



Minutes of the Town Council  
July 11, 2022

Approved: August 8, 2022

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 7:35 p.m. In attendance were Councilors Darrell Anderson, David Cosson, Eva Patrone, Barbara Raimondo, and Gray Yachup. Also in attendance was Treasurer Jean Moyer. Councilor Dibble was absent.

**Approval of Agenda:** It was moved and seconded to approve the agenda. Christine Dibble asked for an update on the USPS service matter in the Mayor's Report. Mayor Compton noted that the "Closure of Cherry Avenue to Vehicular Traffic" in New Business tonight will be an introductory proposal for the Council to consider for full discussion at a future Council meeting.  
*Action: Voted 6-0 to approve as amended.*

**Public Appearances:** There were none.

**Treasurer's Report:** It was moved and seconded to accept the June Treasurer's report. There was a brief discussion about year-end invoices and the Town's current investments.  
*Action: Voted 6-0.*

**Mayor's Report:**

- a. **Kudos:** To the Recreation Committee and resident volunteers who "orchestrated" the widely enjoyed Music Weekend events, and who stepped-in to organize the July 4<sup>th</sup> celebration parade and varied sporting competitions in which so many participated.
- b. **Shared Use Pathway Liaison Committee July Update:** The Committee reported meeting with MCDOT project members on-site at the end of Brown Street, which included several from the firm contracted for the next-phase engineering study. The timeline for completion of the study is uncertain. However, surveying is expected to take place this summer, and a public meeting to provide information on the study is tentatively planned for December 2022.
- c. **Miller Drive Parking Signage:** Woman's Club events create a parking issue on Miller Drive. Responding to a request from residents who must use Miller Drive for parking, new "Resident Only Parking" signs were proposed. The volunteer group who rejuvenated our wood street signs has agreed to make the signs.
- d. **Road Paving Contract, Road Segments and Costs:** Mayor Compton reported he met with Jennifer Marlow from AB Veirs to finalize the paving contract. Some adjustments to the paving area specifications were agreed upon. The cost will be a bit higher than originally estimated due to the rising cost of asphalt and to these adjustments.

- e. **Status of Edible Garden:** The Mayor reported this project is off and “growing”, with the first bed strip having been prepared for planting.
- f. **State Bond Funds Update:** The Mayor reported that he and Treasurer Jean Moyer will attend an online information session on procedures for accessing the Town’s \$250,000 grant.
- g. **Town Filing for Removal of Restrictive Covenants from Property Deeds:** In May the Town Council directed the Mayor to explore filing for blanket removal of racially restrictive covenants included in property deeds for land sold by the Washington Grove Association. Town Attorney Suellen Ferguson was consulted and is uncertain whether the existing State legislation, which enables non-profit entities (e.g., homeowner associations) to excise such covenants, would extend to the Town. To test the applicability of the law, Charlie Challstrom has prepared the paperwork asking to remove the restrictive covenants from four properties, which he and Mayor Compton will submit to the Montgomery County Land Records office. Darrell Anderson has agreed to engage with the Montgomery County chapter of the Maryland Municipal League to see if other municipalities have interest in having authority to remove restrictive covenants.
- h. **Post Office Update:** The Mayor reported his intention to arrange a meeting with USPS Capital District representatives, with he and John McClelland attending, to pursue a formal agreement concerning mail delivery to residents of Washington Grove. Councilor Gray Yachup explained his understanding of the process for dealing with the USPS based on his experience as a staff member for Congressman David Trone. The Mayor will write another letter requesting the meeting, and also copy our federal elected representatives in the event their assistance is needed to “motivate” the USPS.
- i. **Buried bones in the West Woods:** A bag of bones was discovered in the West Woods during a routine invasive species treatment by our contractor IPC and reported to Patty Klein, who contacted the Mayor. The police were called, and it was determined the bones were those of a dog. Patty followed up with Montgomery County Animal Control about disposal to address her concern that this may have been associated with illegal dog fighting.

#### **Administrative Matters:**

- a. **Confirm Mayor’s appointment of David Hix** to the Planning Commission as a regular member for the remainder of the 5-year term ending May 31, 2024. It was moved and seconded to approve the Mayor’s appointment of David Hix to serve the remainder of the term vacated when Jon Cohen resigned from the Planning Commission in May.  
*Action: Vote: 6-0.*
- b. **Confirm Mayor’s appointment of Jonathan Dail** to the Planning Commission as the Alternate member for a 5-year term, June 1, 2022 – May 31, 2027. It was moved and seconded to approve the Mayor’s appointment of Jonathan Dail to the Alternate position

on the Planning Commission that became vacant when Robert Johnson was appointed as a regular member starting June 1, 2022.

*Vote: 6-0.*

## ***Unfinished Business***

### **2022 Comprehensive Plan – Discussion and Adoption**

Mayor Compton reminded the Council of the extension of the July 9<sup>th</sup> deadline to September 7<sup>th</sup> they approved in June for action on the Comprehensive Plan. Formal approval of the Plan could take place at the August meeting of the Town Council.

Regarding the Council's review of the Plan, he recalled the previous Council discussion and agreement in June that in general language in the Plan should direct future Town Councils to consider its recommendations without compelling further action or adoption. With this intention, wording changes were adopted to improve clarity in Sections 1 through 8.

There was extensive Council discussion of the recommendations in Section 9.1 which addresses the role of the Historic Preservation Commission. Mayor Compton suggested that historic character was too vague a notion to be a "goal" in the Plan. Historic integrity was proposed as an alternative to historic character. Changes to recommendations 9.1 (a-g) were proposed, discussed and approved unanimously.

*Action: Vote: 6-0, as amended.*

Other recommendations were discussed, and amendments proposed in 9.2d, 9.2e, 9.4d, 9.9c, 12f, and 12g.

*Action: Vote: 6-0. Modifications approved.*

### **Resolution 2022-05; Authorizing Deer Management Bow Hunting Sessions – Discussion, approval, and request to the Montgomery County Parks Department.**

The resolution as introduced in June included authorizing deer management bow-hunting not only in the East and West Woods, but also in the Conservation Meadow and Piedmont Park meadow managed by Montgomery County Parks. Recent discussions concerning the Parks Department willingness to extend the County archery hunt program were reviewed. A separate Resolution was suggested for authorizing Town cooperation with the Montgomery County Parks deer hunting program in the two meadows (Resolution 2022-06 below).

Amended language was proposed for Resolution 2022-05 to which would authorize bow-hunting only in the Town's East and West Woods. David Cosson moved to approve Resolution 2022-05 with the revised language. Gray Yachup seconded the motion. There was additional discussion about the following:

- Improved notification to residents.
- The safety record of the Bow Hunting Fire Fighters of Maryland.
- Posting hunting in progress signs at the trail entrances to the East & West Woods.
- Including language for signage within the resolutions

Councilor Anderson re-stated his opposition to the use of hunting in the Town's deer management program.

*Action: Vote: 5-1 (Anderson, against). Resolution approved.*

**Resolution 2022-06; Authorizing Deer Management Bow Hunting Sessions in the Conservation Meadow and Piedmont Crossing** – Discussion and approval. Dave Cosson moved to adopt Resolution 2022-06 and Eva Patrone seconded the motion. Christine Dibble stated that councilors should have sufficient time to read and consider any resolution prior to a Council vote, that the present resolution was not received in a timely matter for her to review, and for this reason she was not inclined to vote favorably.

*Action: Vote: 4 (Cosson, Patrone, Raimondo, Yachup) in favor; 2 (Anderson, Dibble) against. Resolution approved.*

### ***New Business***

**Construction of a Water Main on Lower Ridge Road** – Request for the Town to Fund a Study of the Cost:

Resident John Tomlin (358 Ridge Road) has requested the Town use ARPA funds for an engineering study and cost estimate to construct a water line down Ridge Road. Mayor Compton reviewed the history of septic and well water use by residents on lower Ridge Road, the installation of the sewer, and the lack of public water. Mr. Tomlin noted that a water line would give about 10 properties the option of public water should their wells fail, and new fire hydrants closer to their homes could be provided. He also agreed with Mayor Compton's comment that he is not aware of any property owner who at present would connect to public water if a water line were constructed.

Discussion touched on the cost of WSSC requirements, cost of connecting individual properties to a water line, the timing for an engineering study, engaging a civil engineer for a cost estimate for the water line, of hydrant costs, liability, and contacting other municipalities and the Maryland Municipal League for assistance.

Councilor Anderson stated he felt it prudent to use ARPA funds for this purpose.

*Action: Further discussion will take place at future meetings.*

**RFP: Stormwater Infrastructure Analysis and Design in Residential Washington Grove** –

Discussion of the Draft "Scope of Work": Gray Yachup reported on the "Scope of Work" he drafted after a discussion with an engineer from the City of Gaithersburg. After input from Councilor Cosson and others, he is proposed to put together an RFP for the August meeting.

*Action: Councilor Yachup will circulate a draft RFP for Council input with the intent of Council approval for issuing the RFP August.*

**Closure of Cherry Avenue to Vehicular Use and Conversion to Walkway:**

- a. *Historical Review* – In 1976 a resolution placing limitations on use of Cherry Avenue for four properties was passed. Per the Resolution, the vehicular use of Cherry Avenue by those properties, including 108 Ridge Road, progressively ends with the sale of each property. 108 Ridge Road is the last property that is still afforded vehicular use of Cherry Avenue.

The issue of closing Cherry Avenue to vehicular use has come before several Town Councils through the years and various actions have been taken in support of the plan. In the last year the owners of 108 Ridge Road have questioned the fairness and burden to future occupants of plans to deny them use of Cherry Avenue for routine vehicular access to their property. Most recently they have petitioned the Town Council for action to reverse the decision.

- b. *2022 Comprehensive Plan Recommendation* – The plan recommendation is the following:

“As vehicular use of Cherry Avenue ceases, as provided in the 1976 Town Council Resolution, Town maintenance staff should work with the Forestry & Beautification Committee to restore that portion to conform with other walkways in Town.”

- c. *Discussion of Town Council Action* – Mayor Compton asked the Council to review the documents on this subject and be prepared for a full discussion about closing Cherry Avenue to vehicular traffic at a future Town Council meeting (mentioning August or September).

Mayor Compton requested the Town Council consider a new Resolution re-affirming the closure of Cherry Avenue.

***Other Regular Business*****Town Council Reports:**

- a. **Maintenance (Darrell Anderson)** – Procedures are needed for approving non-emergency, unbudgeted projects to our contracted landscapers. One example is a recent proposal for significant refurbishing of “Ann’s Folly” (the tennis shed). The use of volunteers or contracted workers for various unplanned projects was discussed and also how to manage a list of such projects for completion by our landscape contractor RJ Landscapers.
- b. **Woods (Dave Cosson)** – Met with County DEP and DOT staff for explore solutions to erosion caused by outflows from the Towne Crest drainage system. After the meeting, representatives stated they would coordinate to develop recommendations and provide an area drainage map. The Woods Committee is planning to deliver a draft of a stormwater management RFP seeking a professional evaluation and recommendations.

- c. **Planning Commission (Christine Dibble)** – New uses proposed on Town property should be reviewed by the Planning Commission for compliance with zoning laws and the Town’s comprehensive plan before approval.

It was moved and seconded to accept with minor amendment, and to post the Council Reports on the Town website.

*Action: Vote: 6-0, as amended.*

**Approval of Minutes:** Barbara Raimondo moved to approve the June 13, 2022 Minutes of the Town Council. Dave Cosson seconded the motion. Mayor Compton noted minor edits from the draft previously distributed.

*Action: Vote 6-0 approved.*

**Adjournment:** There being no further business, the meeting was adjourned at 10:50 p.m.

Kathryn L. Lehman  
Town Clerk