

AGENDA

Town Council Meeting

Monday, April 1, 2024

Join Zoom Meeting

Link: <https://us02web.zoom.us/j/86091939743?pwd=TVpNMkk1azROb1l6eTJpSFRTVnJUZZ09>

Meeting ID: 860 9193 9743

Passcode: 491819

Budget Work Session

6:00 p.m. FY25 Budget & Five-Year Plan Discussion

(The Council may entertain a motion to enter into closed session per Section 3-305(b)(1) of the Open Meetings Act (Maryland Code, General Provisions Article) To discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom this public body has jurisdiction; any other personnel matter that affects one or more specific individuals)

Public Comment Period

7:00 p.m.

Approval of Agenda

7:05 p.m. Motion: To consider approval of the agenda as presented.

Consent Agenda

7:10 p.m. To consider approval of the consent agenda as follows:

- Nomination of Peter Tynan (Essex Ave.) to the Budget Committee (check about Audit Committee);
- Nomination of Aubry Green to serve on the Youth Council;
- Nomination of EJ Hardwick to serve as the Somerset representative to the Montgomery Municipal Cable Board;

- A Resolution naming EJ Hardwick and Linda Williams as Town of Somerset Plan Contacts for the Town’s MissionSquare Retirement plans.

Non-Consent Agenda

7:11 p.m. Public Hearing/Motion: To consider an application submitted by Alexis Ettinger and Jonathan Urban for the removal of a hazardous Spanish Oak (50”), as recommended by the Town Arborist

7:15 p.m.: Discussion: Building Administrator’s Report

7:20 p.m. Public Hearing/Motion: To consider the Adoption of a Resolution sunsetting the Town of Somerset Police Program

7:30 p.m. Motion: To consider the Introduction of an Ordinance Adopting the FY25 Budget and FY25 Tax Rates, as recommended by the Budget Committee.

7:35 p.m. Motion: To consider the Introduction of a Resolution establishing a Data Policy.

7:40 p.m. Motion: To consider the Introduction of a Resolution Encouraging Composting and providing composting as an “opt-out” service

7:45 p.m. Discussion: Manager/Financial Report

8:00 p.m. Adjourn

Key:

Public Hearing Item: Agenda item where public comment is permitted.

Discussion Item: Agenda item limited to discussion among the Council, Mayor and Town Staff.

Motion Item: Agenda item requesting action, limited to Council discussion.

Comments: Opinions and Questions from Town residents.

ⁱ Questions should be submitted via email ahead of the meeting to

manager@townofsomerset.com or town@townofsomerset.com.

* Residents who wish to present for a particular Agenda item are advised to arrive 20 minutes ahead of the item’s scheduled discussion time, as discussions can run ahead of schedule.

The Mayor and Town Council may entertain a motion during the open meeting to close a portion of the meeting, in accordance with Section 3-305(b)(1)(7) of the Open Meetings Act (Maryland Code, General Provisions Article), to consult with counsel to obtain legal advice.

1. Consent Agenda

a) Peter Tynan nomination to Budget Committee

Peter had previously expressed interest in joining either the Audit or Budget Committee. The Audit Committee does not currently have any members, and it may make sense to combine the two committees so they have a year-long function, helping with the construction of the budget and five-year plan, and meeting and reviewing financials with the town staff throughout the year. This will improve the budgeting process and provide another layer of fiscal oversight for the town. Mr. Tynan actively participated as an “unofficial” member of the Budget Committee throughout this year’s budget process and has a tremendous financial background. He is and will be a great asset to the Town on the Budget Committee.

b) Aubry Green nomination to Youth Council

Aubry Green wrote to the Deputy Town Manager expressing interest in joining the Youth Council. She has already attended a meeting. The Town Council officially approved previous nominations the Committee.

c) EJ Hardwick nomination as Somerset representative to the Montgomery Municipal Cable Board

For the last four years, I have served as the Town’s representative for MMC, which is a municipal public access channel that pools money from cable providers (Comcast, Verizon, RCN) to serve the local areas with television programming related to municipal activities. In the past they have filmed Town events such as the 4th of July, and assisted with AV setup, and acted as consultants for virtual and hybrid meetings. Each municipality can nominate someone to serve on the board to represent their municipality’s interests.

d) Resolution naming EJ Hardwick and Linda Williams Town of Somerset Plan Contacts for the Town’s Missionsquare Retirement plans.

The Town will need someone to make the appropriate payments into the Town employees’ retirement plans and serve as a point of contact for any inquiries. I have served as the sole POC since my appointment in 2019. I recommend that EJ and Linda both be listed on the plan via the Resolution attached.

Feather & Assoc.

Tolbert V. Feather, Ph.D.

*Advisors for: Landscape Development
Landscape Management, Plant Pest Management*

Town of Somerset
4510 Cumberland Avenue
Chevy Chase, MD 20815

March 28, 2024

Tree Removal Permit – 5409 Surrey Street

I looked at the trees on Thursday, March 21, 2024.

The tree requested for removal is a twin-trunk Spanish oak 50” in diameter at the base. The tree has a crack between the two trunks. High winds can split the trunks apart. The tree is hazardous.

I recommend the removal of the tree.



Tolbert V. Feather



50” Spanish Oak with twin trunks and a crack between the trunks

TO: The Town of Somerset Council
FROM: Doug Lohmeyer
DATE OF MEMO: April 1, 2024
SUBJECT: Monthly Status Report

4815 Cumberland

The property owner has submitted a building permit application to MCDPS and the Town to remove the ex. house and to construct a new house. The Town permits were issued on Mar. 16, 2024. Construction has begun.

4905 Cumberland Ave.

The property owner has submitted an application to remove the existing house and to construct a new house. The staff is reviewing the updated Site Plan and SWM plans. A variance is required.

4515 Dorset Ave.

The property owner has submitted an application to construct a detached two car garage at the rear of the house. The Council approved the application on August 7th and the Town permit was issued on Sept. 15, 2023. The work is underway.

4816 Essex Ave.

The property owner has submitted building permit applications to the MCDPS and the Town. They propose to remove a large portion of the building at the rear of the house and make interior improvements. The Town permits were issued on May 6, 2023. Work is underway. The Council approved the variances to enlarge the existing front porch and stoop.

4702 Falstone

The applicant submitted a plan to modify the existing driveway and apron to accommodate the owner's handicapped vehicle. The Council approved the application on Sept. 11, 2023. The applicant must submit detailed plans of the revised driveway and apron before the Town permit can be issued.

4906 Falstone Ave.

The property owner submitted an application to remove the ex. deck at the left rear of the house and to construct an enclosed addition at the same location. The plans are now being reviewed by the staff.

4806 Grantham Ave.

The property owner has submitted an application to add a second story addition to the existing house. An addition is also proposed at the left rear of the house and a new front porch overhang is also planned. The Council approved the permits on May 1st. The MCDPS permit was issued on June 1, 2023. The Town building permit was issued on July 8, 2023. The construction has begun. The applicant has submitted an acceptable wall check.

5515 Greystone St.

The applicant submitted an application to add a second story to the ex. house. The Council approved the application on Feb. 5, 2024. MCDPS issued their permit on Feb. 12th. The Town permit was issued on Feb. 12, 2024. Work has begun.

5409 Surrey St.

An application was submitted to remove the ex. deck at the rear of the house and to build a new deck in the same location. The Town issued their permits on Oct. 7, 2023. Work began in Feb.

5529 Surrey St.

The property owner submitted an application to add an addition, a deck, and a patio at the rear of the ex. house. The Council approved the application on Feb. 5th and the Town permit was issued on Feb. 12, 2024. Construction has begun.

5808 Surrey St.

The property owner is considering adding an accessory building at the rear of the ex. house. The staff has reviewed the concept and sent comments to the owner.

5528 Trent St.

The property owner plans on removing the existing house and building a new house. The MCDPS building permit is pending. On Sept. 11, 2023, the Council approved the application. The Town issued the building permit on Dec. 19, 2023. Work is ongoing.

5613 Warwick Pl.

The property owner submitted an application to construct a deck at the rear of the house and to replace the ex. driveway and apron. The Council approved the variance on Feb. 5, 2024. The Town permit was issued on Feb. 12, 2024.

Town of Somerset

A Resolution Sunsetting the Town of Somerset's Security Program

Resolution No. 24-3-1

Introduced: March 4, 2024

Adopted: April 1, 2024

Effective Date: May 1, 2024

A Resolution Sunsetting the Town of Somerset's Security Program Utilizing Secondarily-Employed Off-Duty Montgomery County Police Officers, Effective May 1, 2024

WHEREAS, the Town of Somerset established a security program utilizing Montgomery County police officers for the purpose of enhancing public safety within the town limits; and

WHEREAS, the Town's volunteer public safety committee has diligently researched and gathered data on the effectiveness of the security program over the past year; and

WHEREAS, as described in its October 18, 2023 memorandum, the Public Safety Committee~~the public safety committee~~ has concluded that the current security program is not effectively deterring crime within the Town of Somerset; and

WHEREAS, the Traffic Committee, in its September 22, 2023 memorandum, concluded that “the policing program is not increasing stop sign compliance or general traffic safety in any measurable way”; and

WHEREAS, alternative holistic methods such as public awareness campaigns, individual crime prevention actions by residents, infrastructure improvements, and targeted programs for speeding and stop sign violations have been identified as potentially more efficient and effective in enhancing public safety and utilizing town funds; and

WHEREAS, the Montgomery County Police already provide a robust police presence in the Town of Somerset, and the Town appreciates their efforts, as well as the efforts of all law enforcement officers to protect our community; and

WHEREAS, the Committee has submitted a formal recommendation to the Town Council recommending that the program end; and

WHEREAS, numerous residents of the Town of Somerset have expressed their support for ending the police program within the town;

NOW THEREFORE, be it resolved by the Town Council of the Town of Somerset that the Town of Somerset's security program utilizing Town-employed Montgomery County police officers shall be sunset, and all associated contracts and agreements with the Montgomery County Police Department shall be terminated, effective May 1, 2024; and

BE IT FURTHER RESOLVED that the Somerset Town Manager is hereby directed to provide notice of this resolution to the Montgomery County Police Department and all participating officers.

This resolution shall take effect on May 1, 2024.

Certified and adopted by the Council of the Town of Somerset on this ____ day of _____, 2024.

Mayor Jeffrey Slavin

Council President Stephen Surko

Attest:


Matt Trollinger, Town Manager/Clerk-Treasurer

TOWN OF SOMERSET
PUBLIC SAFETY COMMITTEE

M E M O R A N D U M

DATE: October 18, 2023

TO: Town of Somerset Council

FROM: Kumar Vaswani, Chair, Public Safety Committee (PSC) 

SUBJECT: Recommendations Regarding Town Police Program

INTRODUCTION

President Surko and Council Member Rovak have asked the Public Safety Committee (PSC) to evaluate the Town's police program.

Please note that:

- (1) No one is questioning the quality of our Town police officers. Their integrity, dedication, and quality are undisputed.¹**
- (2) The PSC has met with the Town's lead officer several times and has always had a collegial relationship with him.**

Additionally, the PSC chair has known one of the Town officers for more than two decades.

However, the issue is not the quality or dedication of our Town police officers.

The issues are:

Does the Town's police program provide **a good return on our investment?**

Is the program **a good fit for the Town?**

¹ In attempting to explain the benefits of the police program, Town officials have stated that we have two very good officers here. But no one is questioning the quality of our Town police officers. Please see the PSC's July 13, 2022, memo to the Council, which is incorporated herein by reference, for more information.

Are there more effective and more fiscally prudent alternatives?

Does the Town staff have the time, resources, and training to adequately monitor, administer, and supervise a Town police program?

(3) During the sixteen years of the Town police program's existence, the Council has never been fully briefed on the program. Consequently, there is a great deal of confusion surrounding the program. In this memo, we present data and evidence and address some of the confusion and misconceptions regarding the program.

(4) No doubt the police play an important role in the detection and prevention of crime—and the Town should ensure that it continues to receive the benefit of these services from the Montgomery County Police Second District. But any Town police/security efforts need to be part of a holistic, coordinated program that includes monitoring, supervision, public education, engagement (and proactive action) by the public, as well as collaboration with our public safety partners at the county, state, and federal levels.²

(5) Somerset has an enviably low crime rate. However, the PSC is in no way minimizing or trivializing any of the crimes that have occurred in Town. Any crime is one crime too many. The PSC recognizes the physical and psychological toll of crime and will continue to seek effective ways to prevent crime.

(6) The PSC has the expertise to address these issues and make recommendations to the Council.

Two PSC members are attorneys, at least one of whom has worked on criminal issues. While police officers certainly have valuable experience, it is attorneys who work with policy and larger issues related to law enforcement. The heads of departments and government components that have significant law enforcement roles—such as USDOJ, DHS, FBI, ATF, DEA, etc.—are attorneys—not police officers.

Two PSC members have extensive public safety experience and have worked and interacted with scores of police officers at the federal, state, and local levels. Members of the PSC have worked with victims of crime. **The PSC is familiar with the benefits, costs, and challenges of police programs.**

(7) The Town's police program presents numerous challenges because of its complexity, its interconnection with the Montgomery County Police Department (our officers essentially have two employers simultaneously), previous Councils' lack of oversight, confusion about the program, lack of documentation, and the public's perceptions regarding both crime and law enforcement.

² Two of the PSC's goals are to use a holistic approach to public safety and to instill a public safety ethos in our Town government.

The PSC applauds all Council Members, the Mayor, the Town Manager, and the Deputy Town Manager for taking on these challenges.

RECOMMENDATIONS

The PSC met on October 10 and voted to make the below 5 recommendations to the Council.

The PSC respectfully **asks the Council to vote to:**

(1) Maintain the current moratorium on hiring of new police officers.

JUSTIFICATION: Two years ago, the Town Manager agreed to a moratorium on hiring of police officers. The moratorium should continue.

The two committees with subject matter jurisdiction (the Traffic Committee and the Public Safety Committee) have concluded that the police program is ineffective.

(a) On September 22, 2023, the Traffic Committee sent the Council a letter stating: “We the members of the Somerset Traffic Committee write to express our opinion that the funds for the policing program . . . have not effected the increase in traffic safety we expected. . . . [W]e have not seen an increase in stop sign compliance, which was our main goal.”

(b) **The PSC has studied this matter extensively. The data show that the police program has little to no impact on the Town’s crime rate.** In fact, even as police expenditures have remained the same or dropped, crimes in Town have dropped from 17 crimes in 2021 to 7 crimes so far this year.

Please see the below Executive Summary (item #1) for additional data.

(c) The Town is not set up to hire new officers. We have no policing policy, no personnel practices regarding Town police officers, and no processes for screening, recruiting, hiring, evaluation, and onboarding.

(2) Discontinue the Town’s police program effective close of business April 30, 2024 (or sooner if the Council desires).

JUSTIFICATION: The Town’s police program has not met the Town’s expectations. Additionally, the program does not provide a good return on our investment.

The Town started the police program in 2007 to address traffic safety concerns. However, in its September 22 letter to the Council, the Traffic Committee stated, “**the policing program is not increasing stop sign compliance or general traffic safety in any measurable way as we had hoped.** . . . the Traffic Committee is now looking into alternative methods for addressing traffic safety.” [emphasis added]

Moreover, the data show that the police program has little to no impact on Somerset’s crime rate. (Please see the crime statistics and police expenditures in the Executive Summary, item # 1 below.)

For all the reasons stated in this memo, the program does not provide a good return on investment and is not a good fit for the Town; there are more effective and more fiscally prudent alternatives; and the Town staff lacks the time, resources, and training to adequately monitor and supervise the program.

(3) If the Council feels the Town needs a security presence:

The Council could explore the option of hiring unarmed safety patrols (i.e., personnel who will drive around the Town in marked vehicles).

As part of this exploration, the Town should study the legal and social implications as well as the experiences of nearby neighborhoods and municipalities.

JUSTIFICATION: Somerset has an enviably low crime rate. Although there are no guarantees, violent crime in Town is fortunately extremely rare. Most crimes in Town are property-related, and the police have repeatedly told us that most of these crimes are preventable.

The evidence and data do not indicate that hiring a security presence would significantly reduce Somerset’s already low crime rate. Even without our Town police program, Somerset already has a police presence; the police respond to calls in Somerset an average of two times a week. The majority of those calls (90%) are handled by the regular Second District police officers (not our Town police).

The PSC also believes that better communication with residents and the Montgomery County Police Second District, as well as infrastructure improvements, may well do more to enhance residents’ feelings of safety than a hired security presence would.

However, if the Council desires a security presence in Town, the Council could consider contracting with a firm to provide **unarmed safety patrols in marked vehicles.**

For example, a **University of Maryland task force has recommended that the university “increase the use of non-sworn staff for routine patrols”** as part of an effort to “consider new approaches that would ensure a greater sense of community safety and trust, particularly among those who are most vulnerable to discriminatory police actions.”

<https://president.umd.edu/administration/commissions-task-forces-and-councils/task-force-on-community-policing>

We note that safety patrol personnel would not be able to issue traffic citations or warnings.

We also note that there are legal, racial equity, and social justice implications with hiring any type of security presence – whether the police or private safety patrols.

(4) In the interim, until the police program’s discontinuation:

Direct Deputy Town Manager Hardwick to:

- (a) monitor the police activity log on a daily basis, effective immediately;**
- (b) immediately instruct the Town police to again resume documenting each shift in the police activity log, as recommended by the PSC and approved by the Council in August 2022;**
- (c) ensure that the Town police continue to document each shift in the police activity log, so there are no more gaps in the log in the future;**
- (d) ensure that the officers enter in the log the reasons for any traffic stops, for any warnings issued, and for any citations issued, effective immediately.**

JUSTIFICATION: **This is essentially *res judicata*.** The Council approved the PSC’s recommendation to resume use of the police activity log **over a year ago**. Please see the PSC’s memo of July 13, 2022, for more information.

Although the Town resumed use of the log in February of this year, the Town officers have again stopped using the log. As the PSC chair emailed Town Manager Trollinger on August 26, the daytime officer stopped documenting his shifts in the log on **August 17 of this year**. The night officer stopped documenting his shifts in the log on **September 6**.

The PSC chair never heard back from the Town Manager. As of October 18, the officers are still not documenting their shifts in the log.

It appears that through no fault of his own, the Town Manager -- the officers' supervisor -- may not have time to adequately supervise the Town police, including monitoring the police activity log.

Therefore, the Council should transfer the Town Manager’s duties to another employee who has time to do the work.

Although incompletely filled in, **the police activity log has been the sole source of transparency regarding the current activities of the police program, including the number of calls responded to, the number of tickets issued, the nature of the calls responded to, etc.**

In the November 2020 “Somerset-Montgomery County Police Forum,” a resident stated, “If we keep hiring them [the police], you should ask for them to keep lists of their contact with the community and what they are doing . . . because it’s our Town money that’s going out to them. I haven’t figured it out yet.”

Her comments were on point. The log has enabled the PSC to respond to inquiries from Council Members and residents.

For example, a Council member recently asked questions about: what the Town police do during their shifts, the number of night hours worked every week, the times of night the officers work, and the number of night shifts worked every week.

It is only because of the police activity log that the PSC was able to respond to the Council member’s questions.

The police activity log has also enabled the PSC to introduce some transparency to the police program by informing the public (as the Town used to do routinely) about: the nature of the calls responded to by Town officers, the number of calls responded to per month, the number of warnings issued per month, and the number of traffic stops made per month.

It was only after the Town resumed maintaining the police activity log in February of this year that the PSC was able to resume publishing summaries of Town police activity (quarterly) in the Town Journal.

However, **the value of the police activity log diminishes when the officers do not document their shifts.**

This is not the first time the Town has failed to ensure that the log is being filled in.

There are months-long gaps in the log for both 2021 and 2022 -- which is precisely why the PSC recommended in July 2022 that the Town resume using the log to document each shift.

The Town finally resumed using the log in February of this year, **but now the officers have again stopped documenting their shifts.**

The PSC is monitoring the log, but it is the Town staff’s responsibility to monitor the log as well. And the staff should ensure that the officers are properly documenting each shift in the log, as required by the Council.

We understand that because Town Manager Trollinger is overworked, he may not have had time

to remind the Town police to document each shift in the log, even after receiving the PSC chair's email notifying him of the daytime officer's failure to do so. (Subsequently, the night officer has stopped documenting his shifts in the log as well.)

And the Town Manager probably does not have time to monitor the police activity log on a daily basis or to adequately supervise the police.

Therefore, the Council should delegate tasks relating to the police activity log to Deputy Town Manager Hardwick.

(5) Request the Town's auditing firm to:

- (a) investigate and explain the \$14,000 discrepancy for the police program in FY 22;**
- (b) report back to the Council by December 4, 2023; and**
- (c) send an email copy of the report to the chair of the PSC.**

JUSTIFICATION: For FY 22, the police program was budgeted at \$50,000. According to the final audited financial statement provided by the Town's auditing firm and included in the Council meeting packet, the Town spent \$64,000 on the program. This represents a 28% cost overrun.

In a January 9 email, the Town Manager stated that he paid out to officers "\$49,995. It looks like the auditors added something else to this account."

The Town Manager stated that he would get back to the PSC on this. The PSC never heard anything further on this.

The Council has a fiduciary responsibility to ensure that taxpayer funds are spent in a fiscally prudent manner and that budgeted funds are not diverted or misspent. The Town should investigate the discrepancy.

EXECUTIVE SUMMARY

Although the Town's police program was started with good intentions, the program is providing a low return on investment and is not a good fit for Somerset.

Without question, we have two outstanding police officers. This is beyond dispute. No one is questioning the quality of the officers.

However, the police program is not a good fit for Somerset for the following reasons, among others:

(1) The data show that the Town police program has little to no impact on Somerset's crime rate.

Decreasing our police hours has not resulted in a higher crime rate for our Town.

Our approximate police expenditures for FY 20, 21, 22, and 23 are as follows, along with numbers of reported crimes:

FY 20 ³	\$36,000	13 crimes
FY 21	\$50,000	17 crimes
FY 22 ⁴	\$50,000	13 crimes
FY 23	\$33,000	7 crimes (calendar year to date)

Even as police expenditures have remained the same or dropped, reported crimes in Town have dropped from 17 crimes in 2021 to 7 crimes so far this year.⁵

The bottom line is that our crime rate does not vary much, regardless of how much we spend on police -- which makes sense, because we only have 1 officer in 1 location for less than 8% of the time.

(2) The Town police have little opportunity to take police actions in Somerset.

Our Town, with its already low crime rate, sparsity of collisions, affluence, high quality of schools, neighborhood amenities, civically engaged population, and suburb-like environment, presents the Town police with little opportunity to take police actions.

Following is a summary of Town police activity this year.

³ Source: August 3, 2020 Council packet. Actual figure is \$35,870.27

⁴ Please note that the Town's FY 22 audited financial statement indicates that the Town spent \$64,000, but the Town Manager has stated that he paid out only about \$50,000 to the officers.

⁵ We are not counting financial crimes such as identity theft, check forgery, credit card fraud, or cyber crimes, which the police program is not designed to prevent, since the perpetrators are likely outside of Somerset—and in some cases outside the state. We are also not counting the bike theft from Somerset School, which our Town police are not responsible for monitoring, or crimes that clearly did not occur in Somerset but are shown on the County police's crime map, such as a larceny in March that was reported by a Somerset resident but which occurred outside Town.

Also please note that data for crimes is for calendar years, which are offset by 6 months from fiscal years.

This year (to date) the Town police:

Responded to 7 calls in Town this year (less than 1 call per month on average), according to the police activity log. Our Town police classified all of the calls as “non-emergency.”

In previous years, based on the police activity log, our Town police responded to an average of 1 Town emergency every 3 months.

This year, the Town police also responded to 2 calls outside of Somerset. **When we pay for “quick availability,” we are also paying for quick availability for our adjacent neighborhoods.**

Made 0 arrests this year to date (and 0 arrests in the last 5 years), according to the police activity log. (The PSC has logs going back 5 years.)

Possibly issued 1 ticket this year to date, according to the police activity log. (We are not certain if a ticket was issued or not, because the police activity log was not filled in properly in this instance.)

Issued 5 warnings year to date, according to the police activity log. One of those warnings resulted from a traffic stop, and 1 warning related to parking. For the remaining 3 warnings, the log does not state the reason for the warnings.

Wrote 2 community notices that we can recall this year. (The Town Manager distributed these notices via Town Announcements.)

Please see additional details on the low level of Town police activity under “Background” (below).

(3) Even when we have had a police officer in Town, crimes have still occurred.

A Town police officer was on duty at the same moment that the carjacking occurred in January 2021. The Town police officer’s presence did not deter the crime, and she did not catch the suspect.

And the unlawful entry on Cumberland in December 2021 occurred while a Town police officer was on duty. Again, the Town police officer’s presence did not deter the crime, and he did not catch the suspect.

(4) The Question of What Services the Town Police Can Provide

Town officials have suggested meeting with Second District officials to ask them what services the Town police can provide for us.

(a) **The Town has already asked the Second District this question (twice):**

At a March 30, 2023 meeting with Second District Commander Daum, Town Manager Trollinger asked her what services the Town police can provide for us.

In reply, Commander Daum stated that it would be unethical for her to answer this question. (If the Town has questions about the legality or ethics of the Second District answering this question, the Town should consult with the Town Attorney).

At a November 2020 Town forum, President Shaul asked a similar question of Commander Gagen. **He never answered the question.**

(b) **This seems to be a recurrent theme – the Town’s constant struggle to find things the Town police can do for us.**

(c) **The answer to this question seems rather elusive,** which could mean that the police program is a solution in search of a problem.

(5) High Cost and Low Return on Investment from the Police Program

(a) **The Town has spent \$300,000 on the police program so far during the past 16 years.**

(b) **The Town is spending approximately \$715 a week on the police program, which has been deemed ineffective by the two committees with subject matter jurisdiction (the Traffic Committee and the Public Safety Committee).**

(c) **At the current rate of spending, if the Council were to continue the program, the Council would spend an additional \$370,000 (at a minimum) on the program over the next decade.**⁶

The Council should apply a high standard when deciding how to spend these funds. That \$370,000 could be used for a number of worthy projects, such as pedestrian-scale lighting, infrastructure improvements to address pedestrian safety concerns, hiring crossing guards, hiring a part-time staffer to ease the burden on the Town Hall staff, or other projects for the public good (should the Council deem them appropriate), such as converting the pool house to a year-round facility.

⁶ Financial analyses of the expense and impact of government programs typically examine the program over a 10-year span. See, e.g., “About Congressional Budget Office: Baseline Budget and Economic Projections,” <https://www.cbo.gov/about/products#6>

(d) The data show that the police program has little to no impact on the Town's crime rate. Please see the data showing crime numbers and police expenditures for the past four years in the Executive Summary, item #1.

(e) For the price the Town is paying, the Town police do not even drive around; instead, they sit parked for up to 60 minutes at a time at 1 location.

(f) And for that price, we cannot even control the dates or the times of day/night that the Town officers work here.

(g) For the current budgeted amount, we only have 1 Town officer on duty for 1.8 hours a day on average. **This is less than 8% of the time.**

(h) Up until this fiscal year, the Town police were the highest paid of any of our Town employees, on an hourly basis.

(i) For the amount we are paying, we are not even getting a visible presence during all of the hours that the Town police work. One of our officers is sometimes here in an unmarked vehicle, thus defeating the goal of a visible presence.

At an April 2022 meeting with Council member Barr, Council member Rovak, and Chair Hurwit, the Town Manager stated that an unmarked vehicle would help the police make traffic stops. **But the proof is in the pudding: the Town police have hardly made any stops for the last 3 years.**

(j) As a side note, the Town has not conducted a legal review of its Town police program or assessed the Town's liability for operating its current police program.

(6) Lack of Patrols

According to the Town Attorney, the County's collective bargaining agreement **prohibits the Town officers from driving around and patrolling the Town, unless the Town pays the County for vehicle expenses – which the Town does not.**

Instead, the officers go from one location to another and **sit parked for up to 60 minutes at a time.**

(7) Lack of Control Over the Town Police Officers' Schedules

We have no control over the dates or times of day/night that the officers work. The officers set their own schedules, working around their County jobs and their personal schedules.

The Town sometimes goes 4 – 5 days without a Town officer on duty.

This might explain why the Town staff stated that they asked the regular County Second District police to monitor the pool after the break-ins there and to monitor the area around the recent water main break (at Warwick and Falstone).

(8) The two committees with subject matter jurisdiction (the Traffic Committee and the Public Safety Committee) have concluded that the police program is ineffective.

The Traffic Committee has concluded that the program is ineffective for traffic law compliance. The PSC has studied this matter extensively. The data show that the police program has little to no impact on the Town's crime rate.

(9) Infrastructure could be more effective than the police program for improving pedestrian safety and traffic law compliance.

Montgomery County, Washington, D.C., and other progressive jurisdictions are looking at infrastructure solutions for traffic safety problems. **Infrastructure could induce traffic law compliance 24 hours a day, 7 days a week, at multiple locations**, rather than at the 1 intersection where we have 1 officer posted for an average of 1 hour per day during the daytime.⁷

(10) The available evidence indicates that through no fault of their own, the Town staff lacks the time and resources to adequately monitor/supervise the police program and to communicate with and engage in a collaborative process with the police, residents, and committees.

(11) The Town's police program duplicates services already provided for free by the County; it is not fiscally prudent for the Town to pay for these services.

Please see details further down in this memo.

(12) The police program is not an efficient use of resources.

In today's world (particularly in our low-crime, suburban-type community⁸), where much of policing is driven by 911 calls, rather than by the discovery of incidents by "the officer on the beat," it is inefficient for the Town to hire officers to sit parked waiting for a call.

For example, the Town police respond to only 1 emergency in Town per quarter on average. And two of the emergencies to which the Town police responded this year were outside of Town.

⁷ About 50% of Town police hours are worked during the daytime. The other 50% of the hours are worked at night, often from 7 pm to 1 am, when traffic is at a minimum.

⁸ No doubt, some will dispute the description of Somerset as a "suburban-type community." Some might describe the Town as "dense suburban" or "urban." Others might call it a "close-in suburb." Perhaps the best description would simply be its zoning classification: "R-60."

As another example, **our Town police are hardly giving any parking tickets.**

But residents are calling 911 (or the police nonemergency number) with parking complaints. The Second District is dispatching officers here to address those complaints. In one case a Second District officer responded just 45 minutes after our Town officer ended his shift.

The PSC is not necessarily advocating for more tickets. But if residents have to call 911 with parking complaints, and the Second District police are responding to do what we have been expecting our Town police officers to do, **then the Town is not getting good value for its money.**

(13) Racial Equity and Social Justice Considerations

There are racial equity and social justice considerations with hiring any type of security presence – whether it be the police or private patrol services – and the Town needs to fully examine its use of the police or any proposed alternative security presence.

Our Town police officers are well trained and professional. However, **in its Black Lives Matter resolution, the Town Council has pledged to “examine equity and inclusion in the Town’s own business processes including policing,”** in line with evolving public perceptions regarding law enforcement and many communities’ efforts to seek alternatives to the use of the police as part of a more holistic, effective approach to public safety.

(14) The purported direct connection to the Montgomery County Police Department (cited as a benefit of the Town’s police program) is already available for free from MCPD. It is not fiscally prudent to pay for this service. **In any case, the purported direct connection to the MCPD (via our Town police) isn’t working.** Please see details under Background, below.

BACKGROUND

(1) The data show that the Town police program has little to no impact on Somerset’s crime rate.

Decreasing our police hours has not resulted in a higher crime rate for our Town.

Our approximate police expenditures for FY 20, 21, 22, and 23 are as follows, along with numbers of reported crimes:

FY 20	\$36,000	13 crimes
FY 21	\$50,000	17 crimes

FY 22⁹ \$50,000 13 crimes

FY 23 \$33,000 7 crimes (calendar year to date)

Even as police expenditures have remained the same or dropped, reported crimes in Town have dropped from 17 crimes in 2021 to 7 crimes so far this year.¹⁰

The bottom line is that our crime rate does not vary much, regardless of how much we spend on police -- which makes sense, because we only have 1 officer in 1 location for less than 8% of the time.

(2) The Town police have little opportunity to take police actions in Somerset.

Our Town, with its already low crime rate, sparsity of collisions, affluence, high quality of schools, neighborhood amenities, civically engaged population, and suburb-like environment, presents the Town police with little opportunity to take police actions.

We have a very low crime rate in Town; we are more likely to be felled by a heart attack, stroke, vehicle collision while driving to or from Somerset, or some other medical calamity, than to be the victim of a violent crime in Town.

We have almost no traffic collisions or pedestrians struck by vehicles. **We do not have the pattern of criminal activity**, such as shootings, muggings, or outdoor drug dealing, that exists in areas of D.C, Silver Spring, or Prince George's County.¹¹

The police tell us that **most of the crimes here are preventable.**

Following is a summary of Town police activity this year.

This year (to date) the Town police:

⁹ Please note that the Town's FY 22 audited financial statement indicates that the Town spent \$64,000, but the Town Manager has stated that he paid out only about \$50,000 to the officers.

¹⁰ We are not counting financial crimes such as identity theft, check forgery, credit card fraud, or cyber crimes, which the police program is not designed to prevent, since the perpetrators are likely outside of Somerset—and in some cases outside the state. We are also not counting the bike theft from Somerset School, which our Town police are not responsible for monitoring, or crimes that clearly did not occur in Somerset but are shown on the County police's crime map, such as a larceny in March that was reported by a Somerset resident but which occurred outside Town.

Also please note that data for crimes is for calendar years, which are offset by 6 months from fiscal years.

¹¹ Again, this is not to minimize the toll that these types of incidents can inflict on the victims. See Introduction, item #5.

Responded to 7 calls in Town this year (less than 1 call per month on average), according to the police activity log. Our Town police classified all of the calls as “non-emergency.”

In previous years, based on the police activity log, our Town police responded to **1 Town emergency every 3 months on average.**

This year, the Town police also responded to 2 calls outside of Somerset. **When we pay for “quick availability,” we are also paying for quick availability for our adjacent neighborhoods.**

Made 0 arrests this year to date (and 0 arrests in the last 5 years), according to the police activity log. (The PSC has logs going back 5 years.)

Possibly issued 1 ticket this year to date, according to the police activity log. (We are not certain if a ticket was issued or not, because the police activity log was not filled in properly in this instance.)

Issued 5 warnings year to date, according to the police activity log. One of those warnings resulted from a traffic stop, and 1 warning related to parking. For the remaining 3 warnings, the log does not state the reason for the warnings.

Wrote 2 community notices that we can recall this year. (The Town Manager distributed these notices via Town Announcements.)

Note that the above incidents are only a fraction of the incidents that have occurred in Town this year. By examining a list of police dispatched calls in Data Montgomery for a 36-week period this year, the PSC found that the police respond to calls in Somerset an average of two times a week.

We compared this data with the Town’s police activity log and found that **almost all those calls (90%) were handled by the regular Montgomery County Second District police (not by our Town officers).**¹²

¹² Those calls run the gamut from activated burglar alarms (this type of call predominates, but most of them are accidental alarms or malfunctions—some Data Montgomery entries actually include the phrase “cry wolf”), fraud complaints, animal issues, welfare checks, persons needing a mental health evaluation, missing persons (for example, the dementia patient who wanders or drives away), runaways, “family trouble,” suspicious persons or vehicles (usually resulting in nothing found), aggressive solicitors, reports of a crime that occurred in the past, parking complaints (even though our Town police do not proactively issue parking tickets, residents are calling the police, and the Second District is dispatching its own officers to deal with parking complaints), noise complaints, and so on.

Many of these calls are non-emergencies or could be addressed by services other than law enforcement. But because we often rely on the police as the “go-to” response agency for any kind of trouble, the police end up getting dispatched.

Our Town police responded to only about 10% of incidents during that period -- which makes sense, given that our Town police are here only 8% of the time.

(3) The Town's police program duplicates services already provided for free by the County; it is not fiscally prudent for the Town to pay for these services.

The Town already receives ample coverage by the County police, who respond quickly to any emergency in Town.

In fact, according to Data Montgomery, the police respond to calls in Town twice a week on average. **Montgomery County's Second District police officers (not our Town police) respond to 90% of police-dispatched incidents in Town.**

And as the Town Manager has remarked, the service provided by our public safety agencies is excellent.

It is not fiscally prudent for the Town to pay for these services.

(4) The Town police do not assist the school crossing guard.

Town officials have stated that the Town police have been deployed because drivers were harassing the crossing guard. The Town officers may have helped the crossing guard when the program was started in 2007, but they have not done so for at least five years.

This is an example of the confusion that surrounds the police program.

The police activity logs show that:

(a) The Town police have never assisted the school crossing guard in the last 5 years. (The PSC has logs going back 5 years.)

(b) The Town police have never been stationed at Dorset and Warwick during school hours during the last 5 years.

The Town officials might have seen the regular County Second District police assisting the crossing guard.

The crossing guard is a Montgomery County Police Department employee, so if she needs assistance, it would make sense that she would contact her supervisor, who would then send a Second District officer to assist her.

Another Town official had mistakenly believed that our Town police are spending time out of

their vehicles and interacting with kids at Dorset and Warwick. This has never happened in the last 5 years, according to the police activity logs. So this Town official also may have mistaken the Second District officers for our own Town police.

(5) Residents' Complaints About the Police Program

Although there have been positive comments about our Town police officers, **there have been hundreds of complaints and questions about the program over the years**, according to the Mayor.

(a) For example, residents have complained that the officers sit parked instead of driving around to patrol the Town.

(b) Residents have complained that it is unnecessary to have Town police here during broad daylight.

(c) Residents have complained that it is not a productive use of Town funds to hire police officers.

(d) Three Traffic Committee members have complained about our Town officers' inability to carry out the Town Manager's request that the officers issue traffic citations.

(e) A Council member has -- at least twice -- remarked upon our Town officers' inability to issue traffic citations.

(The most recent traffic stop was made at least 6 months ago.)

(f) The Town staff has not responded to any of these concerns. (Again, we realize that the Town staff is overworked and lacks the time to adequately supervise the police program.)

(6) Racial Equity and Social Justice Considerations

There are racial equity and social justice considerations regarding any type of security presence – whether it be the police or private patrol services – and the Town needs to fully examine its use of the police or any proposed alternative security presence.

As part of the national reckoning that has taken place since the police killings of George Floyd, Breonna Taylor, and others, the **Town Council declared in its December 6, 2021, Black Lives Matter resolution** that the Town was “saddened and angered by the disproportionate killing of Black people by police in our country” and that “in our own Montgomery County, County police stop Black drivers at disproportionate rates, and disproportionately arrest, and use force against Black people.”

As the Montgomery County Reimagining Public Safety Task Force has stated, “Montgomery County has its own uncomfortable truth regarding the lack of concern towards members of Black communities.” <https://www.montgomerycountymd.gov/rps/Resources/Files/reports/rps-task-force-recommendations-report.pdf> .

In 2000, as the Montgomery County Office of Legislative Oversight (OLO) noted, the County signed a Memorandum of Agreement with the U.S. Department of Justice to settle allegations that County police officers engaged in racially discriminatory conduct in violation of federal law. https://www.montgomerycountymd.gov/OLO/Resources/Files/2022_reports/OLORReport2022-12.pdf

The OLO also noted last year that “[W]hile overall numbers of Montgomery County Police Department traffic stops declined between FY18 and FY22, **racial disparities in traffic stops have persisted or worsened over the five-year period.**”

An examination of data related to disparities in policing in Montgomery County would consume more space than would be permitted in this memo, but various County boards, commissions, and task forces, as well as advocacy groups and MCPD itself, are examining these issues and have produced highly relevant reports that the Town should consider.

Our Town police officers are well trained and professional. However, **the Town Council has pledged to “examine equity and inclusion in the Town’s own business processes including policing,”** in line with many communities’ efforts to seek alternatives to the use of the police as part of a more holistic approach to public safety.¹³

In evaluating the police program, the Town should also ask: is the program simply providing a perception of safety that isn’t proven by the statistics and reality?

(7) Infrastructure could be more effective than the police program for improving pedestrian safety and traffic law compliance.

(a) This is the trend that Montgomery County, D.C., and other progressive jurisdictions are following. **The Traffic Committee has concluded that the police program is ineffective for traffic safety purposes.** The Traffic Committee is now looking at alternative methods to achieve stop sign compliance and improve traffic safety.

(b) Infrastructure could induce traffic law compliance **24 hours a day, 7 days a week, at multiple locations**, rather than at the 1 intersection where we have 1 officer posted for an average of 1 hour per day during the daytime.

¹³ See also, “Town of Somerset Declarations of Inclusion & Sustainability,” on the Town’s home page.

(c) Despite some residents' concerns about speeding in Somerset, it is not an option for the Town police to pull over and ticket speeders. Town police officer Sgt. Cheoung told the PSC at least a year ago that the Town police officers cannot make stops for speeding because they lack the laser equipment and our Town lacks a stretch of road long enough for the police to "pace" a speeding vehicle.

The Town police have never made a stop for speeding, according to all of the available police activity logs.

Infrastructure, such as the speed display signs that the late Council member Alan Proctor set up, as well as public education, could provide some of the most practical solutions for speeding.

(d) The Town could reallocate police funds for:

(i) **Repair of sidewalk tripping hazards that have languished for decades**

These tripping hazards have already caused injury to residents. Residents have complained about the tripping hazards for years.

(ii) **Pedestrian scale lighting** to address pedestrian safety concerns and to allay some residents' fears about personal security.

(iii) **Raised crosswalks** to address pedestrian safety concerns.

(iv) **Pedestrian-activated stop lights** to address pedestrian safety concerns.

(8) **The police program has little to no impact on traffic safety.**

Somerset started the Town's police program in 2007 to address traffic safety concerns.

On September 22, 2023, the Traffic Committee sent the Council a letter stating:

We the members of the Somerset Traffic Committee write to express our opinion that the funds for the policing program (doubled from \$25,000 in FY19 to \$50,000 for FY20, per the request of our Ad Hoc committee in March of 2019) have not effected the increase in traffic safety we expected. **Although the number of hours police officers work in Town did double from 8.75 per week to 17.5 per week, we have not seen an increase in stop sign compliance, which was our main goal.** [emphasis added]

###

At this point, the Traffic Committee has concluded that **the policing program is not increasing stop sign compliance or general traffic safety in any measurable way as**

we had hoped. . . . the Traffic Committee is now looking into alternative methods for addressing traffic safety. [emphasis added]

Attached is the Traffic Committee's letter to the Council.

(9) Infrequency and Brevity of Town Police Shifts

We only have 1 Town officer on duty for 1.8 hours a day on average. This is less than 8% of the time.

The Town sometimes goes for stretches of 4 – 5 days with no Town police officer on duty, because we do not control the officers' schedules.

One response to the infrequency and brevity of shifts might be to increase police hours. But this would be an extremely expensive proposition because of the high cost of the officers' salaries.

For example, it would cost more than \$240,000 annually to have a single Town police officer here just 50% of the time. This would require a 33% increase in the Town's property tax rate to raise the funds needed. And this tax increase would still not eliminate crimes. See Executive Summary item #3, and Background item #12.

(10) Lack of Control Over the Town Police Officers' Schedules

The Town has no control over the dates or times of day/night the Town police officers work. The officers set their own schedules, working around their County jobs and their personal schedules. This was apparently the arrangement when the Town hired the officers.

The Town sometimes goes for stretches of 4 – 5 days without a Town-hired police officer here.

Holiday weekends are when residents tend to go out-of-town. This year, July Fourth was essentially a four-day holiday weekend for people who could get Monday off. **However, no Town officer worked here during any of those four days – either day or night.**

For Labor Day weekend this year, a Town officer was in Town up until Friday night at 8 pm. The next time a Town officer worked here was on the following Tuesday starting at 7 pm. **So no Town officer was here during the entire three-day weekend – either day or night.**

When our Town residents go on vacation, our Town officers may also be going on vacation.

So if some residents are concerned about crime when they are out of town, their concerns will not be allayed; our Town police officers are less likely to be here when residents are out of town.

(11) Our Town has likely done more to reduce crime by encouraging residents to take basic precautions, rather than by hiring police as a crime deterrent.

In FY 21 and FY 22, the Town spent \$50,000 a year on the police program, and yet there were several reports on the Town's private listserv about thefts from vehicles at night (in April and again in October 2021).

This year, the Town has budgeted \$37,180 for the police program, yet we have only had one reported theft from a vehicle (calendar year to date).

We have managed to lower the incidence of crime by encouraging residents to take basic precautions, even as Town police hours have decreased in the last year.

Obviously, it's too early to brag. And we have more work to do. Every year we have about two car thefts and one or two house break-ins. **But even in years of high police expenditures, the numbers of those crimes have held steady**, and it is not likely that higher police expenditures will completely eliminate these few break-ins and vehicle thefts.

Even Chevy Chase Village, with a full-time police force (that actually patrols the Village) and a police budget of \$2 million, still has scores of crimes each year.

In fact, every municipality cited by the Town staff as hiring the police (in some cases for significant numbers of hours) have crimes occurring in their jurisdiction.

(12) Response to the argument that it's beneficial for the Town police officers to sit where they are, so the officers can catch a suspect in case there is an incident.

(a) **The Town police have never caught a suspect in the last 5 years.** (The PSC has police activity logs going back 5 years.)

Even Town Officer Livingston, who responded to the carjacking on Essex in 2021 while she was on duty here in Town, did not catch the carjackers.

(b) We have 5 road entrances into the Town and at least 5 pedestrian entrances, so it is impossible for an officer to cover every exit route.

(c) The Town police are often sitting parked at locations other than Town entrances.

(d) Since we have only 1 officer in 1 location for less than 8% of the time, a criminal has less than an 8% chance of encountering one of our Town police officers.

According to Second District Cdr. Daum, criminals most likely do not "case" the Town--they are not scoping us out repeatedly for days in advance to see if the police are here. Criminals likely come through Town occasionally and commit crimes on the spot (opportunistically).

(13) Response to the Argument that the Police Program is Inexpensive on a Per-Household Basis

An assertion was made in a Council meeting that the police program is inexpensive (“\$3 a week per household”).

(a) One could advance this argument about any program. But this argument fails to address the real issue. Government spending is not evaluated solely by calculating the per-household cost.

(b) The relevant issues are:

Does the Town’s program provide a good return on our investment?

Is the program a good fit for the Town?

Are there more effective and more fiscally prudent alternatives?

Does the Town staff have the time, resources, and training to adequately monitor, administer, and supervise a Town police program?

(c) For example, one could say the Town should hire a short-order cook at \$3 a week per household to prepare meals for the Town Hall staff on demand. This program would be a bargain on a per-household basis.

But is hiring a short-order cook an effective use of tax money?

(d) **That \$3 a week per household is more than half a million dollars over the course of 10 years -- \$644,280, to be exact** ($\$3 \times 52 \text{ weeks} \times 413 \text{ houses} \times 10 \text{ years}$).

That \$644,280 could be used for a number of other purposes -- converting the pool house into a year-round facility, installing pedestrian scale lighting, etc.

(14) The Purported "Quick Availability" Benefit of the Police Program

A Town official has touted “quick availability” as a benefit of the police program.

(a) Granted, when the officers are here they provide a quick response. But the Town has only 1 officer on duty for less than 8% of the time, based upon the current year's \$37,180 budget.

In other words, the Town police likely miss about 90% of the calls residents make to 911.

This is confirmed by Data Montgomery, which indicates that **almost all incidents (90%) are handled by the regular Montgomery County Second District (not by our Town officers).**

(b) Two of the emergencies the Town police have responded to this year were outside of Town. When we pay for "quick availability," we are also paying for quick availability for adjacent neighborhoods.

(c) Even when there is a Town police officer here, residents still have to call 911. Residents have no way of contacting Town officers directly.

(d) The Town already enjoys quick availability for emergencies—at no cost—from the regular Second District police officers.¹⁴

(15) Response to the Argument That We Will Never Know How Many Criminals Have Been Deterred by a Police Officer Sitting in a Parked Car

A Town official has stated that we will never know how many criminals have been deterred by a police officer sitting in a parked car.

(a) We can't know specifically how many criminals have been deterred by the Town police. But **we can empirically study the crime rate in Town and compare it to the Town's expenditures on the police program.** (Expenditures are directly related to the number of hours the Town police work.)

The fact is that decreasing our police hours has not resulted in a higher crime rate for our Town. Please see the data in the Executive Summary (item #1) comparing Town police expenditures to numbers of reported crimes. **Our crime rate does not vary much, regardless of how much we spend on police -- which makes sense, because we only have 1 officer in 1 location for less than 8% of the time.**

So the data show that our Town police program has little to no impact on the Town's crime rate.

(b) The issue is not whether the presence of a police officer will deter crime. (There is little doubt that an officer will deter crime -- in the immediate vicinity of the officer. But we can't park a police car every 100 feet in Town. That would cost millions of dollars.)

The issue regarding deterrence is: Is the program effective at deterring crime in Town as a whole?

On the traffic side, the Traffic Committee says no.

¹⁴ We use the term "at no cost" to mean that the service is already paid for. Of course, Town residents are paying a hefty County property tax to cover the cost.

As for other types of crime deterrence, the data show that the police program has little to no impact on the Town's crime rate.

The officers just aren't here often enough to make much impact. Based on the current year's budget of \$37,180, we have 1 officer on duty for less than 8% of the time.

(c) Even if the officers were here 24 hours a day, we would still have crime. **Chevy Chase Village, with a 24-hour police force and a police budget of \$2 million, still had 39 larcenies in 2022.** See page 5 of *The Crier*:
<https://www.chevychasevillagemd.gov/ArchiveCenter/ViewFile/Item/2000>

(d) Given how infrequently the Town police work here, the fact that one of our Town officers sometimes sits in an unmarked vehicle, the physical characteristics of our Town (hilly and curvy streets, which decrease the visibility of a parked police car), and our residents' socioeconomic status (criminals neither live nor hang out here), it's unlikely that the Town police have much effect on the crime rate.

(e) Our Town has likely done more to reduce crime (even as Town police hours have decreased) by encouraging residents to take precautions, rather than by hiring police.

In FY 21 and FY 22, we spent \$50,000 a year on the police program, and yet there were several reports on the Town's private listserv during those years about thefts from vehicles at night (in April and October 2021).

This year, the Town has budgeted \$37,180 for the police program, yet we have only had one reported theft from a vehicle (calendar year to date).

Granted, we have had two cars stolen this calendar year (that's about par for every year) and two homes broken into. (In the case of a break-in in January, the resident said the house wasn't fully secured, and the car key "was on a table by the door.") So we still have some work to do.

The PSC is continuing the excellent work of Bruce Tully and Birdie Pieczenik in educating our residents about crime prevention measures.

(16) Response to the Argument That Town Police Can Arrest Suspects

In attempting to explain the benefits of the Town police program, a Town official has stated that the police can arrest suspects.

But the Town police have never arrested anyone in the last 5 years. (The PSC has police activity logs going back 5 years.)

(17) Residents' Perceptions of Crime in Somerset

(a) Some residents' fear of crime is real. But hiring the police is not a particularly effective solution for allaying residents' fears. The Town can enable residents to feel safer and empowered by helping them understand the nature of crime, common sense steps to prevent crime, and the excellent County services (law enforcement and otherwise) that prevent crime.

(b) Most individuals feel extremely safe in Somerset. Homes for sale in Somerset are almost always snapped up quickly. **Home buyers would not purchase \$3.5+ million homes in Somerset if crime were scaring home buyers away.**

(c) There is no doubt that the presence of a police officer can increase feelings of safety for some people.¹⁵ But our police program isn't exactly calculated to advertise a visible presence. On average we have 1 Town officer for 1.8 hours a day.

Moreover, a police officer sitting parked in an unmarked vehicle – sometimes in out-of-the-way locations – is not very visible.

(d) And if the police program is for our residents' psychological benefit, then there was likely little benefit from doubling the budget in FY 20, because the Council did not announce the increase. Most residents probably were not even aware that the budget was doubled. And some did not even know that we hire the police, given the fact that after creating the program in 2007, the Council never discussed the program until October of 2021.

(e) Moreover, if the police program is for our residents' psychological benefit, then why was the budget reduced from \$50,000 in FY23 to \$37,180 in FY24?

(f) The County already provides the Town with a police presence, because they respond here twice a week on average. So even without a police program, residents would still see the police on a regular basis. Residents likely can't distinguish between our Town officers and the regular Second District police. In fact, some residents commonly mistake the Second District officers for our own Town officers.

(18) The purported direct connection to MCPD (cited as a benefit of the Town's police program) is already available for free from the Montgomery County Police Department. It is not fiscally prudent to pay for this service. In any case, the purported direct connection is not working.

¹⁵ Conversely, the presence of a police officer may undermine some residents', visitors', and employees' feelings of safety. See the section on Racial Equity and Social Justice.

A Town official has asserted that the most valuable aspect of the police program is that the program gives us a direct connection to the Montgomery County Police Department, enabling us to get information and updates about incidents that occur in or around Somerset.

We don't need to hire officers to give us information that is already publicly available -- for free.

In other words, that direct connection to the Montgomery County Police Department could exist without a Town police program.

(a) The Town can always ask our Community Services Officer, Demond Johnson, for information about particular incidents.

The community services officer's role is to act as a liaison to the community and to facilitate information flow.¹⁶

(b) Incident information is also available at the County crime incident map (on the County Police's website); and Data Montgomery (where the PSC regularly obtains lists of crimes, police dispatched incidents, and collisions).

(c) Any time we request, representatives of the County Second District police will come to our Town or do a public forum on Zoom and update us on crime trends and recent incidents.

(d) Fortunately we do not have the level of crime that is present in some communities in the U.S. -- shootings, robberies, pedestrians struck, etc. We are fortunate in that some of the incidents that have occurred in Town are essentially isolated incidents, and there is likely no discernible pattern or trend.^{17 18} Again, this is not to minimize the impact of crime on victims. See Introduction, item #5.

The Town needs to continue to monitor incidents and ensure that they don't become trends; we need to continue to educate residents and urge them to take basic precautions; and we need to call upon Second District officials, if necessary, to address specific patterns that occur. But all of this is staff work—not work for Town police officers.

¹⁶ Officer Johnson's contact information is: **Officer Demond Johnson, Community Services Officer, 240-773-6728, Demond.Johnson@montgomerycountymd.gov**

¹⁷ (other than issues such as check forgery and identity theft, which the police program is not designed to address)

¹⁸ Mental health issues figure prominently in some incidents that have occurred in Town. But the police are not well-suited to dealing with people experiencing mental health crises. The County is attempting to de-couple the police from mental health responses and is expanding its mental health services, including spending millions of dollars to deploy mobile crisis outreach teams.

(e) In any case, the purported direct connection to the MCPD (via our Town police) isn't working:

Town officials have stated that the Town police provide us with updates. **But the police are not giving us updates.**

The Town police have never automatically informed us of incidents, trends, or the resolution of any incident unless we asked them first.

(f) The PSC routinely learns about incidents in and around Somerset by looking at Data Montgomery. The Town police do not inform us of these incidents.

The most recent incident that the Town police failed to notify us about occurred on October 5—just days ago, in the 5800 block of Warwick Place.

(g) As another example, the Town police never informed the Town of a break-in and auto theft that occurred in Town on January 10. We only learned about the incident because a resident posted information on a private listserv. And the police never followed up with the Town to tell us the outcome. Was the vehicle recovered? Were any suspects caught?

(h) The Town police never notified the Town about a collision that occurred at the corner of Trent and Uppingham on November 22, 2022 (Montgomery County Crash Database, report # MCP287700B9).

The PSC learned about the incident only by looking at Data Montgomery.

Given the fact that the very goal of the police program was to promote traffic safety and prevent collisions, it is startling that information has not flowed to the Town from the Second District via this purported direct connection.

(i) The Town police never notified the Town about any of the animal incidents that Second District officers have been responding to (according to Data Montgomery), including at least one case of an injured deer in the roadway (possibly struck by a vehicle).

If the Town police had been providing the Town with this “information and [these] updates about incidents that occur in or around Somerset,” the Town could have warned residents to be extra careful when driving and to keep an eye out for deer.

Instead, the Town is in the dark because the “direct connection” to the Montgomery County Police Department (a purported benefit of the Town police program) barely functions.

(j) Similarly, the Town police have never informed the Town of the nature of the several parking complaints that residents have called in to 911 (or the nonemergency number), to which Second District officers have responded, according to Data Montgomery.

If the Town staff had learned about these complaints, the staff could have reminded residents to refrain from committing these particular types of parking infractions. This could reduce the number of calls to 911 and even save our residents some money through fewer tickets.

Communication and information are the essence of public safety—yet the purported communication through a “direct connection” to the MCPD (via our town police program) is virtually nonexistent.

(k) Sgt. Cheoung used to give the Town staff **monthly incident reports** that the Town Manager would forward to the PSC.

Those reports stopped coming to the PSC a year ago.

(l) And the PSC has twice sent the Town staff a list of incidents that we requested the staff to ask the Town police to follow up on.

The PSC never received the requested information.

We are not casting blame; we understand that the Town staff is overworked.

But the fact is that the Town staff does not have time to adequately manage the police program and ensure that direct connection to the MCPD.

(m) The PSC chair also asked the Town staff to request Officer Olcott to brief the PSC on his investigation of the Zoom bombing of a Town Council meeting, given the horrific nature of the incident. Communities routinely request briefings from the police on horrific crimes, so this would seem to be a logical use of the purported direct connection.

On December 9, 2022, the Town Manager kindly replied, "I will check in with officer Olcott and get you a response."

The PSC never received any further response, until the PSC chair once again emailed the staff on September 28 of this year. At that time, instead of a briefing, the PSC received a one-sentence response stating that there was no way to identify the Zoom bomber.

In light of the nature of the crime and the strong condemnation by the Mayor, every Council member, and the Town Manager, the PSC had hoped to receive more than a one-

sentence response.¹⁹ This indicates the Town's inability to make use of its so-called direct connection to MCPD.

In short, the purported direct connection to MCPD (cited as a benefit of the Town's police program) is already available for free from the Montgomery County Police Department. It is not fiscally prudent to pay for this service. In any case, the purported direct connection to the MCPD (via our Town police) isn't working.

(19) Community policing -- a purported benefit of the police program -- is available from Montgomery County at no charge. In any event, Somerset does not practice community policing via its police program.

At various times, a Town official has touted community policing as either a goal or a benefit of the police program.

(a) The Town doesn't need to pay for community policing activities.

The County already provides community policing for free. Council members have stated that they have seen the County police interacting with residents (including children) in Town.

It has been established that these officers are not our Town police officers, so they must be the regular Second District officers. (The police activity log indicates that our Town police officers do not interact with residents, except for the handful of problems or calls the officers have addressed.) **So the Town is already receiving community policing from the County for free.**

Moreover, the County police Second District will be happy to come here for a forum or a presentation any time the Council desires. By law, the police have to engage in these activities.²⁰

The County police also routinely attend community events, fire department open houses, forums, and festivals. If the Town wants to avail itself of community policing activities, the Town can simply arrange an event and invite the Second District (or any other police agency in whose jurisdiction we are located), and they will be happy to attend -- for free.

The County police would likely have been happy to come here for National Night Out, but the Town staff has not had time to arrange this event or other such events.

¹⁹ See, page 9 of the November 2021 Journal, <https://files.constantcontact.com/63a3d68b001/797776f2-d248-4901-9f4d-12d970209c73.pdf>

²⁰ Chapter 35 of the Montgomery County Code requires that "the Department must increase community outreach initiatives and officers must attend community events on behalf of the Department." County law also requires MCPD to report to the County Council the number of events they attend or arrange. So the County Police are always looking for events to attend.

Now that the Deputy Town Manager is on board, if the Council wishes, he can set up these events, and the County Police will attend and provide community policing activities at no charge to the Town.

(b) **In any event**, other than perhaps the annual Halloween event, **our Town government doesn't practice community policing** in the context of our police program.

The Town does not appear to have ever instructed our Town police officers to engage in much interaction with the public. The police activity log indicates that our Town police officers do not interact with residents, except for the handful of problems or calls the officers have addressed.

(c) If the Council believes community policing activities would benefit the Town, it should direct the Town staff to create a community policing plan. (The Town doesn't need to employ police officers in order to have a community policing plan. The Town can simply create a plan, schedule events, and invite the Second District police.)

(d) In March, the PSC sent the Town Manager comments on his draft policing policy. The PSC included "community policing" in a list of critical elements to be added to the draft policy. The PSC never received a reworked draft thereafter.

(e) "Community policing" is more than just a phrase, and it is much more than public contact and events. For more information, please see Chapter 35 of the Montgomery County Code, which defines community policing. If the Town staff has a different definition or version of community policing, it would be beneficial if the staff would articulate it and explain how they intend for it to work in Somerset.

(f) Again, the issue is not the quality of the officers (and certainly not the quality of the Town staff). **The issue is the Town staff's lack of time and resources to manage the police program.**

(20) Town Staff's Lack of Time and Resources to Supervise the Police Program

This is not a commentary on the quality of the Town staff.

We are simply noting that the Town government lacks the structure – and, through no fault of their own, the Town staff lacks the time and resources -- to adequately monitor/supervise the police program, to learn about the program, and to **communicate with**, and engage in a collaborative process with, the police, residents, and committees.

In the same vein, the Town is not well positioned to replace the officer who is retiring this year.

Again, we are not casting blame. We realize that through no fault of their own, the staff:

- (1) has not been afforded the opportunity to gain the required knowledge and training to manage and supervise the police program; and
- (2) is challenged in terms of workload, resources, and training.

The Town needs to consider the above issues before continuing to operate a police program.

As the previous chair of the Budget Committee has noted, the Town's resources are limited. Operating a police program seems to be too challenging for our Town staff to manage, given the staff's limited time and resources. If the Town staff had the time to create the systems, policies, and procedures that even the Council has deemed necessary, the staff would have created them by now.

Please note that even if the Town staff had the time and resources to adequately manage the police program, this would not detract from the fact that the program provides a low return on investment and is not a good fit for the Town.

The PSC has numerous examples of the Town staff's lack of time and resources for managing the police program, as well as other Town programs. Because these examples implicate personnel management and accountability issues, the PSC will send these examples separately to the Council President.

(21) The Town staff has not been afforded the opportunity to receive training, knowledge, and experience (a) in how law enforcement in the County and state operate and (b) regarding the implications of operating a police program.

(a) The Town Manager "inherited" the police program from his predecessor. He was never briefed on the program and was never given any guidance on how to manage the program. This has resulted in an *ad hoc* method of management, which is not appropriate for a public safety program.

(b) Until the Town Attorney advised the Council in August 2022, **the Town Manager -- the officers' supervisor -- was unaware that under the Town's current arrangement, the County's collective bargaining agreement prohibits the Town police from generally patrolling (driving around).**

Through no fault of their own, the Town staff was unaware of this restriction, despite the fact that the collective bargaining agreement has been in place since 2017, according to the Town Attorney.

(c) The chair of the PSC asked for a legal review of the police program more than a year ago. This review would have revealed the limits on the officers' activities and helped the Town staff understand how the police operate.

Additionally, in August 2022, the Council approved the PSC's recommendation that the Town assess its legal liability for the police program, particularly after the Maryland General Assembly raised the statutory cap on damages in 2022 for certain police-related lawsuits.

Neither review was conducted. This demonstrates that the Town has not been able to devote adequate resources to support the staff and operate the program effectively.

Given the staff's heavy workload in the coming years (stormwater SIPs, LED light replacement, pool renovation, road resurfacing, solar panel installation, monitoring of storm water infrastructure that the Council mandates for specific new home construction projects, periodic trimming of trees, Youth Town Council, and the myriad of new projects that the Council is approving), **the PSC sees no evidence that the staff will be able to devote time to supervising, learning about, monitoring, and facilitating information flow regarding the police program.**

CONCLUSION

The Council started the police program with good intentions. However, the two committees with subject matter jurisdiction (the Traffic Committee and the Public Safety Committee) have concluded that the police program is ineffective.

The program does not provide a good return on investment and is not a good fit for the Town; there are more effective and more fiscally prudent alternatives; and the Town staff lacks the time, resources, and training to adequately monitor and supervise the program.

In addition to the above reasons, conditions have significantly changed since 2007, when the Council created the program. These changes render the police program even less relevant and lower the return on investment even further.

These changes include transformed lifestyles (**more Town residents are at home during the day, walking dogs, exercising outdoors, etc, thus keeping an eye on things and deterring unlawful behavior**); innovations in communication (wireless phones, social media, and other technology allow almost instantaneous alerts regarding hazards); expanded government services (such as mobile crisis outreach teams and assistance for the unhoused); increased use of holistic approaches to public safety (such as infrastructure improvements described in the County's Pedestrian Master Plan and policy changes described in the Safe Streets Act); innovations in police investigatory tools and techniques (cell phone trackers, drones—which the County police plan to acquire—license plate reader cameras, search warrants and subpoenas for geolocation

information²¹, and other tools we don't even know about); and evolving public perceptions and expectations regarding law enforcement. In the interests of time, this memo does not elaborate on these issues.

Thank you for considering these recommendations.

²¹ See, e.g., Justin Jouvenal, “‘Crime tourists’: An International Spree Targets D.C. Area’s Wealthy Asian Residents,” *Washington Post*, January 11, 2022, <https://www.washingtonpost.com/dc-md-va/2022/01/11/burglaries-crime-tourists-target-asians/> (“Song, the lead detective, had already turned to an investigative tool that has exploded in popularity in recent years. He filed a search warrant with Google for a list of all registered mobile devices that had been active in a zone around a handful of the Fairfax County homes that had been burglarized. Two of the cellphone numbers that were returned matched those of the two men who were arrested near Atlanta, according to a search warrant”).

September 22, 2023

To the Mayor and Somerset Town Council:

We the members of the Somerset Traffic Committee write to express our opinion that the funds for the policing program (doubled from \$25,000 in FY19 to \$50,000 for FY20, per the request of our Ad Hoc committee in March of 2019) have not effected the increase in traffic safety we expected. Although the number of hours police officers work in Town did double from 8.75 per week to 17.5 per week, we have not seen an increase in stop sign compliance, which was our main goal.

We have also noted challenges with management of the police program. Citations for stop sign violations were rarely issued in FY20, despite Traffic Committee requests for officers to do so. It is not clear the intersections we prioritized for them at that time were monitored as requested. Efforts (repeated requests to the Town Manager) beginning in September 2020 to meet with Sgt. Cheoung to discuss our priorities did not result in a meeting. The Town Council assigned the Town Manager the task of drafting a policing policy on November 15, 2021, with subsequent input from the Public Safety and Traffic committees, but no real policy was produced. We are aware that Public Safety Chair Kumar Vaswani revised and supplemented a draft outline in March 2023, but there were no further communications on next steps.

The Town was able to convene a meeting with Sgt. Cheoung in April 2022, which addressed general public safety more than traffic safety. At that meeting, after discussing how much detail police can record while protecting citizens' privacy, the Town Manager agreed to create a new police activity log, which was done in February 2023. It has been maintained by officers and as far as we can tell (since the reason for the few warnings officers have issued is not specified), the Town police have conducted just one traffic stop this calendar year and have not made a single traffic stop since March.

At this point, the Traffic Committee has concluded that the policing program is not increasing stop sign compliance or general traffic safety in any measurable way as we had hoped. Other committees may want to consider working with the Town Manager and Council to develop, implement, and fund a policing policy for other public safety needs, but the Traffic Committee is now looking into alternative methods for addressing traffic safety.

With appreciation for all the work you have done to help us increase traffic safety in Town,
Sincerely,

Elizabeth Hurwit, Chair
Sherry Khanna
David Leibovitch
Anne Yap

**Town of Somerset
Budget and Tax Rate Ordinance**

Resolution No.: 4-23-11
Introduced: April 1, 2024
Adopted:
Effective Date:

SUBJECT: AN ORDINANCE TO ADOPT A BUDGET FOR FISCAL YEAR JULY 1, 2024 TO JUNE 30, 2025 AND TO LEVY A TAX ON CERTAIN REAL AND PERSONAL PROPERTY UNDER THE PROVISIONS OF SECTION 6-203 OF THE TAX-PROPERTY ARTICLE OF THE MARYLAND CODE, AS AMENDED

WHEREAS, Maryland Code, Local Government Article, Section 5-202, as amended, grants to the legislative body of every incorporated municipality in Maryland, including the Town of Somerset, general power to pass such ordinances not contrary to the Constitution of Maryland, or the public general law, as deemed necessary in order to assure the good government of the municipality, to protect and preserve the municipality's rights, property, and privileges, to preserve peace and good order, to secure persons and property from danger and destruction, and to protect the health, comfort and convenience of the citizens of the municipality;

WHEREAS, Maryland Code, Local Government Article, Section 5-205, as amended, authorizes the legislative body of each municipal corporation in the State of Maryland to spend money for any public purpose and to affect the safety, health, and general welfare of the municipality and its occupants;

WHEREAS, Maryland Code, Tax-Property Article, Section 6-203, as amended, grants authority to municipal corporations to levy a tax on personal property, land, and improvements thereon, within the municipal corporation;

WHEREAS, Section 83-17 of the Town Charter authorizes the Town Council to pass ordinances not contrary to the Constitution and laws of the State of Maryland or the Town Charter, as it may deem necessary for the good government of the Town; for the protection and preservation the Town's property, rights, and privileges; for the preservation of peace and good order; for securing persons and property from violence, danger, or destruction; and for the protection and promotion of the health, safety, comfort, convenience, welfare, and happiness of the residents of the Town and visitors thereto and sojourners therein;

WHEREAS, pursuant to Section 83-40 of the Town of Somerset Charter, the Town operates on an annual budget;

WHEREAS, Section 83-48 of the Town of Somerset Charter authorizes the Town Council to levy and collect from the owners of real and/or taxable tangible personal property used in a trade or business in the Town, tax on the assessed valuation of the real and/or taxable

tangible personal property used in a trade or business within the boundaries of the Town at a rate or rates set by the Town Council;

WHEREAS, the Mayor and Town Council introduced the following Ordinance in public session assembled on the 1st day of April, 2024;

WHEREAS, the Town Council, after proper notice to the public, considered the following Ordinance at a public hearing held on the ___ day of May, 2024; and

WHEREAS, the Town Council finds that the ordinance as hereinafter set forth is necessary for the good government of the Town; for the protection and preservation the Town's property, rights, and privileges; for the preservation of peace and good order; for securing persons and property from violence, danger, or destruction; and for the protection and promotion of the health, safety, comfort, convenience, welfare, and happiness of the residents of the Town and visitors thereto and sojourners therein.

NOW, THEREFORE, the Town Council does hereby adopt the foregoing uncodified Ordinance.

BE IT ORDAINED AND ORDERED, this ____ day of May, 2024, by the Town Council, acting under and by virtue of the authority given it by the Maryland Code and the Town of Somerset Charter, that the attached Budget be and is hereby adopted.

AND BE IT FURTHER ORDAINED AND ORDERED, that the Town Council of the Town of Somerset, pursuant to the authority granted by the Town Charter and Section 6-203 of the Tax-Property Article of the Maryland Code, hereby levies a tax at the following rates:

- (i) zero dollars and ten cents (\$0.10) per One Hundred Dollars of assessable value (fair market value) on real property subject to taxation;
- (ii) one dollar and zero cents (\$1.00) per One Hundred Dollars of assessed value of assessable business-owned personal property subject to taxation; and
- (iii) one dollar and zero cents (\$1.00) per One Hundred Dollars of assessed value of assessable utility property subject to taxation.

AND BE IT FURTHER ORDAINED AND ORDERED, by the Town Council, acting under and by virtue of the authority granted to it by the Maryland Code, and the Charter of the Town of Somerset, that:

- (1) That the tax levied hereby be certified to the County Council for Montgomery County, Maryland;
- (2) If any part or provision of this Ordinance is declared by a court of competent jurisdiction to be invalid, the part or provision held to be invalid shall not affect the validity of the Ordinance as a whole or any remaining part thereof; and

(3) This Ordinance shall take effect on the 1st day of July, 2024.

ATTEST:

TOWN OF SOMERSET

Matt Trollinger, Manager/Clerk-Treasurer
Town of Somerset

Stephen Surko, President
Town of Somerset

Approved:

Jeffrey Slavin, Mayor
Town of Somerset

Date: _____

	FY 20 Audit	FY 21 Audit	FY 22 Audit	FY 23 Year End	FY 24 Projection	FY 25 Proposed	FY 26 Projection	FY 27 Projection	FY 28 Projection	FY 28 Projection
Revenues										
41000 — Property tax	648,858	656,339	642,114	694,969	745,276	760,182	779,186	802,562	830,651	859,724
Property tax rate (\$ per \$100)	0.10	0.10	0.10	0.10	0.10	0.10	0.10	0.10	0.10	0.10
42000 — Intergovernmental**	1,350,761	980,826	1,834,637	2,542,717	1,647,296	1,726,070	1,797,573	1,868,453	1,911,789	2,011,632
43000 — Recreation	21,912	11,230	23,713	25,980	23,642	22,750	21,950	21,950	21,950	21,950
44000 — Interest	19,230	1,768	2,508	66,371	113,882	125,324	63,452	64,087	64,728	65,375
45000 — Rental to Residents	0	0	0	3,400	3,300	3,600	3,600	3,600	3,600	3,601
46000 — Permit	13,306	15,892	20,144	22,766	17,584	31,080	31,802	32,744	34,881	35,852
47000 — Miscellaneous - Rev.	13,548	81,973	17,278	32,114	10,394	0	0	0	0	0
Total revenues	2,067,614	1,748,029	2,540,394	3,388,316	2,561,374	2,669,006	2,697,564	2,793,396	2,867,599	2,998,134
Operating expenses										
61000 — Personnel	396,840	443,762	475,532	397,976	512,626	522,769	545,670	569,556	590,925	614,311
62000 — Professional Services	256,461	270,340	317,654	340,633	350,123	398,236	348,468	351,676	355,909	369,337
64000 — Civic Affairs	13,471	8,559	19,110	19,159	21,336	28,294	31,980	32,709	33,435	34,355
65000 — Publications	20,418	20,002	21,901	29,895	22,307	28,157	29,350	30,532	31,707	32,925
66000 — Insurance	7,527	7,546	8,387	9,295	9,184	9,500	9,933	10,362	10,789	11,232
67000 — Town Hall/Garage	35,923	50,869	54,380	51,116	44,396	48,586	50,778	52,949	55,109	57,349
68000 — Streets & Sidewalks	30,592	118,431	87,017	31,878	91,860	114,859	115,947	105,025	106,262	107,544
69000 — Trees, G. & P	54,360	42,942	77,535	74,711	93,118	110,475	115,478	120,434	125,365	130,474
70000 — Sanitation	202,304	204,494	219,573	226,034	226,814	333,912	349,090	364,125	379,084	394,585
71000 — Recreation Exp	218,627	297,306	303,526	302,102	292,891	295,708	307,131	318,558	329,876	341,553
72000 — Bank Service Charge	1,084	307	1,000	1,007	1,000	1,000	1,000	1,000	1,000	1,001
73000 — Debt Services	118,171	115,803	113,500	121,595	118,221	129,152	129,152	129,152	129,152	129,152
74000 — Misc. Expenses	9,505	2,213	3,431	2,519	4,675	4,904	5,127	5,349	5,569	5,797
75000 - Wynne Case Payment	0	6,264	12,527	12,527	12,527	12,527	12,527	12,527	12,527	12,527
76000 — Budget Contingency	0	660	16,667	8,540	30,000	30,000	30,000	30,000	30,000	30,000
Total operating expenses	1,365,284	1,589,498	1,731,740	1,628,986	1,831,078	2,068,079	2,081,634	2,133,954	2,196,710	2,272,143
Revenues less operating expenses										
Capital expenses	702,330	158,530	808,653	1,759,330	730,296	600,927	615,930	659,442	670,888	725,991
Capital expenses										
67000 — Town Hall/Garage	517,042	13,776	11,465	121,908	65,512	70,000	50,000	40,000	12,000	5,000
68100 — Streets	0	24,265	0	0	174,293	734,000	528,333	561,667	561,667	495,000
69000 — Trees, G. & P	7,340	6,125	67,700	15,595	282,906	119,145	55,000	26,000	26,000	27,000
71000 — Recreation Exp	72,406	39,188	59,023	57,137	892,775	189,800	62,400	41,500	31,500	61,500
75000 — Environmental	0	0	0	0	0	0	0	0	0	0
76000 — Budget Contingency	0	4,219	50,000	0	30,000	30,000	30,000	30,000	30,000	30,000
Total capital expenses	596,788	87,573	188,188	194,641	1,445,486	1,142,945	725,733	699,167	661,167	618,500
Town Reserves										
Beginning-year Reserves	1,812,820	1,918,362	1,989,319	2,609,785	4,174,474	3,459,284	2,917,266	2,807,463	2,767,738	2,777,459
+ Rev. less oper. expenses	702,330	158,530	808,653	1,759,330	730,296	600,927	615,930	659,442	670,888	725,991
- Capital expenses	596,788	87,573	188,188	194,641	1,445,486	1,142,945	725,733	699,167	661,167	618,500
End-year Reserves	1,918,362	1,989,319	2,609,785	4,174,474	3,459,284	2,917,266	2,807,463	2,767,738	2,777,459	2,884,950
Wynne Day Fund	1,023,963	1,258,353	1,258,353	1,356,720	1,635,378	2,068,079	2,081,634	2,133,954	2,196,710	2,272,143
Special Capital Fund					150,000	200,000	250,000	250,000	250,000	250,000
Wynne Case Special Acct.	250,549	244,285	212,967	200,439	187,912	175,385	162,857	150,330	137,802	125,275
Encumbered	643,850	486,681	1,138,465	2,617,315	1,485,995	473,802	312,972	233,454	192,946	237,532
**42000 - Intergovernmental includes state income tax revenue.										

Town of Somerset
Resolution Establishing Data Policy

Resolution No.:1-24-4
Introduced: 4/1/2024
Adopted: 5/6/24
Effective Date:

WHEREAS, the Town of Somerset recognizes the importance of protecting personal information lawfully obtained by the Town in accordance with State law; and

WHEREAS, the Town acknowledges the need to establish written policies and procedures to safeguard personal information and mitigate the risk of unauthorized access, use, modification, or disclosure; and

WHEREAS, the Town has developed a comprehensive Data Security Policy outlining security measures, procedures for destruction of records, reporting violations, investigating breaches, notification protocols, containment measures, enforcement actions, and prevention strategies;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of Somerset, Maryland, on this 6th day of May, 2024, that the Town hereby adopts the Data Security Policy as presented, effective immediately.

BE IT FURTHER RESOLVED that all Town staff, the Mayor, Council members, volunteers, and contractors ("responsible parties" or "authorized individuals") are hereby directed to comply with the provisions outlined in the Data Security Policy.

BE IT FURTHER RESOLVED that the Town Manager is authorized and directed to ensure the implementation and enforcement of the Data Security Policy and to oversee any necessary updates or revisions as deemed necessary by the Town Council.

BE IT FURTHER RESOLVED that copies of the adopted Data Security Policy shall be distributed to all responsible parties and made readily available for reference in the Town Office.

BE IT FURTHER RESOLVED that the Town Manager shall ensure that all responsible parties receive appropriate training on the requirements and procedures outlined in the Data Security Policy.

BE IT FURTHER RESOLVED that any prior resolutions or policies in conflict with this Resolution are hereby repealed to the extent of such conflict.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon passage.

ADOPTED by the Council of the Town of Somerset on this 6th day of May, 2024.

ATTEST:

TOWN OF SOMERSET

Matt Trollinger, Manager/Clerk-Treasurer
Town of Somerset

Stephen Surko, President
Town Council

Approved:

Jeffrey Slavin, Mayor
Town of Somerset

Date: _____

The Town of Somerset

Data Security Policy

As mandated by State law, the Town of Somerset (hereafter referred to as "Town") hereby establishes the following written policies and procedures for the protection of personal information lawfully obtained by the Town. They apply to all Town staff, the Mayor, Council members, volunteers, and contractors ("responsible parties" or "authorized individuals").

Definitions

For the purposes of this policy, the following words have the meanings indicated.

- 1) "Personal information" means an individual's first name or first initial and last name, personal mark, or unique biometric or genetic print or image, in combination with one or more of the following data elements:
 - a. Social Security number;
 - b. Driver's license number, state identification card number, or other individual identification number issued by a unit;
 - c. Passport number or other identification number issued by the United States government;
 - d. Individual Taxpayer Identification Number; or
 - e. Financial or other account number, a credit card number, or a debit card number that, in combination with any required security code, access code, or password, would permit access to an individual's account.

"Personal information" does not include the following: (1) publicly available information that is lawfully made available to the general public from federal, State, or local government records; (2) information that an individual has consented to have publicly disseminated or listed; or (3) information that is disclosed according to other applicable law or judicial order.

- 2) "Records" means personal information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

Security Measures

To protect personal information from unauthorized access, use, modification, or disclosure, the Town will employ the following security procedures and practices. All records shall be protected with a minimum of two layers of security, which may include but not be limited to, the Town Office door being locked when the Office is not in use; the Town Office computers being

password protected and locked when not in use by authorized individuals; filing cabinets containing personal information being locked when not in use by authorized individuals; and the Town internet service being password protected. The Town will maintain appropriate network security, including firewalls, on all computers.

Destruction of Records

The Town will retain records in the Town Office in accordance with the Town's State-approved document retention schedule. When a record meets the criteria for removal under the retention schedule, it will be purged, destroyed (e.g., by shredding paper files containing personal information), deleted, or returned to the submitting source as required.

Reporting Violations

Responsible parties will promptly and without unreasonable delay report any and all violations of this policy to the Town Manager, Mayor, or Town Council, as appropriate.

Investigating a Possible Breach

The Town Manager or Mayor, or Town contractors, as appropriate, will investigate the circumstances of a possible breach to determine whether the unauthorized acquisition of personal information has resulted in or is likely to result in the misuse of the information. The results of such investigation shall be shared promptly and without unreasonable delay.

If/When a Breach is Confirmed

Notification

The Town Manager or Mayor, as appropriate, will work with the Town's legal counsel to notify impacted individuals promptly and without unreasonable delay. Notification should be made in writing as soon as practicable to the most recent address of the impacted individual(s). Alternatively, notice may be provided by e-mail or telephone.

Notifications shall include the following: (1) to the extent possible, a description of the categories of information that were, or are reasonably believed to have been, acquired by an unauthorized person, including which of the elements of personal information were, or are reasonably believed to have been, acquired; (2) contact information for the responsible party making the notification, including an address, telephone number, and toll-free telephone number

if one is maintained; (3) the toll-free telephone numbers and addresses for the major consumer reporting agencies; and (4) (i) the toll-free telephone numbers, addresses, and Web site addresses for: (a.) The Federal Trade Commission; and (b.) The Office of the Attorney General; and (ii) a statement that an individual can obtain information from these sources about steps the individual can take to avoid identity theft.

Before giving the notification, the responsible party shall provide notice of a breach of the security of a system to the Office of the Attorney General and to the Department of Information Technology.

If, after the investigation is concluded, it is determined that notification is not required, the responsible parties shall maintain records that reflect its determination for 3 years after the determination is made.

Containment

If a breach is confirmed, the Town Manager or Mayor, as appropriate, working with the responsible parties and individuals impacted, shall take the following steps to limit the scope and effect of the breach without unreasonable delay.

- 1) Stop any unauthorized practice;
- 2) Recover the records, if possible;
- 3) Shut down the system that was breached;
- 4) Change passwords;
- 5) Change locks on cabinets or doors;
- 6) Correct weaknesses in security practices; and
- 7) Notify the appropriate authorities including the Montgomery County, MD Police Department, if the breach involves, or may involve, any criminal activity.

Enforcement

If, after a thorough review, any responsible party is found to be in violation of this policy as it pertains to the gathering, collection, use, retention, destruction, or disclosure of records, the Town will:

1. Immediately suspend access to Town information systems by the person(s) involved in the violation.
2. If an individual is a Town employee or contractor, he or she will be referred to the Town Manager for disciplinary action, up to and including termination of employment or their contract with the Town.

3. If the individual is the Town Manager, he or she will be referred to the Mayor or Town Council for disciplinary action, up to and including termination of employment.
4. If appropriate, refer the violation to the appropriate law enforcement authority to initiate a criminal investigation in their sole discretion.

The Town reserves the right to restrict the qualifications and number of individuals having access to Town information and to suspend or withhold service and deny access to any individual.

Prevention

In order to ensure the Town maintains the most current approach to the protection of personal information, this policy may be periodically updated as deemed necessary by the Town Council. It may also be updated following any confirmed breach to implement any resolution plan resulting from an investigation of the circumstances of the breach, its root cause(s), and any remaining risk(s).

The Town Manager, Mayor, or Council, as the case may be, in their sole discretion, may dispense with the above requirements in the rare case of an emergency in order to protect the health, safety, comfort, and welfare of the Town and its residents.

Town of Somerset

A Resolution Encouraging Composting in the Town of Somerset

Resolution No. 24-4-1

Introduced: April 1, 2024

Adopted: May 6, 2024

Effective Date: June 3, 2024

A Resolution Encouraging Composting in the Town of Somerset and Providing Composting Service as an “Opt Out” Service

WHEREAS, at the Town of Somerset Environment Committee held on December 7, 2023, the committee unanimously voted to recommend to the Town Council the encouragement of all residents to compost; and

WHEREAS, Whereas, the Town of Somerset is committed to promoting sustainability and reducing landfill waste in alignment with our town's pledge to become more environmentally conscious; and

WHEREAS, the Environment Committee has identified food scraps as a significant contributor to landfill waste and recognizes the importance of composting in diverting organic materials from landfills and utilizing them beneficially for agricultural purposes;

NOW THEREFORE, be it resolved by the Town Council of the Town of Somerset hereby endorses and supports the recommendation of the Environment Committee to encourage all residents to compost; and

BE IT FURTHER RESOLVED that the Town shall distribute composting buckets to every household that does not already possess one, unless the family indicates they do not wish to participate in the program; and

BE IT FURTHER RESOLVED that the Environment Committee is tasked with coordinating an education campaign on composting to raise awareness and promote participation among residents; and

BE IT FURTHER RESOLVED that educational information will be shared by the Environment Committee, with an emphasis on the composting service on Earth Day, April 22, 2024; and

BE IT FURTHER RESOLVED that composting will be distributed to households, and the expanded composting program will be launched beginning June, 2024.

This resolution shall take effect on June 3, 2024.

Certified and adopted by the Council of the Town of Somerset on this ____ day of _____, 2024.

Mayor Jeffrey Slavin

Council President Stephen Surko

Attest:

Matt Trollinger, Town Manager/Clerk-Treasurer

Environment Committee Recommends Composting for All Residents

Submitted by Barton Rubenstein, TOS Environment Committee Chair

December 11, 2023

Summary

At the Dec 7, 2023, EC meeting, the Environment Committee unanimously voted to recommend to the Town Council that we encourage all residents to compost.

Background

In accordance with our Town's pledge to become a more sustainable town, the Environment Committee is focused on ways to reduce our landfill garbage. Presently, we have a robust co-mingled recycling program that recycles paper, glass, plastic, and metal. Using your blue bucket to separate recycling from garbage should reduce your landfill considerably. However, food scraps are another huge item that is responsible for a lot of our landfill. Food scraps (which includes meat, vegetables, eggshells, and coffee filter and grinds) are a very important part of our ecosystem and can be used by farmers as fertilizer and as an energy source as well.

Fortunately, we already have a composting service, Compost Crew, that our Town provides for free. The problem is only 40-45% of our town residents use this service. In order to encourage more participation and thus reduce our town's landfill, the Environment Committee is recommending the following:

Recommendation

The Environment Committee recommends that the Town distributes composting buckets to every household that does not already have one — unless the family indicates they do not want one — and sign them up for composting. The Environment Committee will coordinate an education campaign on composting, and bins will be distributed so the expanded program can launch in conjunction with Earth Day, April 22, 2024.

If you have any questions, please contact Barton Rubenstein, EC Chair at bartsher@gmail.com .

Manager Report

April 2024

Major Capital Projects

Pool Renovation – EJ has taken over and is meeting with the designated working group consisting of Councilmembers Heller and Kumar, Pool Committee Chair Zaft, and American Pool to oversee construction and meet bi-weekly to discuss progress

Streetlight Installation – EJ has been introduced to PEPCO to serve as the Town’s new point-of-contact for the project. Pepco emailed this month to say that they anticipate the final phase of LED streetlight replacement to be completed in late April.

Stormwater Study – Bayland has begun its evaluation and meeting with residents at the properties in the pilot watershed group. In addition, the Town has notified the County of drainage issues for the stormwater drainage swale located at the town hall parking lot.

Streets and Sidewalks Master Plan – EJ has met with Dewberry to take over this project and the next step in developing a townwide master plan. In addition, the town staff is reaching out to contractors to undertake regular sidewalk maintenance this spring.

Administrative Matters

Trash Contract – Goode has agreed to extend our existing contract through the fiscal year. EJ has put together an RFP, and will be presenting recommendations for a new contract at the May work session for Council approval in June.

Permitting Software – The staff is exploring software to expedite and improve the organization of permits and the permitting review process.

County MOU for Little Falls Parkway Entrance – The County is working on a draft MOU for the town to make improvements to the entrance at Little Falls Parkway.

Departure

- I am preparing a document for the staff’s reference to try and get down important information: contacts, websites, passwords, log-ins, etc.
- I have been handing projects off to Linda and EJ over the last couple of weeks, so they will be able to hold down the fort while the Town searches for a full-time replacement.

- I will be clearing out my office this final week, and EJ will be moving downstairs across from Linda in my current office. This office swap was planned before my departure anyway.
- EJ is pursuing a notary public credential, so he should be able to provide that service to residents in short order.
- Thank you for the support you have shown me over the years. I am truly grateful to have worked with all of you on the Council and to have worked on some important issues. I know that the future is bright in Somerset, and I will be wishing you well from afar.