Meeting minutes of Town Council on September 5, 2023

As reviewed, approved, and accepted by the Town Council on October 3, 2023

There being a quorum, Mayor Charles Hendricks called the regular meeting of the Town Council to order at 7:32 p.m. The meeting was held using video conferencing. Council Members Charles Bradsher, Tom Burke, Amy Koval and Christina Pellegrino were present. The Treasurer, Clerk, Assistant Clerks, Planning Commission Chair, Historic District Commission Chair, and approximately five residents and guests were also present.

Minutes:

The minutes from the Town Council Meeting held August 1, 2023, were approved as submitted.

James Schneider, Assistant Clerk read the Summary of Closed Session August 1, 2023 as follows:

Summary of Closed Session August 1, 2023

• There was a closed session on August 1, 2023, from 8:39 p.m. to 10:26 p.m.

• The meeting was held using videoconferencing.

• The purpose of the meeting was to obtain legal advice and to consult with staff, consultants, and other individuals about pending or potential litigation regarding a zoning matter.

• Members who voted to meet in closed session: Mayor Hendricks, Council Members Bradsher, Burke, Koval, and Pellegrino.

• Persons attending the closed session: Mayor Hendricks, Council Member Koval, Council Member Bradsher, Council Member Burke, and Council Member Pellegrino, Jake Cecere, Board of Appeals Chair, Jennifer Sizemore, Historic District Commission Chair, Eric Wenger, Planning

Commission Chair, Clerk, Mary Burke, Assistant Clerks, James Schneider and Joy Jackson, and Victoria Shearer, Town Counsel.

• The meeting was held as authorized by General Provisions Article Section 3-305(b)(8) of the Open Meetings Act.

• Topics discussed were legal advice regarding pending or potential litigation.

Treasurer’s Report

Treasurer Hoffman stated that there were very few expenses in July because the fiscal year ended in June; even the July payroll was paid on June 30, 2023. The only expenses for July were the usual and an annual insurance payment. Expenses were $19,886, and monthly income was $3,789.

Council Member Pellegrino made a motion to accept the Treasurer’s report for June subject to audit. Council Member Bradsher seconded the motion. ***Unanimously approved.***

Planning Commission Report

Eric Wenger, Planning Commission Chair, stated that no new business took place this past month, and there will be an upcoming meeting on September 28 to work on the comprehensive plan.

Historic District Report

Jennifer Sizemore, Historic District Commission (HDC) Chair, said no new business was conducted, and the August meeting was cancelled. The upcoming meeting on September 18 will include a Public Hearing for the Laytonsville Historical Center’s wayside signs application.

Old Business

Council Member Pellegrino reported that the Town Picnic scheduled for September 16, 2023, is still within the allotted budget. All Stage Sound will be billing us for the first time ever at a very generous discount. She stated that there usually is a charity component within the town picnic, but we will not do that this year. She stated that the theme is to bring the community together and that the picnic committee has been great with restarting this event up after the pandemic.

Mayor Hendricks gave a brief synopsis of the status of an occupancy permit application for 420 Smoke N Vape at Laytons Village Shopping Center.

Mayor Hendricks spoke regarding the WSSC Flushing Station and Birdie Lane Trail. He questioned if WSSC had put its flushing station infrastructure in the appropriate location and hoped he might be able to persuade the utility to adopt a solution to cease the erosion of this trail.

Mayor Hendricks shared information from Steve Crum of the town’s engineering firm, Macris, Hendricks & Glascock (MHG), and Matt Madeira of Arborist Consulting & Tree Preservation, LLC, regarding the Mobley Farm Drive tree project. Mayor Hendricks stated that a survey made by MHG showed that the trees Mr. Madeira had marked for removal and/or replacement are in fact located on homeowners’ properties. Council Member Pellegrino made a motion to cancel the Mobley Farm Tree Project based on the survey showing that the trees are on private property and that the town take no further action than to communicate the survey results with the property owners. Council Member Bradsher seconded the motion. In answer to a question from Mayor Hendricks, Council Member Pellegrino stated that, in accordance with her motion, the town should also share the arborist’s report with the homeowners. The motion was ***unanimously approved.***

Council Member Burke reported on the status of Jones Farm Pond. He stated that since the pond was a farm pond, it was never built for long term sustainability. Council Member Burke provided information from both Steve Crum of MHG and Kevin Bohrer of Goshen Enterprises giving the status of this pond. The problem is that more water is leaving the pond than entering it. It appears that water runs into this pond from the undeveloped property uphill from it and is leaving through the bottom of the pond as well as a riser built into the pond. Goshen Enterprises estimates that the cost to line the pond would be about $1 million dollars. Goshen Enterprises could repair the riser to try to stop water from leaking out of it for a more modest sum of about $2,000. Council Member Burke recommended repairing the riser to at least stop any water from leaking through it and perhaps sustain the pond for several more years. Council Member Pellegrino made a motion to move forward with Goshen Enterprises’ plan to temporarily fix the riser based on Steve Crum’s report. Council Member Koval seconded. ***Unanimously approved.***

New Business

Town Clerk Burke reported on the recommendations provided in the LGIT Hazard Survey completed on August 8, 2023. The two most immediate recommendations were to raise the mounting of the fire extinguishers in Town Hall and to include signage at the front of Miller Park stating its hours of operation. Member Pellegrino made a motion to move forward with the two items recommended in the LGIT Hazard Survey as stated above. Council Member Burke seconded. ***Unanimously approved.***

Town Clerk Burke stated that a proposal was received from Merry Maids cleaning company for Town Hall. The cost of this would be $220 for a monthly cleaning, with the first cleaning being charged at an hourly rate, approximately $320. Council Member Koval made a motion to authorize Merry Maids to clean Town Hall as described with the stipulation that the Town Council can cancel this agreement at any time. Member Pellegrino seconded. ***Unanimously approved.***

Mayor Hendricks stated that the Montgomery County transfer station has raised its tonnage fee from $60 to $70 per ton. He said that Key Sanitation wants to raise its monthly charge to the town by $336, however he calculates the increase should be less based on our current contract. Mayor Hendricks is still looking into this matter.

Mayor Hendricks proposed a Town Council work session for September 19, 2023, at 7:30 p.m. regarding possible updates to the zoning ordinance. He thought the public would like an opportunity to present ideas on this subject to the Town Council. He has also asked the town attorney for her advice on this subject, and she would like to discuss the matter in closed session. Each council member agreed to having a work session on September 19. Council Member Koval said she would not be in town that day but would try to participate via Zoom. Council members expressed the view that it would be best not to hold public and closed sessions on zoning matters on the same evening and preferred to receive the advice of the town’s attorney in closed session first. The mayor concurred.

Resident’s Forum

Mr. Brendan Deyo, 21701 Mobley Farm Drive, stated that the Jones Farm Pond was designed for a purpose and has served that purpose. He further stated that he would have a hard time accepting any large amount of money being spent to fix this pond. Mayor Hendricks responded that the pond has endured for a long time. Mr. Deyo went on to say that the public needs to be engaged in zoning issues, otherwise you will have a large number of residents continually being frustrated over zoning issues, and it will carry over to future issues. Having closed sessions adds to this frustration. Mayor Hendricks responded by opining that the Town Council needs to be well informed about the law before addressing the public regarding zoning concerns.

Ms. Joy Jackson, 21617 Second Street, stated that she hoped that the closed work session discussion will focus more on the Zoning Ordinance and not primarily on one issue or project. Planning Commission Chair Wenger responded that the Planning Commission works towards the future, and the issues currently being discussed are primarily dealing with issues of the past. He pointed out that the commercial areas were already designated prior to the residents of the new neighborhoods moving in and being frustrated by the development of these commercial areas.

Adjournment

Council Member Burke made a motion to adjourn. Council Member Pellegrino seconded the motion. ***Unanimously approved.* The meeting adjourned at 10:31 pm.**

Respectfully Submitted

James Schneider, Assistant Clerk

Town of Laytonsville