

Town of Somerset  
4510 Cumberland Avenue  
Chevy Chase, MD 20815

Minutes for Council Meeting held on June 1, 2020.

**Council members present:** Marnie Shaul; Barbara Zeughauser; Steve Surko; Franny Peale; Morris Panner; **Mayor:** Jeffrey Slavin; **Town Manager:** Matthew Trollinger; **Town Administrative Assistant:** Linda Williams; **Town Attorney:** Ron Bolt; **Town Arborist:** Dr. Tolbert Feather; **Residents and other attendees:** Jack Frink (Cumberland Ave.); Lucy Freeman (Falstone Ave.); Walter Wray (Wray Brothers Landscapes); Robin Barr (Essex Ave.); David Kathan (Dorset Ave.); John Beckman (Dorset Ave.); Matt Zaft (Dorset Ave.); Mark Henrick (Architect for 4816 Dorset); Kristen Khanna (Falstone Ave.)

Julie Greenberg (Falstone Ave.); Jack Frink (Cumberland Ave.); Jeff Mascott (Surrey St.); Robin Barr (Essex Ave.); Kumar Vaswani (Trent St.); Patty Friedman (Grantham Ave.); Phil Young (Greystone St.); Jon Medalia (Surrey St.); Barbara Marenus (Surrey St.); Paige Whitley (Cumberland Ave.)////Carrie Wofford (Essex Ave.); Barbara Marenus (Surrey St.); Jon Medalia (Surrey St.); Matt Zaft (Dorset Ave.); Paige Whitley (Cumberland Ave.); Ji Berry (Essex Ave.); Ann Bolten (Cumberland Ave.); Miriam Tavens (Dorset Ave.); David Kathan (Dorset Ave.); Brian Smith (Uppingham St.); Yogesh Rajkotia (Deal Pl.); Barbara Condos (Falstone Ave.); Jan Kaufman (Trent St.); Robin Barr (Essex Ave.); Phil Young (Greystone St.); Phyllis Wiesenfelder (Cumberland Ave.); Mike Sullivan (de Marne & Day); Phil Eagleburger (Treacey & Eagleburger Architects)

(NOTE: The recording began at approximately 6:55 p.m.)

7:00 p.m. Council Work Session

The Council discussed email communications from the Montgomery County chapter of the Maryland Municipal League; notice of Council meetings; and Committee structures. Council member Surko asked that the Council ask that the Town opt in the County's Healthy Lawn law, and that it be added to the July agenda.

7:32 p.m. Public Comments

The Town observed a moment of silence for COVID-19 victims and for George Floyd, a victim of police brutality in Minneapolis, MN.

7:36 p.m. CONSENT Agenda

Council member Shaul motioned to approve the following measures:

- To approve minutes from regular Town Council meeting held on May 4, 2020.
- To approve a proclamation declaring June as LGBTQ Pride Month in the Town of Somerset.
- To approve hanging the Rainbow Flag at the Town Hall in honor of LGBTQ Pride Month throughout June, 2020. (2)
- To issue a proclamation declaring Friday, June 5, 2020 National Gun Awareness Day in the Town of Somerset. (4)
- To re-appoint Ron Bolt as the Town Attorney for Fiscal Year 2022. (5)
- To re-appoint Matthew Trollinger as the Town Manager and Clerk-Treasurer for Fiscal Year 2022.

Council member Panner seconded; all in favor.

7:37 p.m. Public Hearing/Motion: To consider approval of a building permit submitted by John and Vanessa Beckman for the construction of a detached garage and new driveway and driveway apron, and temporary dumpster at 4816 Dorset Ave.

Town Building Administrator gave his report. The proposal complies with the Town Code, and Mr. Lohmeyer recommended the application be approved.

Dr. Tolbert Feather reported that the applicants modified a parking pad on Dr. Feather's recommendation to preserve a tree in the rear yard. The site plan and tree protection plan reflects that modification.

The applicant introduced himself and welcomed questions.

Council member Shaul asked for clarification on the site plan, and if the modifications suggested by Dr. Feather were reflected. Council member Surko asked if the applicant considered permeable surfaces. The applicant answered that they were planning to use permeable material for the driveway.

Matt Zaft (Dorset Ave.) asked if any study was done on water runoff. The applicant replied that the level of disturbance did not require a stormwater management plan with Montgomery County. John Barry

Council member Shaul moved to approve the permit, subject to the conditions of the tree protection plan. Council member Zeughauser seconded. All in favor.

7:51 p.m. Discussion: Building Administrator Report.

Town Building Administrator Doug Lohmeyer gave his report:

**4721 Cumberland Ave.**

The building permit for an addition and a revised deck at the rear of the ex. house has been issued on April 7, 2020. Work is progressing.

**5800 Deal Pl.**

The building permit was extended for six months on April 6, 2020. Work is progressing.

**4602 Dorset Ave.**

The building permit was issued for an addition at the rear of the existing house on August 22, 2019. Work is progressing.

**4709 Dorset Ave.**

The Town building permit has been closed. The homeowner will be applying for a fence permit soon.

**4816 Dorset Ave.**

The building permit for a detached garage at the rear of the lot was issued on June 16, 2020. Work is proceeding.

**4823 Dorset Ave.**

The detached building at the rear of the lot has been completed, but the MCDPS has not finalized their building permit. The Town has not closed its building permit. The homeowner and contractor have been notified.

**4710 Essex Ave.**

The new house construction has been completed, but the new fence does not comply with the Town height requirements. The homeowner has been notified and the height adjustment is scheduled to begin soon.

**4712 Essex Ave.**

The new house building permit was issued on April 13, 2020. The walls have been constructed. A Wall Check Survey has been requested.

**4917 Essex Ave.**

The new house building permit was issued on Nov. 18, 2019. The walls have been constructed. The Wall Check Survey indicates the new walls comply with the Town and Site Plan setbacks.

The roof height survey indicated the mean roof height was 29.95 feet and the maximum height allowed is 30.0 feet.

**4809 Grantham Ave.**

The building permit for several additions to the existing house was issued on March 3, 2020. Work is progressing.

**5813 Surrey St.**

A fence permit was issued on April 17, 2020. The portion of the fence facing Surrey St. is taller than the 42-inch maximum height allowed in the Code. The homeowner has been notified of the required adjustment to the fence height.

**5516 Trent St.**

The contractor has been meeting with the Town staff to review the plans for several additions to the existing house. They have not submitted building permit plans to the County or the Town.

**5508 Uppingham St.**

The new house building permit was issued on Jan. 22, 2020. The walls have been constructed. And the roof is being installed. The Wall Check Survey indicates the new walls comply with the Town and Site Plan setbacks. A height survey has been requested.

- 7:54 p.m. Public Hearing/Motion: To consider the removal of the following Town trees:
- 1) 4801 Essex Ave. (on Surrey St.) Zelkova 7” dbh – dead.
  - 2) 4824 Dorset Ave. Ash 53” dbh – 50% dead.

Council member Shaul asked about Town trees on Falstone Ave., and Dr. Feather replied that he watered them that week, and would monitor them for the next week.

Council member Zeughauser motioned to approve the removals of the two trees. Council member Surko seconded. All in favor.

- 7:56 p.m. Public Hearing/Motion: To consider approval of street cleaning contract with Wray Brothers not to exceed \$5,175.

Town Manager Trollinger introduced Walter Wray, owner and partner of Wray Brothers Landscapes, who submitted a bid to provide street cleaning for Somerset in the spring.

Council member Shaul asked if the weeds could be treated. Mr. Wray reported that the bid includes a proposal to treat weeds growing in cracks and seams in the street. Council member Zeughauser asked if spring was a good time to clean streets. Mr. Wray explained that because trees have been flowering, June is an ideal time to do street cleaning. Council member Peale asked Mr. Wray to also look at the Pool bridge if there is anything that could be done.

Council member Shaul motioned to approve a contract with Wray Brothers Landscapes not to exceed \$5,175. Council member Zeughauser seconded. Council member Peale asked if more money could be added in case Wray Brothers is able to treat the Pool Bridge. The Council discussed the amount of money to approve and the scope of the work. Council member Shaul amended her proposal to be up to \$5,500. Council member Zeughauser seconded. All in favor.

8:10 p.m.      Public Hearing/Motion: To consider creation of Commission to study Stormwater, Tree Canopy, and Building Code in the Town of Somerset.

Mayor Slavin gave a brief introduction to the proposal. Council member Surko asked the Council to approve a Committee to study stormwater management, the Town's tree canopy, and building code, with the goal of making recommendations to the Council.

The Council discussed the role and composition of the Committee, and how it might work with other Committees, such as the Environment and Parks and Natural Resources Committees. The Town Attorney suggested that the Committee could have a clear mission statement and deliverable when it is formed, and could be dissolved once the deliverables are created and given to the Council.

The Council did not take action on this item, and elected to further discuss how the committee might function.

9:00 p.m.      Public Hearing/Motion: Consideration of proposed Town Welcome Letter/Notice, as recommended by the Environment Committee, PNRRC, and Mayor's ad hoc advisory committee.

Kristen Khanna (Flastone Ave.), Chair of the Parks and Natural Resource Committee introduced the public notice for the Council to consider. The Council discussed two different versions. The Town Manager clarified that the Town's Committees had reviewed a version, which the Council had discussed at the May Council work session. The second letter had not been reviewed by the Town Committees, but was updated by a Somerset resident, Paige Whitley, who attempted to respond to questions raised by Council members at that time.

Council member Peale expressed that she felt the Town should clarify areas where the Town Code is unclear, and that that approach would better solve the communication issues that are attempted to be resolved by the letter. Council member Peale also said that the letter, as currently drafted, leaves out some regulatory aspects of the Town Code.

Council member Surko expressed that he felt the letter may help improve communications and make expectations clearer.

The Council did not elect to make a motion related to the letter at this time, and decided to look at it again at a later time.

9:24 p.m.      Public Hearing/Motion: To consider approval of use of Town Hall green space for graduation celebration for 2020 Graduating Senior students in Somerset Saturday, June 6 (with a rain date of Sunday, June 7).

Kristen Khanna (Falstone Ave.) presented a plan to celebrate graduating students who reside in Somerset with a ceremony at Town Hall, using the green space and adhering to social distancing guidelines.

Council member Shaul moved to approve the proposal, and to provide \$300 to assist in paying for the banner and other materials for the event.

Town Attorney Bolt added that the Town should make sure the event complies with the Governor's Emergency Order as it relates to the COVID-19 pandemic.

9:33 p.m.      Discussion: Town Manager Administrative and Fiscal Reports.

The Town Manager gave his report, as follows:

#### Administrative Matters

- Budget:
  - Staff is looking into FEMA and County reimbursement opportunities for COVID-19-related expenses.
  - Staff looked at commercial market for insurance rates; there was no competitive offer to LGIT. Prerequisite of LGIT insurance is membership with MML.
- Personnel:

- Maintenance Staff has begun working on regular schedules again; staff is wearing masks and keeping distance and avoiding contact as much as possible.
- Staff Assistant Linda Williams continues to work remotely.
- Code Enforcement Officer Wayne C. Fowler is working on a limited basis from home.
- Kelley Okleson has met with members of PNRC and Environment Committee, and is scheduled to meet with Enrique and maintenance staff; a follow-up meeting is scheduled for this upcoming week to further discuss timing and expectations for gardening/landscaping consultant.
- Infrastructure
  - Town Pool:
    - Awaiting County approval;
    - Pool Committee met on 5/21 to prepare recommendations for pool season, but is not formally requesting they be approved at this time; a special Council session may be called when clearer instructions come from Montgomery County.
  - Pool House:
    - Staff is obtaining proposals to paint and varnish pool house, which was last done in 2015. The maintenance handbook recommends it be done every five years. Town has budgeted \$20,000 for this work in FY21; cost may be more, as there are areas where varnish has been stripped, and some woodpecker/carpenter bee damage. First proposal came in at \$60,000; however, it included comprehensive work that is perhaps beyond the scope of what the Town wants to do at this time. Work could be completed in fall after pool closes.
  - Sidewalks:
    - Staff is meeting with Precision Concrete on Tuesday to walk Town and get proposal for grinding raised sidewalk spots; no proposal at this time. If a special meeting is held, Council could consider approval and could potentially use snow plow savings on this expense.

9:46 p.m. Introduction of Resolution to opt in to Montgomery County Pesticide Law

Council member Surko motioned to introduce a Resolution to opt in to the Montgomery County Pesticide Law, to be voted on at the July Council meeting.

9:47 p.m. Motion: Adjourn

Council member Shaul motioned to approve; Council member Panner seconded; all in favor.