Meeting minutes of Town Council on January 2, 2024

As reviewed, approved, and accepted by the Town Council on February 6, 2024

There being a quorum, Mayor Hendricks called the regular meeting of the Town Council to order at 7:31 p.m. The meeting was held using video conferencing.  Council Members Tom Burke, Christina Pellegrino, and Amy Koval were present.  Council Member Charles Bradsher was not present. The Treasurer, Clerk, Assistant Clerk Joy Jackson, and a total of ten other residents and guests were also present.

Minutes: The minutes from the Public Hearing held December 5, 2023, and the Public Hearing and Open Meeting held December 12, 2024, were approved as submitted.

Treasurer’s Report:  Treasurer Hoffman reviewed the Profit and Loss report for the month of November 2023. The major sources of income were $95,613 from Income Tax and $3,388 from Interest Income. The total income was $106,857. The major expenses were $5,575 for Legal, $5,254 for Payroll Expenses, and $2,288 for the Historic Wayside Sign Project. The Net Income was $87,720. Treasurer Hoffman said the total assets on the Balance Sheet were $3,589,742 for the month of November 2023.

Mayor Hendricks made a motion to approve the November Treasurer’s report subject to audit. Council Member Koval seconded the motion. ***Unanimously approved.***

Summary of Closed Session:

The Clerk read the following summary of the Closed Session held on December 12, 2023:

* There was a closed session on December 12, 2023, from 8:43 p.m. to 9:13 p.m.
* The meeting was held using videoconferencing.
* The purpose of the meeting was to consult with counsel to obtain legal advice relative to possible amendments to the Town’s Zoning Ordinance as authorized by General Provisions Article Section 3-305(b)(7) of the Open Meetings Act.
* Members who voted to meet in closed session: Council Member Bradsher-Yes, Council Member Burke-Yes, Mayor Hendricks-Yes, Council Member Koval-Yes, and Council Member Pellegrino-Yes. No members opposed, and no members abstained.
* Persons attending the closed session: Mayor Hendricks, Council Member Koval, Council Member Bradsher, Council Member Burke, and Council Member Pellegrino, Town Clerk Mary Burke, and Town Counsel Victoria Shearer.
* The meeting was held as authorized by General Provisions Article Section 3-305(b)(7) of the Open Meetings Act.
* The topic discussed was possible amendments to the Town’s Zoning Ordinance.
* The meeting was adjourned by Mayor Hendricks.

Committee/Board Reports

Eric Wenger, Planning Commission Chair, said the Planning Commission’s fourth quarter meeting was held over Zoom on December 21, 2023, and the Commission reviewed the revised preliminary plan from Hope Builders. All Planning Commission members were present as was the Town Engineer, Steve Crum, and in general Hope Builders met the conditions previously specified by the Planning Commission. Chair Wenger said a landscape and lighting plan will have to be done in the future. He also said the Planning Commission has not received the forest conservation plan which is critical and must be completed for the process to move forward. He explained the storm water management plan must meet Montgomery County regulations and the county is responsible for approval. The Planning Commission will be meeting monthly to continue work on the Comprehensive Plan. The next meeting will be held over Zoom on January 25, 2024.

Jennifer Sizemore, Historic District Commission (HDC) Chair, said the HDC met over Zoom on December 18, 2023, and approved a Historic District Work Permit (HDWP) application for Ms. Simpson at 21513 Laytonsville Road to install a fence. Chair Sizemore said the HDC will consider a HDWP application for Mr. Wolf at 7101 Brink Road at the meeting on January 15, 2024. She explained that a few months ago, Mr. Wolf started some work on his barn which he felt was routine repair and maintenance. At the November meeting of the HDC, the HDC members agreed the work that was described was routine repair and maintenance. Subsequently, work was done on the barn that is not replacing materials in kind. Mr. Wolf was informed of this and has applied for an HDWP which includes new windows and doors on the barn, replacing the barn roof, work on the fence and removing some non-landmark trees. Chair Sizemore said this brought to the HDC’s attention that the ordinance does not specify who decides what is or is not routine. She said the HDC will work on making some recommendations for possible changes to the application process as well as to the ordinance for the Town Council’s consideration. Chair Sizemore said the January meeting will be held over Zoom, but the HDC would like to hold some in-person meetings and she will coordinate this with the Clerk.

Old Business

Report on WSSC Matters: Mayor Hendricks shared information on a WSSC chlorine-level test report from December 5, 2023. The report showed the level at the Birdie Lane collection site dropped from 1.02 in November to .31 and the Cracklin Road level was also .31. He said while the numbers are a bit lower, they are still well above the .10 considered to be in the safe zone. The free chlorine level at the Brink Road collection site rose from .02 in November to .04 in December, however this is still below the threshold of .10. Mayor Hendricks said the results are posted on the Town website.

Update on Birdie Lane Trail: Mayor Hendricks reviewed the details of a meeting he held at the Birdie Lane Trail on December 13, 2023, with two representatives from WSSC, two representatives from Montgomery Parks, Steve Crum of Macris, Hendricks and Glascock, Lu Romano, President of the Laytonsville Grove HOA, and Joy Jackson, Assistant Clerk and member of the Parks and Trails Task Force. The flushing system installed by WSSC is damaging the trail and sending water into the adjacent Sundown Road Park property. The representatives from WSSC agreed to move the flushing station and redirect the flow of water into a storm water management area located between lots 8 and 9. During this meeting, participants observed that a trail marker and lamppost installed by the developer on behalf of the town had apparently been placed on Sundown Road Park property. The county park staff expressed their commitment to connecting the town path to the park but called for the trail marker and lamppost to be removed first. Members of the group discussed the optimal location to connect the trail to the park and the need to survey the current path as well as a strip of land, owned by the town, that runs between lot 10 and the park. A proposal from Mr. Crum to survey the Birdie Lane trail had been presented and approved at the December Town Council meeting. Mr. Crum said he will add the property behind lot 10 to the survey for no additional cost.

Update on Enforcement of Ordinances: Mayor Hendricks reported that he contacted the previous Code Enforcement Officer who is no longer interested in serving in the role. In addition, he contacted a representative from Brookeville and was informed they have not hired a Code Enforcement Officer and their Commissioners handle these duties. Mayor Hendricks said he will continue to seek someone for this role.

New Business

Key Sanitation Payment Schedule: Mayor Hendricks said that he has been approving payments for Key Sanitation at the end of the month, and recently Treasurer Hoffman informed him of a complaint from Brian Shumaker, owner/operator of Key Sanitation. He shared that although payments were made early in the month in the past, a review of the contract led him to conclude that payments were to be made after services were rendered. After a conversation with Mr. Shumaker, he felt it appropriate to bring this matter to the Council for a determination on whether payments should continue to be made before services are rendered or not. There was discussion about the contract and the services provided by the contractor. Council Members Pellegrino, Koval, and Burke expressed their support for paying invoices at the beginning of each month. Mayor Hendricks requested a motion so there is a formal recommendation to the mayor.

Council Member Burke made a motion that when the company presents an invoice on the first of the month the town should pay that invoice by the fifteenth. Council Member Pellegrino seconded the motion.

Mayor Hendricks said the motion does not state clearly that the invoice must be for services to be provided in the month in which it was presented and under the motion Key Sanitation could present an invoice for any month in the year. He shared his opinion that the motion is deficient, and that government should not pass actions that open themselves to abuse.

 Council Member Pellegrino said that while the contract is a little vague the contractor has not abused it and she does not think a motion is needed and that invoices need to be paid within fifteen days.

Council Member Burke withdrew his motion.

Mayor Hendricks stated he will approve the invoices for payment promptly when they are presented to him for payment.

Discussion of Sewer Service for Laytonsville: Mayor Hendricks provided some background information on the potential need for sewer service in the future. A draft letter, initiated by the Planning Commission, was written by Brian Kline on behalf of the mayor. The letter was revised and provided to the Council for their review.

Council Member Burke said he feels that nothing will affect the future of the town more profoundly than bringing sewer service and he thought the Council would have input and public hearings would be held. He questioned how many homes have failed septic systems, how many are being pumped regularly due to failure, what would be the cost of a line into the town, and would WSSC be interested or not.

Eric Wenger, Planning Commission Chair, said this item is part of the Comprehensive Plan and has been discussed for many years. It is a forward looking and very long process that would take years to happen. The reason for it being in the Comprehensive Plan is so that it can happen when it is needed. He explained there are limited resources in the center of town that are already having problems and half acre lots that may have issues in the future. The school system is planning to install an onsite sewage treatment plant for a large sum of money. He said this is an issue that's critical within the Comprehensive Plan for the future of the town.

Brian Kline, Planning Commission Vice Chair, said from his perspective this is all about sustainability. He said that he doesn’t know if one would ever be able to collect information on how often a resident is pumping their septic tank and that some individuals may have had to connect to WSSC water as they no longer had the reserve and required setback for their private well due to a failing drain field. He said the smaller properties in town are going to run out of room at some time, the fire department’s sand pit has perhaps twelve years of use on an estimated 25-year lifespan, the old antique building at the shopping center has no remaining reserve, and he has heard that there have been issues at other schools with the system that may be installed at the school.

Mayor Hendricks said Brookeville has sewer service and is an attractive, historic town that hasn’t been overrun with heavy industry or townhouses. He added that sewer systems are widely understood to keep pollutants out of streams better than septic systems. He is in the process of arranging a meeting with Mr. Gaskill and other representatives from Brookeville to get information on their experience.

Chair Wenger said the Comprehensive Plan has a section called “Water Resources Element” that has a lot of information for the Council to review.

Council Member Pellegrino said she would like to look into this more and the impact on everyone in town.

Council Member Koval said facts are needed before the letter is considered such as how many systems have already failed and how many people would be interested in hooking up to sewer service.

Mayor Hendricks said more research and editing of the letter is in order and he hopes others will help with this work.

Survey for Sidewalk Along the West Side of Olney-Laytonsville Road: Mayor Hendricks said he has spoken with a couple members of the Council about their views on the possibility of a sidewalk along the west side of Olney-Laytonsville Road from the roundabout to the southern driveway into the Layton's Village Shopping Center parking lot. This could also present a landing spot for a crosswalk from Maple Knoll Drive which the state will not consider without a landing point. Mr. Crum, of Macris, Hendricks and Glascock, was asked to prepare a proposal, however, it took some time to obtain and included Warfield Road, which is incorrect. There was discussion about the scope of the project and the possibility of using American Rescue Plan Act funds for the project. Mayor Hendricks stated he will follow up with Mr. Crum on the proposal and survey with the goal of getting bids and a contract by the end of the year.

Resident’s Forum

There were no comments from residents or guests.

Mayor Hendricks made a reminder that a Public Hearing is scheduled for January 16, 2024, and the next Town Council meeting will be held on the first Tuesday of February.

Council Member Burke made a motion to adjourn at 9:46 p.m.  Council Member Koval seconded the motion.  **Unanimously approved.**

Respectfully submitted,

Joy Jackson

Assistant Clerk
January 2, 2024