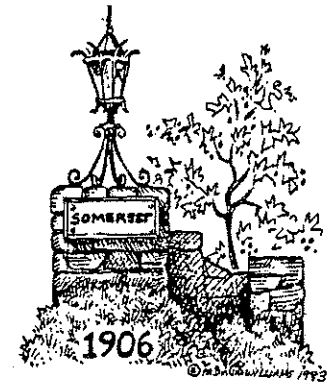


TOWN OF SOMERSET

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Jeffrey Z. Slavin
Mayor

Rich Charnovich
Town Manager/Clerk-Treasurer

Council Minutes
September 6, 2011

Mayor and Town Council Present:

Mayor Jeffrey Slavin
Council Vice President Marnie Shaul
Council Member Alan Proctor
Council Member Cathy Pickar
Council Member Barbara Zeughouser
Council Member Bill Farley

Town Staff

Norman Knopf, Town Attorney
Larry Plummer, Building Code Inspector
Tolbert Feather, Town Arborist
Richard Charnovich, Manager-Clerk/Treasurer

Consulting Staff and Contractors:

Mimi Kress – Sandy Spring Builders

Residents Signed In:

Lucy Freeman – 4728 Dorset
Joel Peters – 5529 Warwick
Barbara Marblestone – 5523 Trent
Vicki Frink – 4507 Cumberland
Sue Besharov – 4518 Cumberland
Judy Baldinger – 5533 Warwick
Ted Truman – 5803 Warwick

Elizabeth Hurwit – 4521 Dorset
Dolores Bartning – 5405 Surrey
Sue Rosenthal – 5529 Surrey
Barbara Condos – 4706 Falstone
Wendy Louttit – 5513 Trent
Caroline Louttit – 5513 Trent
Fayezul Chaudhry – 4525 Dorset
Jim Margolis – 4825 Essex
Pat Gage – 4805 Dorset
Brian Smith – 5507 Uppingham
Lyndsey Van Vliet Gerber – 4919 Cumberland

Press:

Laura L. Thornton, Editor, Patch

Mayor Slavin called the meeting to order at 7:30 pm.

Mayor Slavin proposed to go into closed session, pursuant to the Annotated Code of Maryland, State Government Article, Section 10-508 (a)(7), for the purpose of consulting with counsel to obtain legal advice regarding building permit procedure and enforcement. Motion Council Member Zeughauser, Second Council Member Pickar to enter closed session. Motion passed 5-0.

The closed session was held from 7:30 PM until 8:10 PM in Mayor Slavin's office. Those present were Council Members Shaul, Proctor, Farley, Zeughauser, and Pickar. Mayor Slavin, Manager Charnovich, Town Inspector Plummer, and Town Attorney Knopf. Motion by Council Member Zeughauser, Second by Council Member Farley to close the closed session. Motion passed 5-0.

Approval of Council Minutes

July 27, 2011- Motion to approve Council Member Farley, Second Vice President Shaul, Motion passed 4-0-1, with Council Member Proctor abstaining.

August 1, 2011- Motion to approve Council Member Pickar, Second Vice President Shaul. Motion passed 4-0-1, with Council Member Proctor abstaining.

Financial Report

Manager-Clerk/Treasurer Charnovich provided the September Financial Report to the Council. (Attached)

Suggestions and Comments from Residents

Wendy Louttit, 5513 Trent, made a request for public information on the Town's financial information. Manager Charnovich advised he would email her the information.

Fact Finding Hearing/Action on progress of construction work at 4909 Essex Avenue

Mr. Plummer provided his report to the Council updating the current status of the project. Mayor Slavin requested Mr. and Mrs. Narins to provide an update with respect to the construction status of the project. Mayor Slavin asked what length of extension they were requesting to finish the project. Council Member Farley asked if 30 days was sufficient. Attorney Knopf asked if the Narins agreed with Mr. Plummer's report. Mr. and Mrs. Narins stated that they agreed. Motion Council Member Zeughauser to grant an extension to October 6, 2011 based on the following conditions to be completed by close of business day on September 9, 2011, trash is to be taken out daily, a working indoor bathroom is to be provided, removal of the port-a-john and black hose, and the small dumpsters must be placed in the garage. Second Council Member Farley. Motion passed 5-0.

Fact Finding Hearing/Action on an application to remove private trees at 4825 Essex Avenue

Mayor Slavin asked Dr. Feather to present his report on the tree removal application. Council Member Zeughauser asked a question about a magnolia tree that wasn't noted. The magnolia tree is being saved as per Dr. Feather's information. Vice President Shaul asked a question about this tree removal application in relation to the future building permit application. Mimi Kress, Sandy Spring Builders, informed the Council that they are in the middle of the development process. Jim Margolis, applicant, thanked the Council for the ease of the process. Motion Council Member Pickar, Second by Vice President Shaul to approve the application, with the magnolia being protected. Motion passed 5-0.

Fact Finding Hearing/Action on Demo, Building, Dumpster and Tree Removal Permits at 4525 Dorset Avenue

Mayor Slavin asked Mr. Plummer to provide a report on this application. Mr. Plummer indicated that a retaining wall is not a part of the permit. Mr. Plummer provided the report and recommended approval of the permits. Vice President Shaul asked if there was a County approved storm water management plan in place, and Mr. Plummer confirmed. Council Member Zeughauser asked if the curb cut was less than 20 feet in width. Mr. Choudhury confirmed the design of the driveway. Mayor Slavin asked Dr. Feather to provide his report. Dr. Feather advised he would put together a tree protection plan with the applicant. Council Member Pickar asked if Mr. Choudhury could be sensitive to parking issues. Motion Council Member Farley, Second Vice President Shaul, including 2 cars to be parked in the Town Hall Parking Lot over the winter months. In May, Mayor Slavin would revisit the issue of parking in the Town lot behind the tennis courts. Motion passed 5-0.

Action on Town Arborist's recommendation to remove Town trees at 4816 Essex Avenue, 5525 Warwick Place, and 4812 Essex Avenue

Mayor Slavin asked Dr. Feather to provide a report on the removal of these trees. Council discussed its policy on the removal of Town trees and how we would proceed on applications in the future. The Town's practice has been to publicize which trees are to be removed in the Town Journal and send letters to the owners prior to the Council taking action. Motion Vice President Shaul, Second Council Member Zeughauser, and to clarify with the property owner the tree to be removed at 4816 Essex Avenue. Motion passed 5-0.

Fact Finding Hearing/Action on a building permit and dumpster application at 4919 Cumberland Avenue

Mayor Slavin asked Mr. Plummer to provide his report on this application. Mr. Plummer recommended that the permit be approved. Vice President Shaul inquired about the storm water management plan for the project. Vice President Shaul also asked if the crape myrtle in the front of the house was going to be preserved or not. The applicant stated she is hoping that it survives. Motion Council Member Zeughauser to approve the application including a tree protection plan approved by Dr. Feather. Second Council Member Pickar. Motion passed 5-0.

Action on Formal Decision on two approved Pepco permits for specified work within the Town as drafted by the Town Attorney

Motion Council Member Farley, Second Council Member Zeughauser. Motion passed 5-0. Council Member Farley wanted to note that this is to improve reliability in the area.

Discussion regarding the Town's enforcement of generator noise

Council Member Farley discussed the notion of the County possibly enforcing this. Council Member Proctor asked if this was the case. Vice President Shaul suggested a letter be sent to all the residents informing them that mitigation measures still need to be taken. Mayor Slavin stated that the Town should enforce generator noise to the letter of the law. Mr. Plummer has been pushing enforcement on residents who still need to take mitigation measures. Council Member Zeughauser concurred that a letter should be sent out. Council Member Pickar inquired about whether the Town would be seeking out all residents with generators or only complaints that are received by the Town. Council Member Farley asked if residents' monies are being refunded if people are meeting the decibel levels. Vice President Shaul clarified the process for the Council from the beginning. It was determined that the Town Manager would send letters to those with generators to inform them that mitigation measures still need to be taken. Mayor Slavin stated that he would like the draft circulated to the Council in advance.

Pool House Update

Lou Balodemas discussed the outstanding items on the punch list that was created by Therrien Waddell, Inc. Motion by Council Member Proctor, Second Council Member Farley to approve Payment number 12 to Therrien Waddell, Inc. in the amount of \$129,047.82. Council Member Proctor asked about the white pipe leading down to Pond 1, and he has concerns about storm water runoff leading to the pond. Council Member Zeughauser asked if we had heard of any problems with birds at the facility. Vice President Shaul asked about scooters and if there were any issues with them being parked at the pool. Vice President Shaul also asked about the status of the VIKA punch list that was developed and the completion of those items. Stones will be required to be installed by the Public Works staff in the upper parking lot area in the future.

Discussion/Action proposal for Nana Walls at the Town Pool

Council Member Pickar thanked the public for writing to everyone on this issue. Council Member Farley echoed the sentiments as well as Mayor Slavin. Council Member Proctor introduced his reason for wanting to propose Nana Walls at the Town Pool. Council Member Proctor explained what the Nana walls were and the purpose they will serve. Motion to approve

the Nana Walls in an amount not to exceed \$160,000.00 to install Nana Walls. Motion Council Member Proctor, Second Council Member Zeughouser, Council Member Farley thanked Council Member Proctor for all of his years of service to the Pool and the Town. Lou Balodemas, project manager, indicated that this was an add alternate to the original bid. Vice President Shaul expressed her thanks to Council Member Proctor but said that she is in disagreement with the Nana Wall notion citing concerns about Town finances in conjunction with the proposed expenditure. Council Member Zeughouser expressed the concerns of the community regarding this and thanked those who attended the meeting tonight. Council Member Pickar expressed her concerns about the Nana Walls and stated that at this time she could not vote to approve this expenditure. Council Member Zeughouser expressed that this project could help continue to build a sense of community in Somerset. Council Member Farley asked how long this project would take. Motion failed by a 2-2-1 vote, with Council Members Zeughouser and Proctor for, Council Members Shaul and Pickar against, and Council Member Farley abstaining. Mayor Slavin said that the motion failed because there was not a majority in favor of it.

Discussion Action on Town Pool Security Policy

The Town Manager requested that this matter be tabled until next month while the policy is still being fine-tuned by the Town staff.

Action on an approved proposals from Vigilant Security for Remote Video Monitoring at the Town Pool House in amount of \$3,375.00

Motion Council Member Pickar, Second Vice President Shaul to approve the proposal. In the amount of \$3,375.00 for a 3 month monitoring period. Motion passed 5-0. Town Manager Charnovich stated that he was recommending that the Contract not be renewed over the winter months and be revisited next pool season. He stated that he would send a letter to Vigilant indicating this.

Action on proposal submitted by Washington Painting, Inc. in the amount of \$5,300.00 for painting of the Hardi-Plank Siding at the Town Pool House

Motion Council Member Pickar, Second Vice President Shaul, 5-0 to approve the proposal submitted in the amount of \$5,300.00 with Lou Balodemas to verify that 2 coats of paint will be applied.

Discussion/Action on the following PCO's and SMI Sign Quote for the Pool House Renovation Project

PCO 67, Motion Vice President Shaul, Second Council Member Pickar to approve \$548.80 for additional plantings at Pond #1. Motion passed 5-0.

PCO 68, Motion Vice President Shaul, Second Council Member Pickar to approve \$3,751.00 to install a kitchen exhaust fan and to install motion sensor lighting at the pool. Motion passed 3-2-1, Council Member Pickar, Shaul, and Mayor Slavin for, Council Members Zeughouser and Proctor against, and Council Member Farley abstaining.

PCO 69, Motion Vice President Shaul, Second Council Member Pickar in the amount of \$4,719.00 for miscellaneous painting. Motion passed 4-1, with Council Member Farley against.

PCO 70, Motion Council Member Pickar, Second Vice President Shaul to approve a (\$500.00) Credit to the sign allowance. Motion passed 5-0.

PCO 71, Motion Council Member Zeughouser, Second Council Member Pickar to approve a (2,700.00) Credit to delete the guardrail in the west parking lot. Motion passed 5-0.

PCO 72, Motion Vice President Shaul, Second Council Member Pickar to approve \$3,080.00 to add to stain the west fence/rail and trash enclosure. Motion passed 3-2, with Council Members Farley and Proctor against.

Motion Vice President Shaul, Second Council Member Pickar, to approve SMI Signs Invoice in the amount of \$2,182.55. Motion passed 4-0-1 with Council Member Proctor abstaining.

Action on authorizing special trash pickup for Monday, October 17, 2011

Motion Council Member Zeughouser, Second Council Member Pickar. Motion passed 5-0.

Action on re-appointment of William Farley to the Friendship Heights Transportation Management District Advisory Committee

Motion Council Member Zeughouser, Second Council Member Pickar to re-appoint William Farley to the Montgomery County's Friendship Heights Transportation Management District Advisory Committee (FHTMDAC). The term will expire in 2013. Motion passed 4-0-1, with Council Member Farley abstaining.

Mayor's Report

Mayor Slavin indicated that his report was on the table in the back of the room if anyone wanted to review a copy. He added that he would like to stress to the residents the importance of making sure dogs are walked on a leash within the Town.

Adjourn 11:20 PM