

**Village of Martin's Additions
Council Meeting Minutes
March 18, 2008**

7013 B Brookville Road, Chevy Chase, MD 20815

Council Members And Village Representatives Present: Tim Price, Chairman; Noel Sottile, Vice-Chair; Diane Everts, Secretary; Catherine Gwin, Council Member; Jean Sperling, Village Manager; David Podolsky, Attorney; Ron Bolt, Attorney; Alan Beal, Building Administrator.

Residents: Keith Allen, Boucie Addison, Frank Correl, Hanne Correl, Sharon Hadary Coyle, Debbie Metzger, Ted Stoddard, Natalie Straus-Welle, Lynne Welle.

The meeting was **called to order at 7:35 PM** by Chairman Tim Price

Police Report. Officer Dasilva presented the police report for Martin's Additions during late February and early March. There were very few incidents—a suspicious person report on 2/21/08 and a car alarm on Delfield Street. There continues to be problems with property being stolen from cars throughout the Chevy Chase area. Officers have been providing extra surveillance on dead end Turner Lane because of the reports of explosives being thrown into the storm drain and cars speeding up Turner to Brookville. Juveniles were reported looking into cars in Section 3. Generally they are looking for loose cash, radios, electronic equipment and the like, in unlocked cars. A driver was picked up for a possible DUI in Section 3.

Approval of Minutes- The minutes of the February 28, 2008 monthly meeting were presented. Catherine Gwin moved for approval, Diane Everts seconded, and all voted in favor.

Residents Comments:

Debbie Metzger, Taylor Street, asked the Council to place dog waste bag dispensers around the Village to help encourage dog walkers to clean up after their pets. She felt that this could be evaluated after a certain amount of time to determine if it reduces complaints about uncollected dog waste on the right-of-way. The Council agreed to allocate \$500 to purchase several dispensers from DogiPot, Inc., a product that is used by several surrounding jurisdictions. The Village Manager and Debbie will work together to select locations in the north end of the Village which will then be monitored for use. The DogiPot Junior Bag Dispensers can be seen at www.dogipot.com. The Council asked that they be notified about decisions on locations.

Lynne Welle, Quincy Street, remarked that the right-of-way along sections of the new sidewalk on Quincy Street needs additional soil and seed. Jean said she would look into the situation. Mr. Welle remarked about the different color of the new sidewalk. He also expressed concern that the new sidewalk at the corner of Quincy and Oxford has been cracked from trucks running over it. He asked that when the new No Parking signs are installed that the Village be sure there are enough of them to make it clear that no parking is allowed on the entire south side of Quincy Street.

Treasurer's Report: Prepared by Jean Sperling, in the Treasurer's absence.

Income and Expenses for February: Data is derived from the monthly Treasurer's Report prepared by Dan Baden.

- **Expenses for the month of February 2008** were \$38,000 less than income for the month of February. Income for the month was slightly more than \$98,000. The bulk of that revenue, \$89,000 or about 90%, were Income Tax receipts. Highway User revenues contributed \$3,500 or about 4% to revenue totals. Property tax revenues—both personal and real—added \$2,400 and interest contributed about \$3,600. Expenses for the month totaled approximately \$61,000; the largest expense was the event at La Ferme with costs of about \$11,800. There were the usual monthly expenses in addition to that event: waste collection of \$6,000 (the report shows two months rolled into February for a total of \$13,000), legal fees of about \$4,000, Police costs of \$3,000, and salary costs of \$4,000.

- **For the Fiscal year to date** (July to end of February) total expenses are \$480,000 in relation to income of approximately \$408,000. Thus, expenses over revenues total almost \$72,000. YTD Income tax receipts yield over \$286,000, Permit fees added almost \$25,000 to our revenues for the year so far, highway user fees add \$19,000 in income and real property tax contributes about \$19,000. Expenses to date include General government costs of \$55,000, professional fees amount to \$71,000, all street related services (street and sidewalk repairs, street lighting and maintenance, etc.) account for almost a quarter of a million dollars of our expenses this year. Waste collection and recycling consumed \$65,000.

Infrastructure Fund Established. \$600,000 has been transferred into category # 3010 "Fund Balance-Infrastructure" as per the instruction of the Council.

Catherine Gwin moved for approval of the Treasurer's Report; Diane seconded, all voted in favor. The Council also confirmed **April 3rd for the FY 2009 Budget Work Session.**

Elections Committee.

Committee Chairman Frank Correl reported that four nominations for the Council have been received to date and processed and mailed. Two of three Council members will run again.

Frank expressed his concern about getting the voter lists modernized and computerized. He said that the Committee felt the quickest way would be to contract with a temp office to get the work done. It was estimated that it would take about 40 hours at a cost in a range of \$1,000 to \$1,200. Noel moved that the Council authorize Jean to spend up to \$1,500 to hire a temp to do the work. Catherine seconded and all voted in favor.

Manager's Report: Jean Sperling

- **Charter Review and Updates.** Jean reported that the Village Attorney has recommended that we clarify a section of the Charter that currently allows non-resident property owners to vote in Village elections. Since Charter amendments tend to be cumbersome and time consuming to execute, Jean recommended that the Council and Manager work with the Attorneys over the summer to identify other areas of the Charter that need updating or clarification so that the changes can be made all at once. The Council agreed.
- **County Inspector** –An inspector from Montgomery County's Housing and Community Development office has identified three problem properties within the Village that need to be cleaned up. One was condemned; two others will receive clean up notices. Eventually the County can take legal action against a property owner if the owners do not comply with the clean up orders.
- **Meeting with Dan Shaw** of Chamberlain Contractors. Richard and Jean met with Dan to begin development of a three-year maintenance plan of streets, sidewalks and curbs. It is hoped that this plan can be integrated with the system that AMT is putting in place as an overlay.
- **AMT** has just started working on the GIS and hopes to have a test ready for April 4th. Crews are expected to be in the Village this week taking pictures and setting monuments.
- **Budget development underway.** Richard and Jean meet with Dan Baden to begin work on the FY 2009 budget for the Village. We will have a preliminary plan in time for review prior to the April 3rd work session.
- **Trees Removal completed.** Four trees were removed in the Village –one on Cummings which was in danger of falling, two on Thornapple, and one on Shepherd. State permits for removal had been granted and independent arborist Barb Neal also approved removal as required by the Village Code. The next tree work will be modest spraying for caterpillars, spraying of one elm tree for Dutch Elm disease and spring tree plantings.
- **Request formal approval for repair of Storm drain** at market. Jean would like to combine the repair of the storm drain on Turner Lane with the repairs that are need to Taylor Street this

spring. Catherine moved for acceptance of the proposal from Chamberlain for the repair in the amount of \$7,750. Noell Seconded. All voted in favor.

- **Guidance on type of new parking signs.** The last major portion of the traffic signage project in Martin's Additions will be the replacement of the signs regulating street parking. After some discussion, the Council decided they would like the International Symbol signs rather than text signs. They agreed that these signs will give the Village a new and refreshed look. The cost to replace all the signs for consistency throughout the Village is modest (about \$200 more than mixing text signs with symbol signs) and the Council agreed to proceed with full replacement
- **New office supply company** will be used by the Village Office. Jean has initiated a relationship with First Call Office Products that will streamline supply ordering and delivery. In addition to the ease of ordering Jean expects lower costs for office products. The Village was introduced to this company by Rockville Printing and Graphics who has done other work for the Village.
- **Meeting with County Council on 3/17/08** to review the municipal expenditures and revenue report developed by the County Council's Office of Legislative Oversight. Council members Berliner, Andrews and Trachtenberg were in attendance. Some municipal officials testified about their reserves and why they were necessary. No action was taken. The Council members present agreed that they would wait until the Task Force Report on the County Tax Duplication Formula is complete at the end of April. Jean remarked that it was curious that the purpose of this Expenditure and Revenue Study of the Municipalities seems to have morphed into an investigation of the tax duplication formula, when its initial goal was to provide the County Council with a better understanding of municipalities and their financial positions.

Jean suggested that the issues may be bigger than just the County Council wanting to attack the County municipal duplication payment formula. There has been some discussion about the 17% municipal share of the State income tax revenues. An odd feature of the meeting was the presentation from a representative of the Montgomery County Taxpayer's League about how it was unfair that the unincorporated areas of the County don't get the 17% the municipalities do. It seemed an inappropriate time and place for such lobbying. Next time for attention will be the end of April when the Task Force reports its findings on the funding formulas to the County Executive.

- **MML Meeting 3/20/08 with the County Council** at 7 PM County Council Office Building will be most important. Jean will be going and will take John MacDonald, a resident of Summit Avenue who has agreed to consider serving as the Village's representative to the Maryland Municipal League Monthly Montgomery County Chapter meetings.
- **Website-** Prototype will be ready next week and the documentation integration will begin shortly thereafter.
- **MML Convention June 22-25, 2008.** Jean would like to attend the Maryland Municipal League Convention in Ocean City this coming June. This will give her an opportunity to complete her credits for a certificate from the Institute for Excellence in Local Government as well as bring back important information for the Council. She suggested that it would be equally important for a Council member to attend. To this end, the Council decided to approve the attendance of Jean and a Council member. Catherine moved for approval for Jean and a Council member to attend; Diane seconded the motion and all voted in favor
- **Village walk-through completed** on Saturday March 15 by Catherine, Jean, Noell and Dan Gardner. Jean will prepare a list of items that were observed during the walk that need to be addressed in various categories of Village responsibilities.

Old Business. There was no old business to be addressed.

New Business

- **Discussion of Section 6-311 of the Village Code of Ordinance.**

In response to Richard Krajeck's recent inquiry concerning Section 6-311 of the Code of the Village of Martin's Additions, suggestions were made by the Village Attorney Ron Bolt for some adjustments to the ordinance to clarify and make it more effective.

The current regulation reads as follows:

Section 6-311. Work Hours and Noise Control.

- (a) No construction activities pursuant to a permit issued by the Village to which this Article applies (no outdoor construction activities, including moving heavy equipment onto or off the site, or any indoor construction activities which could reasonably be expected to be disturbing to person beyond the boundary line of the property on which the construction activity is taking place) shall commence prior to 7:00 a.m. on Monday through Friday, and 9:00 a.m. on Saturdays, Sundays and all federal holidays. Such activities shall end no later than 9:00 p.m. on Monday through Thursday, and 7:00 p.m. on Friday through Sunday.
- (b) The municipal infraction fine for violation of this ordinance is \$100 for the first violation and \$250 for subsequent violations.

Mr. Bolt stated that he believes that Section 6-311 is enforceable in its current form, but the Section 6-311 could be amended to clarify its provisions and allow greater enforcement capability. The Council directed Mr. Bolt to prepare a draft resolution for consideration by the Village Council.

- ***Village Manager Compensation:***

Tim price presented the attached Guidelines for Determining Annual Salary and Benefits for the Village Manager. Diane moved to adopt these guidelines as Village policy. Noell seconded. All voted in favor. Jean noted that she has not seen this document.

- ***Enhancement of the Market Area.***

Jean has not been able to retrieve Jeff Stann's landscaping plan that he had prepared over a year ago for the Market area yet. She suggested that the new owner of the supermarket is very interested in improving the appearance of the sidewalk area and that perhaps patience will pay off. Jean would like the Village to help move these improvements forward if we are able. Tim believes that certain amenities were supposed to be made at the time that the renovations were underway, and that certainly didn't happen.

Attorney David Podolsky remarked that most jurisdictions do not spend money on private property, but that perhaps as tenants of the property we might be able to work with the owners to get the kind of enhancements we'd like. Mr. Bolt suggested that the Council look into the lease agreement and see what the landlord's responsibilities' are with regard to the maintenance of the common area. Mr. Podolsky also said that another possibility would be to establish a public right-of-way across the sidewalk. Tim Price agreed to follow up with the new owner of the market business. Jean will provide the lease file and contact information

Construction Update: Alan Beal

- Wall Check at McNamara's. A wall check was performed by the County Inspector for 3525 Raymond Street. The building set back was found to be correct.
- Permit has been requested and will be issued for Roumell's at 3516 Raymond Street for the demolition and re-build of their garage.

The meeting was adjourned at 9:10 PM.

Attachment:

Guideline for Determining Annual Salary and Benefits for the Village Manager

Position: The position is full-time (40 hours per week). Only full-time positions would qualify for benefits.

Salary

- a) Initial salary (at hire) should be set at a level comparable to village manager salaries in municipalities of comparable size in the area.
- b) An annual salary adjustment will be made each March 31 as needed to take account of the national annual Cost of Living Adjustment (COLA) based on the CPI published each January of the relevant year.
- c) Any salary increase beyond the annual COLA would reflect the Council's judgment of extraordinary performance in the course of a year above and beyond the expected sound conduct of the full responsibilities of the position.

Benefits

- a) Vacation: The village manager will be eligible for 15 paid vacation days (three work weeks) per year.
- b) Health Insurance: The Village will provide health insurance up to a maximum of \$500/month (this will equal \$6,000 annualized). It is to both the advantage of the employee and the Village to pay those premiums directly to the insurance company which makes them non-taxable to the employee (not included in income) and non-taxable to the village (we do not pay FICA and Medicare tax). However, alternative arrangements may be negotiated that have no additional cost implications for the Village.
- C. Retirement: The Village will contribute 6% of the employee's annual salary directly to a retirement program—in an arrangement that will be non-taxable to the employee and village.

Annual Performance Review

A performance review will be conducted by the Council and discussed with the manager on an annual basis in the first quarter of each year prior to any salary adjustment. The review will endeavor to identify areas where the village manager has shown strength in the performance of her duties, and any areas where the Council would expect to see noticeable improvement throughout the coming year.