disrupted in connection with permitted work. The plain language of the performance bond requires Mr. Salehy to fix his apron and Mr. Spencer's.

Mr. Salehy expressed the opinion that he is not required to re-construct the driveway apron, that it should be the responsibility of the Village. Mr. Salehy requested the Village to pay a portion of the cost necessary to re-construct and restore the apron. Tim Price explained that it is not the Village's responsibility—the repair is necessitated by Mr. Salehy's construction. Alan pointed out that the restoration can either be done by Mr. Salehy now or later by the Village using the performance bond posted for this project.

Richard Krajeck moved that the Council does not authorize the expenditure of any Village funds for the restoration of the apron at 7505 Chestnut Street. Diane Everts seconded the motion and all voted in favor.

The meeting was adjourned at 9:10 pm.