



Minutes of the Town Council  
9 May 2022

Approved: June 13, 2022

The unprecedented emergency health crisis poses a challenge to all - individually and collectively. To protect ourselves and do our part to impede the spread of the coronavirus and COVID-19 disease, the regular meeting of the Town Council was held remotely via ZOOM Video Conferencing. The meeting was recorded.

Mayor Compton called the meeting of the Town Council to order at 7:30 p.m. In attendance were Councilors Darrell Anderson, David Cosson, Christine Dibble, Pat Klein, Barbara Raimondo, and Gray Yachup. Also in attendance was Treasurer Jean Moyer.

**Approval of Agenda:** It was moved and seconded to approve the agenda.  
*Action: Voted 6-0 to approve as amended.*

**Public Appearances:** There were none.

**Treasurer's Report:** It was moved and seconded to accept the [April Treasurer's report \(PDF\)](#). Treasurer Jean Moyer discussed her intention to purchase another \$100,000 certificate of deposit and to possibly open a separate account for the ARPA funds.  
*Action: Voted 6-0 to accept the report.*

**The In-Person Annual Town Meeting: Further Discussion of the Format of the Meeting:** Mayor Compton referenced a letter from Georgette Cole and Ernie Kawasaki urging the Mayor and Council, in view of the increasing incidence of Covid-19, to consider hold the Annual Town Meeting remotely rather than in-person. There followed discussion about accommodating residents with high risk factors for severe Covid-19 disease, following Montgomery County recommendations for public gatherings, the technical challenges of holding in-person/virtual hybrid meetings. It was moved and seconded to hold the Annual

Town Meeting via videoconference. There was additional discussion about previous successful Town Meetings via ZOOM, provisions for voting, and difficulties with shared screens.

Vote: 6-0; the meeting will be virtual.

### **Mayor's Report:**

- a. *Kudos:* Mayor Compton echoed the Woods Committee recognition for the energetic Arbor Day volunteers and for keeping our best traditions going.
- b. *Postal Service Matters – Update:* Mayor Compton reported he hasn't yet been re-contacted by USPS District Office managers. John McClelland has offered to help with this issue.
- c. *Refuse and Recycling Contract – Update:* Potomac Disposal is no longer interested in adding a fuel surcharge payment to their contract with the Town. The Clerk will prepare a revised contract with the new rates for execution by June 30, 2022.
- d. *Pepco EV Charging Station – Update:* Nothing yet.
- e. *Pepco Tariff Submission to Pepco Service Commission:* Mayor Compton reported that Pepco submitted a second tariff modification request to the PSC, but it was not an improvement over the 2021 submission rejected by the PSC. He will submit comments prepared by the Lighting Committee to the PSC.
- f. *Stormwater Runoff into the West Woods from Towne Crest – Letter to County:* A letter expressing the Town's stormwater concerns was sent to Montgomery County. Mayor Compton will follow up.
- g. *ARPA Project Updates:* i) Stormwater Management and ii) Water Service on Ridge Road: Although there is nothing new, Mayor Compton wants to keep these potential projects a priority.
- h. *Pickleball in Washington Grove:* Mayor Compton explained the proposal to try Pickleball on the hard court. Linda Baim reported to him that a pickleball demonstration has been planned for May 21, 2022, to assess interest. There was some discussion as whether the basketball court was appropriate for pickleball.
- i. *Use of McCathran Hall as a Polling Place July 18 and 19:* Mayor Compton announced the Elections Board requested the use of the Hall for the

rescheduled Primary Election. The Council concurred with his recommendation to approve the request.

**2022 Comprehensive Plan** –This was the initial Town Council discussion of the Comprehensive Plan. Georgette Cole reminded the Council that the plan presented to them by the Planning Commission has been in preparation for the past three (3) years and included extensive solicitation of public input. Using a prepared timeline, Mayor Compton reviewed the Town Council approval process for the Comprehensive Plan and the immediate next steps. Some discussion followed:

- Marc and Peggy Hansen, Charlie and Mary Challstrom letters to the Council.
- Whether the Plan’s “Recommendations” differ from “Directives”, and the different implications of using the term “must” or “shall”.
- That future Town Councils are expected to consider the recommendations in the Comprehensive Plan but are not bound to act on them.
- Requirements placed by the State on a municipality by its Comprehensive Plan.

*Actions:*

*Councilors should consider public comments and personal concerns about the Plan, and relay these to the rest of the Council before the June 13<sup>th</sup> meeting when the Town Council will review and discuss the Plan.*

*Mayor Compton will contact Town attorney Suellen Ferguson for advice regarding the Hansen letter questions and assertions.*

## ***Unfinished Business***

**RASEC Survey and MD Public Information Act:** Questions concerning the privacy of RASEC Survey responses were raised in April. Councilor Barbara Raimondo documented the reply from RASEC concerning privacy of information. This matter was considered by the Committee during preparation of the survey, and the information is well protected on the Survey Monkey website, and de-identified when accessed by default. A question was raised whether access to the Survey responses could be required were a Maryland Freedom of Information request received. In spite of the use of a Grove Alert, other Town resources, and

the Town Logo, the Town will not be in possession of the individual responses. RASEC members wondered whether these privacy concerns applied to other town surveys (such as conducted recently by the Sustainability Committee) or was their survey considered especially sensitive? A proposal was made to add a disclaimer as clarification when the Town is not a party to the collection of survey information by other committees in the future.

*Action: The Town Government may institute the use of disclaimers when documents include information that could be considered sensitive or that could unintentionally implicate the Town in activities actually carried out by volunteer unofficial committees or organizations in town.*

## ***New Business***

### **Modification of Unlawful Restrictive Covenants on Property Deeds in Washington Grove by the Town Government – Legal Basis and Discussion:**

On behalf of the Racial and Social Equity Committee, Charlie Challstrom presented a proposal that the Council work with town residents to remove restrictive covenants from their property deeds, if the Town to qualify as an entity that may execute and file Restrictive Covenant Modifications as specified in Section 3-112 of Maryland's Real Property Article, which would allow the Town to assist in removing restrictive covenants from private property deeds in Washington Grove.

Following discussion, Barbara Raimondo moved to approve the actions recommended in the memo from Charlie Challstrom. Dave Cosson seconded the motion.

*Action: Voted: 6-0:*

*a) To seek legal advice whether the Town qualifies to pursue a Town-led project to remove restrictive covenants.*

*b) If so, to prepare Restrictive Covenant Modification Intake Sheets for the use of property owners, identified thus far, with deeds that contain the racial restrictions, and offering property owners the opportunity to support the Town in removing the objectionable language.*

*c) If not, to pursue legislative action in Annapolis to enable the Town to execute and file such Restrictive Covenant Modifications.*

### ***Other Regular Business***

**Town Council Reports:** There will be no written Council Reports in May because Annual Town Council Reports will be available May 14<sup>th</sup>.

**Approval of Minutes:** It was moved and seconded to approve the [minutes of the April 11, 2022 meeting of the Town Council \(PDF\)](#).

*Action: Vote 6-0 approved.*

**Next Town Council Meeting:** Tuesday, May 24, 2022.

**Adjournment:** There being no further business, the meeting was adjourned at 10:30 p.m.

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Kathryn L. Lehman  
Town Clerk