



Minutes of the Town Council
February 13, 2023

Approved: March 13, 2023

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 David Cosson, Christine Dibble, Eva Patrone, and Barbara Raimondo. Sylvie Favret and Rob Gilmore arrived at 7:40 p.m. Also in attendance were Treasurer Jean Moyer, Historic Preservation Commission Chairman Bob Booher, and approximately fourteen other residents.

Approval of Agenda: Eva Patrone moved to approve the agenda. Barbara Raimondo seconded the motion.

Action: Voted 4-0,

Public Appearances: Mayor Compton explained the resolution acknowledging Washington Grove's racially exclusionary past is number 11 on the agenda and will specifically address the timeline for resident input and for action by the Town Council. Action on the resolution could take place at the April meeting.

There were no public appearances.

Treasurer's Report:

- a) Eva Patrone moved, and Barbara Raimondo seconded acceptance of the 9 January 2023.
Action: Voted 4-0, report accepted.
- b) Mayor Compton explained legal funds have been requested by the Lighting Committee to include Washington Grove in collective negotiations with PEPCO to revise the requirements, costs and process for transferring the ownership of streetlights should a municipality choose to purchase them. Sufficient funds in the administrative legal budget are available for this purpose. This money will serve as a retainer for Suellen Ferguson to act in this collective capacity. Ms. Ferguson is the Washington Grove Town Attorney.

Mayor's Report:

- a) Planning Commission Member Resigns – Mayor Compton reported Dave Hix will resign from the Planning Commission on the first of March. He is nominating Planning Commission Alternate Jonathan Dail to fill the vacancy.
- b) Gaithersburg Shared-Use Bike Path – Mayor Compton gave a summary of the Gaithersburg Shared-Use Path presentation made to Town representatives on January 25 by Gaithersburg's consultant. This focused on connecting the path from Diamond Avenue to Brown Street and three options were presented. It was noted that some private property adjacent to the existing sidewalks would be required, and that the cooperation of the owner, Washington Grove and Montgomery County would be necessary. The report to Gaithersburg by their consultant is expected in June 2023.

- c) USPS Service to Washington Grove – Mayor Compton reported his letters to our Congressional representatives were effective in garnering assistance with his efforts to engage with the USPS. A substantive discussion with USPS District officials has taken place involving himself and Councilors Dibble and Raimondo and further meeting(s) via Zoom are scheduled for next week.
- d) Testimony in Support of HB459, “County and Municipal Street Lighting Investment Act” Mayor Compton reported this bill would significantly clarify controversial aspects of the legislature’s existing mandate that utilities offer municipalities a process for purchasing their own streetlights. The bill is co-signed by our District 39 Delegate Leslie Lopez. The Town will offer testimony in favor of the bill at a Senate committee hearing on Thursday.
- e) Testimony in Support of HB182/SB335, “Unlawfully Restrictive Covenants – Modification by Municipalities”. Mayor Compton reported this legislation has been introduced by Delegates Kirill Reznik, Leslie Lopez, and Senator Nancy King, substantially at the request of Washington Grove and other municipalities.

The public hearing on the Bill took place in the House last. The Town submitted testimony in support of the bill.

- f) Forum – Mayor Compton reported a RASEC sponsored forum, “Are We Segregated by Design” will take place on March 25th.

Administrative Matters:

- a) Barbara Raimondo moved to appoint John Compton to the Montgomery Municipal Cable Board of Directors. Eva Patrone seconded the motion. *Action: Vote: 6-0.*
- b) Eva Patrone moved to approve the mayor’s re-appointment of Nick Suzich, Margaret Cavenagh and David Hix to the Board of Supervisors of Elections, for the two-year terms, March 2023 – 2025. Rob Gilmore seconded the motion. *Action: Vote: 6-0.*
- c) Rob Gilmore moved to approve the mayor’s appointment of Jonathan Dail, current Planning Commission Alternate, as a regular member of the Planning Commission. Eva Patrone seconded the motion. *Action: Vote: 6-0.*
- d) Barbara Raimondo, Mayor Pro Tempore, moved to appoint Dave Cosson interim Mayor Pro-Tempore while both she and Mayor Compton are out the county March 9th – 25th. Eva Patrone seconded the motion. *Action: Vote: 6-0.*
- e) The Town Council Budget Work Session was scheduled for Wednesday March 29th.

Unfinished Business

RFP for Comprehensive Stormwater Management Plan – Review of bids received and consideration of awarding a contract.

Of the 12 RFPs distributed, we received three bids. The amounts are as follows:

- Bayland \$55,960.00
- Dewberry \$161,669.00
- Soltesz \$15,000.00

Dave Cosson stated he thought the Council needed more time to review the documents and check references. There was a lengthy discussion about the wide range in the three (3) bids. Dave Cosson, Patty Klein, and Joan Mahaffey offered to review the documents together and ascertain our needs and the final product.

Action: Dave Cosson, Patty Klein, and Joan Mahaffey will contact bidders with questions to provide the Town Council additional understanding of the bids and make an informed decision on an awardee in March.

Sale of Town Land to the Owners of 404 Forth Avenue

Mayor Compton reviewed the request by the owners of 404 4th Avenue to purchase a strip of Town land under their porch and another strip of land along Acorn Lane.

a) **Request to Purchase Town Land Encroached Upon by Historic Residence – Status.**

The process for purchasing the land under the porch is underway per Article 17 of the Town's Ordinances. An ordinance will be introduced once the Planning Commission and Historic Preservation Commission have completed their reviews.

b) **Request to Purchase Additional Town Property – Recommendation of the Planning Commission.**

Residents at 404 4th Avenue are also requesting to purchase land along Acorn Lane. This land was previously declared surplus and approved for sale by Ordinance 1988-11. However, the sale was never completed. In a letter to the Mayor and Council in December 2022, the Planning Commission recommended against sale of the land. At the Town Council's request, the Planning Commission has provided the Town Council background information in support of their recommendation. There was a lengthy discussion about the following:

- Past policy of selling Town land by declaring it surplus.
- More recent policy of not selling Town land regardless of size.
- The three (3) criteria presented by the PC for consideration of Town property sale: preservation of open space, preservation of tree-planting locations and preservation of road paving flexibility.
- Whether application of these criteria dictate a different decision than made in 1988.
- Whether sale of this property would set bad policy and precedent.
- That Town policies be fairly and consistently applied.
- Whether an authoritative survey is required to proceed.

Property owner Susan Van Nostrand told the Council about a large tree on the property in question in question which she had removed about 5 years ago at her expense after she was told by a Town representative that the tree was on property that belonged to her.

Charlie Challstrom offered the information and his understanding concerning the property boundaries issues.

- There exists a detailed survey of Acorn Lane, and markers exist that serve to define the property from which the large tree was removed.
- A new boundary survey of 408 4th Avenue, the adjacent property, is now available and could be helpful.
- A review may help as well.
- A current boundary survey shouldn't be required since the property and structures have seen no changes since then.
- The residents submitted compliant documents for the purchase of the land in question based on review of the surveys (see Section 6 of the online Council Handbook) and Article XVII.

Councilor Dibble suggested that the Planning Commission re-examine the submission by the property owners, convey such steps to be taken to them, and bring this matter to the Town Council for a final decision.

Action: Once the Planning Commission concurs that requirements for sale of Town land have been met by the applicants, the Council will resume discussion.

At the request of Susan Van Nostrand, Mayor Compton asked for a "sense of the Council" vote were there to be a final vote to sell the Town land the along Acorn Lane to the residents at 404 4th Avenue.

Action: Vote: 4 in favor (Favret, Gilmore, Patrone, Raimondo); 2 abstentions (Cosson, Dibble) as to future approval of sale of the land.

RFP for Landscaping and Maintenance – Discussion and approval to distribute. Mayor Compton reviewed changes proposed for the current draft. The Council supported adding language that bidders indicate the extent of their commitment to using electric and/or battery powered equipment during the course of the contract. Christine Dibble moved, and Sylvie Favret seconded, to approve the RFP as amended.

Action: Vote 5-0, RFP approved.

Purchase of Municipal Electric Power from a Community Solar Energy Provider – Further Consideration of Contracting With a Community Solar Provider and Committing to a Rapid Council Review of any Proposed Contract That Becomes Available (annual expense <\$5,000). Mayor Compton reviewed the history of this proposal and questions posed by the Town Council. Dave Cosson requested other sample contracts that could be used by the Council to approve a contract with short notice. Further discussion was deferred to another meeting pending additional information.

New Business

Resolution 2023-01 Acknowledging Washington Grove's Racially Exclusionary Past –

Introduction and Discussion of a Timeline for Resident Input and Town Council Action.

Barbara Raimondo moved to introduce the resolution, and Eva Patrone seconded the motion.

The motion included scheduling a Special Town Council Meeting for March 27, 2023, to conduct a public hearing, and deferring Town Council consideration for approval of the resolution to the April 10th meeting of the Town Council. Councilor Raimondo, Racial and Social Equity Committee liaison, read a statement from RASEC describing the importance of acknowledging racist actions that are a part of the Town's history, and urging support by the Council and Town residents for the Resolution. She reminded the Town Council that a RASEC-sponsored forum will take place on March 25, 2023.

Action: Vote: 5-0, that a Special Town Council Meeting to hear public input be scheduled for March 27th and that Town Council consideration of the resolution itself be scheduled for the April 10th Town Council meeting.

Joan Mahaffey reported her name and contact information were included in one of the references cited by RASEC in the Resolution. She would like it removed. She also stated the McCathran family objects to some of the statements in the resolution. Mayor Compton urged Joan to contact the Town Archivist concerning removing her name from the archived record cited.

USPS Mail Service to Washington Grove Residents – Engaging Town Residents and Reaching Consensus on Alternatives to Post Office Box Only Delivery. USPS is taking our concerns seriously. Mayor and Council may need to make recommendations to residents for mail delivery. The following was discussed:

- Getting USPS to drop post office box fees Washington Grove residents.
- How to get Town consensus if residential mail delivery is offered.
- Getting ideas from residents.
- Scheduling future meetings.

Action: Deferred pending further developments from the ongoing weekly discussion between USPS representatives and Mayor Compton, Councilor Raimondo and Counselor Dibble.

Canopy Tree Replacement – Forestry and Beautification Committee evaluation of canopy tree replacement and the implications for future tree planting.

Action: Deferred to a future meeting.

Other Regular Business

Town Council Reports:

- a) HPC (Gilmore), Sustainability Committee (Cosson), RASEC (Raimondo) – 150th Anniversary Activities – These committees are working on the activities for this celebration.

- b) *McCathran Hall (Compton)* – The repair to a leaking sprinkler pipe above the octagon ceiling poses challenges due to insufficient support for the combined weight of new pipe and workers during the repair. Alternative access options are being explored, including removing a portion of the Hall ceiling.
- c) *Gateway Committee (Patrone)* – Additional ID fences will be proposed at Washington Grove Lane locations.
- d) *Gateway Committee (Patrone)* – RJ Landscape have been approved to do walkway restoration for 4th Avenue Between McCauley Street and Washington Grove Lane and for Grove Avenue between McCauley Street and Washington Grove Lane. The latter may require addressing water drainage across the walkway and will be assessed in early spring.
- e) *Playgrounds (Patrone)* – Several large areas between playground equipment enclosures are remaining wet and muddy after rain. The drainage issues require attention.

Approval of Minutes: Christine Dibble moved to approve the 9 January 2023 minutes of the Town Council as presented. Dave Cosson seconded the motion.

Action: Vote: 5-0, approved. (Favret abstained)

Next meeting: The next regular Town Council meeting will take place on March 13, 2023.

Adjournment: There being no further business, the meeting was adjourned at **10:45 p.m.!**

Kathryn L. Lehman
Town Clerk