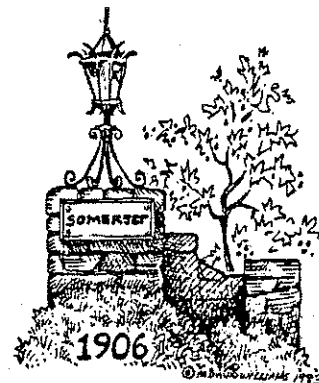


TOWN OF SOMERSET

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Jeffrey Z. Slavin
Mayor

Rich Charnovich
Town Manager/Clerk-Treasurer

Council Minutes March 5, 2012

Mayor and Council Members Present

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

Town Staff

Richard Charnovich, Town Manager

Consulting Staff and Contractors

Larry Plummer, Town Inspector
Dr. Tolbert Feather, Arborist

Residents Signed In

Dean Yap, Cumberland
Patty Friedman, Grantham
Bob Chlopak, Dorset
Julie Abrams, Trent
Maura Vanderzon, Falstone
David Sacks, Trent
Sue Rosenthal, Surrey
Barbara Condos, Falstone
Michele Friedman, Essex

Barbara Marblestone, Trent
Roxanne Dubois, Cumberland
Caroline and Wendy Louttit, Trent

Press

Laura L. Thornton, Chevy Chase Patch

February 6, 2012 Regular Council Minutes

Motion Council Member Zeughauser, Second Vice President Shaul. Council Member Pickar asked that number 9 be amended. Manager Charnovich stated he would do this. Motion passed 4-0. Council Member Proctor abstained.

Town Manager's March 5, 2012 Financial Report

Manager Charnovich presented the financial report to the Council which is a part of the minutes.

Mayor Slavin's Proposed 5 Year Plan

Mayor Slavin and Manager Charnovich presented the 5-year fiscal plan to the Council. The document would be included in the next journal as well as posted on the Town's website and e-blast for viewing by residents.

Town Residents/Agenda Items

Sue Rosenthal, Surrey, asked a question about the budget process and a question about the Swim Team proposed amendment on the Agenda. Wendy Louttit, Trent, asked how many people were on the Town e-blast.

Town Residents Non-Agenda Items

None

4604 Dorset Avenue, Heat Pump Replacement

Mayor Slavin asked Mr. Plummer to provide his report. Mr. Plummer stated that he recommended approval of the heat pump. Motion Council Member Farley, Second Vice President Shaul. Motion passed 5-0.

4816 Cumberland Avenue, installation of a 17KW generator

Mayor Slavin asked Mr. Plummer to provide his report on the 17KW generator. Motion Council Member Zeughauser, Second Council Member Farley to accept the application to install the 17 KW generator contingent upon receipt of a sound mitigation plan that satisfies the Town Staff and the Staff's indication that the plan could reasonably be expected to result in the generator's meeting the County's standard for decibel levels for sound. If noise from the generator exceeds the County standard, the applicant will be required to mitigate the noise level to meet the County's stand. The Town will retain the \$2000.00 security deposit until the decibel level sound requirement is met. The submission of the plan does not relieve the applicant from actually meeting the required noise levels. Motion passed 5-0.

5712 Warwick Place Generator Extension

Donna Harman, stated her displeasure with the noise level of this generator. Mr. Plummer provided a brief report to the Council. Motion to grant a 30 day extension and the applicant must provide a mitigation plan/start work within two weeks of March 5, 2012. Motion Council Member Farley, Second Council Member Pickar. Motion passed 5-0.

4515 Dorset Avenue, Generator Extension

Motion Council Member Farley, Second Council Member Zeughauser, to approve a generator permit extension with the sound mitigation completed by the next Council Meeting on April 2, 2012. Motion passed 5-0.

5532 Warwick Place, Generator Extension

Motion Council Member Farley, Second Council Member Zeughauser, to grant a 30 day generator permit extension in order to complete and pass the sound mitigation test. Motion passed 5-0.

4805 Cumberland Avenue, Building Permit

Mayor Slavin asked Mr. Plummer to provide his report. Mr. Plummer recommended approval of the building permit. Motion Council Member Zeughauser, Second Council Member Pickar, Motion passed 5-0.

**4515 Cumberland Avenue Permit Decision from February 27, 2012
Special Meeting**

The Town Attorney pointed out an error on the first page that he needed to correct for the final signed version. Motion Council Member Farley, Second Council Member Zeughauser, to approve the Decision with the Town Attorney changes. Motion passed 5-0.

**4712 Cumberland Avenue, Consideration as Local Advisory Panel to
the Historic Preservation Commission**

Mayor Slavin explained the process of this particular application, that is a reconsideration with a modification from the originally submitted plans a few months ago. Mayor Slavin asked the applicant to present first. Roxanne Dubois, the applicant, made a brief presentation to the Council with some history of the Historic Preservation Commission and for this particular property. Mayor Slavin clarified the HPC recommendation process with the applicant. The Architect for the applicant, Kevin Davis, was present to answer questions in relation to the plan. The trees were shown appropriately on the plans this time. The Town Attorney stated that there is criteria that the Local Advisory Panel uses to accept or reject applications. Town Attorney Knopf went over criteria that can be used to determine if the proposal is consistent with other properties in the area/district and compatible with the historic district as a whole. A discussion was held as to whether or not the garage could be seen from the road, as well as a discussion of the permeable vs. impermeable driveway surface. Donna Harman, Dorset, asked a question about the garage. Vice President Shaul clarified that this was a reconsideration of an application that was submitted in January. Motion Vice President Shaul, Second Council Member

Zeughauser to reconsider the application. Motion passed 5-0. Motion Council Member Zeughauser, Second Council Member Farley to recommend approval as the Local Advisory Panel to the Historic Preservation Commission as per the contents of the applicant's letter dated February 15, 2012.

Discussion of unsafe and unsightly utility pole attachments

Mayor Slavin asked Council Member Proctor to provide information on this topic. Mr. Proctor explained that he has been working on this topic for a number of years and put together draft legislation for the Town to consider. Representatives from Pepco, Comcast, and Verizon were at the meeting and each made brief statements about the issues raised in the proposed legislation. It was determined at this time that all 3 utility companies and the Town would strive to keep lines of communication open for when issues arise.

PNRC Tree Replacement Plan

Patty Friedman, Chair of the PNRC, summarized the proposed amendment to the 1989 Tree Replacement Plan that was published in the Town Journal. It basically is to allow more flexibility and to use native trees. Patty wanted to make it clear that the PNRC would be making recommendations to the Arborist and Town Council, but they would have the final say in approvals. Motion Council Member Zeughauser, Second Vice President Shaul, to approve the amendment to the Tree Replacement Plan. Motion passed 5-0.

Amended tree planting of town tree located at 4812 Essex Avenue

Mayor Slavin asked Dr. Feather to provide a report. Dr. Feather stated that the resident at 4812 Essex Avenue is allergic to oak pollen and that he has requested that the type of tree to be planted be changed to a Red Maple. Motion to approve by Council Member Zeughauser, Second Vice President Shaul. Motion passed 5-0.

Vice President Shaul's Code Amendment to traffic regulations on Warwick Lane

Vice President Shaul provided a historical view on the amendment and included the highlights such as truck traffic would now be banned on Warwick Lane, the timing of the closure would be changed on Cumberland and Warwick and the signs in the area would actually reflect the true aspect of the code amendment. Somerset would order all the signs, and Drummond would reimburse Somerset for the signs in its jurisdiction as part of a memorandum of understanding. Mayor Slavin's Memorandum of Understanding would come back to the Town Council for approval. If the Somerset School has an early release, the Lane will be closed to all traffic during that time. Motion Vice President Shaul, Second Council Member Pickar. Motion passed 5-0.

Council Member Pickar's Code Amendment in relation to the establishment of a Swim Team Committee

Council Member Pickar explained the process of the Amendment and how it came about. Mayor Slavin asked the Council if it had any questions. Attorney Knopf answered

several questions of the Council in relation to the Amendment and stated that the Town is covered. Sue Rosenthal, Surrey, asked a question about the Swim Committee and Pool Committee. Motion Council Member Pickar, Second Council Member Zeughauser. Motion passed 5-0.

Vice President Shaul's Code Amendment in relation to emergency HVAC unit installations

Council Vice President Shaul stated that the purpose of this Amendment is to allow residents to be able to get emergency permits for the installation of HVAC units. Motion Vice President Shaul, Second Council Member Farley, with a small change to page 3 of the amendment. Motion passed 5-0.

Council Member Zeughauser's Code Amendment in relation to notice for the Town Journal

Council Member Zeughauser explained the purpose of the code amendment. Motion Council Member Zeughauser, Second Vice President Shaul. Council Member Proctor made note of several items. Motion passed 5-0.

Arbor Day Proclamation

Motion Council Member Pickar to approve, Second Council Member Zeughauser. Motion passed 5-0.

Setting opening and closing dates for the 2012 Pool Season

Motion Council Member Pickar, Second Vice President Shaul, to approve that the Town Pool House be open from May 18, 2012 through September 30, 2012. May 18 the Pool would be open specifically for Swim Team registration only, and the Pool will open to the general public on May 19. Vice President Shaul asked a question about the decision to operate the entire month of September. The question was answered by Barbara Condos, Pool Committee Chair. Motion passed 5-0.

Tennis fee per person set at \$20.00 as recommended by the Ad Hoc Tennis Committee

Vice President Shaul clarified that the \$20.00 fee is per household, not per person. Motion Vice President Shaul, Second Council Member Pickar to set the fee at \$20.00 per household for calendar year 2012. Motion passed 5-0.

Mayor's Report

Mayor Slavin stated that his report was in the back of the room if anyone wanted to view it. He also made mention that this was Council Member Proctor's last meeting, and the thanked him for his years of service to the community.

Adjourn

10:38 pm