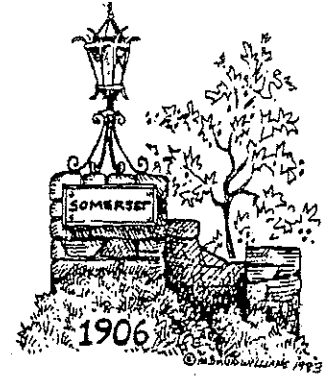


# TOWN OF SOMERSET

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Jeffrey Z. Slavin  
*Mayor*

Rich Charnovich  
*Town Manager/Clerk-Treasurer*

Council Minutes  
August 1, 2011

**Mayor and Town Council Present:**

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

**Town Staff**

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

**Consulting Staff and Contractors:**

Dong K. Kbop, PEPCO  
Lila Snow, MMCTV  
Dan Landry, PEPCO  
Matt Cummons, PEPCO

**Residents Signed In:**

Sue Rosenthal, Surrey  
Joshua Bobeck, Warwick  
Wendy Louttit, Trent  
Ellen Globokar, Trent  
Abe and Joan Krash, Essex

Jack Frink, Cumberland  
John Stewart, Dorset  
Sharon Stolaroff, Dorset  
Jill Caporale, Dorset  
Mark Oxley, Dorset  
Jeff Lape, Dorset  
James Wachob, Essex  
Lisa Waltzman, Trent  
Brian Smith, Uppingham  
Stan Weiss, Essex  
Lucy Freeman, Dorset  
Bobby and Pouneh Bagheri, Warwick  
Hali Edison, Essex  
Jon Rutenberg, Trent  
Julie Abrams, Trent

**Press:**

Laura L. Thornton, Editor, Patch

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

**1. Approval of Council Minutes**

Motion Council Member Zeughauser, Second, Vice President Shaul to approve the July 5, 2011 Meeting Minutes. Motion passed 3-0-1. Council Member Farley abstained because he was not at this meeting.

**2. Financial Report**

Mr. Charnovich presented the July Financial Report to the Mayor and Council. (Report to be attached to the Minutes)

**3. Fund Transfers for FY11**

Motion by Vice President Shaul, Second by Council Member Zeughauser to approve the FY11 Fund Transfers. Motion passed 4-0.

**4. Lila Snow Presentation, Vice President of the Montgomery Municipal Cable TV Board of Directors**

Ms. Snow made a brief presentation regarding the current status of MMCTV. She explained that MMCTV did not have the ability to cover the Town of Somerset Council Meetings, but they could cover special events with two weeks notice. The Council discussed with Ms. Snow the possibilities of the Town televising Council Meetings generally, with Council Member Farley discussing the possibility of borrowing a camera that may be used by a School District.

## **5. Suggestions and Comments from Residents**

Lisa Waltzman, Trent Street, stressed the importance of pedestrian bike safety and the feasibility of a future study.

Jeff Lape, Dorset Avenue, spoke on behalf of the Parks and Natural Resources Committee. He stated that important policy areas are direct involvement with the Town Arborist, monoculture policy, legacy trees, and trapping animals in the park. Council Member Zeughauser discussed the notion of naming larger trees in memory of people.

Sue Rosenthal, Surrey Avenue, stated that the atmosphere in the Town is not conducive to resident participation for those who don't utilize email communication. She also had concerns about notices that are given for Council Meetings.

Wendy Louttit, Trent Street, expressed her displeasure with the actions of the swim team to toilet paper trees. The Mayor stated that the property owners should be encouraged to remove the toilet paper as quick as possible. Ms. Louttit also expressed her displeasure with one of her children's goggles that were stolen at the pool. Mayor Slavin advised that this would be looked into further.

Judy Bowles, Surrey Street, wanted to mention that gator bags had been placed on some trees within the Town. She is hoping that Town residents would help out by filling them up in conjunction with the Town staff. The Town Manager agreed to put a notice in the Town Journal with a reminder.

## **6. Fact Finding hearing/Action on PEPCO Application submitted by PEPCO to replace overhead wire and associated Equipment on Greystone, Surrey Street and Dorset Avenue**

Mayor Slavin explained the process for the hearing. Charles Washington from PEPCO explained that the idea of the upgrades is to improve reliability of electricity service within the Town of Somerset. Michael Brown with PEPCO confirmed that 2 separate applications have been submitted to the Town of Somerset for approval and that these 2 applications would be acted on jointly under Agenda Item number 7.

## **7. Fact Finding hearing/Action on an application submitted by PEPCO to replace 2 poles, #4 bare wire with 477 ASCR tree wire, replace open secondary wire with 4/0 triplex secondary wires, install cross arms, some tree trimming and associated overhead equipment on the following streets in the Town of Somerset: Cumberland Avenue, Deal Place, Dorset Avenue, Essex Avenue, Falstone Avenue, Grantham Avenue, Greystone Street, River Road, Surrey Street, Trent Court and Street, Uppingham Street, Warwick Place and Wisconsin Avenue.**

PEPCO indicated that the majority of work is to replace overhead wire with high capacity wire. Council member Farley asked what the wire does. PEPCO advised that the replacement wire would be a much more sturdy and reliable wire. Vice President Shaul asked that the map of work be explained in detail. Dr. Feather responded by explaining what the project includes. Council Member Zeughauser asked how the streets were selected. Vice President Shaul asked about the reliability of certain areas of Somerset vs. others. Charles Washington, PEPCO,

indicated that the town has 2 feeders, one serves a larger part and the other serves a smaller part of the Town. Mr. Washington advised this work would change the feeder configuration. Mr. Washington explained that this work should greatly increase reliability of electric service in the Town. Vice President Shaul asked that if a pole is replaced if the existing street light would be re-installed. Attorney Knopf asked if only trees are being trimmed or if there were any trees that were going to be removed. PEPCO advised they have staff members who deal specifically with trees. Attorney Knopf stated that according to the Code, there technically should be a performance bond posted to cover any potential damage and required restoration. Attorney Knopf asked if PEPCO has a schedule for this particular project. Plans have been submitted, but no schedule has been submitted. Charles Washington stated that the work is to begin in October 2011 and end in February 2012. Council Member Pickar asked how private trees vs. public trees would be handled. Private trees to be affected would require consent from the property owner. Vice President Shaul asked a question about PEPCO's 5-year pruning plan in conjunction with this project. A review has been done with Town Arborist on public and private trees. PEPCO will work with the Town arborist, and will do a walk through with Town staff according to Mr. Washington. Council Member Pickar, wanted to know if private residents can be contacted about work to be done. Mr. Washington indicated that the current flyer that is being distributed to Town residents is different from these 2 project applications. The Town Arborist gave his report (report attached to Minutes). Larry Plummer, Town Inspector, gave his report, (report attached to Minutes). Mr. Washington confirmed that it is difficult to remove the old pole based on other utilities involved in the process. PEPCO agreed to timely notify other utilities that other poles could be used. Mr. Washington stated that this could be done. Attorney Knopf asked if PEPCO agreed with the conditions. Council Member Farley asked Mr. Plummer why Dorset needs to be closed at 4 PM during the project. Mr. Plummer said that is the main corridor through the Town. These hours would need to be in place during school days. Attorney Knopf stated that the Council needs to make a decision on the conditions. Josh Bobeck, Warwick Place, asked about a cable on Dorset Avenue and asked about how the better cable will improve reliability. Ellen Globokar, Dorset, asked if the final goal is to have one feeder or multiple feeders. Don Cook, Project Engineer with PEPCO, explained the situation with how the feeders would line up after the work. Jack Frink, Cumberland, asked if this project is part of a federal initiative called smart grid initiative. Mr. Washington indicated that everything being done is building on a smart grid, consistent with the Department of Energy Plan. Lucy Freeman, Dorset, asked several questions in relation to the project. Hali Edison, Essex, asked a question about the project in relation to Essex Avenue. Jack Frink, Cumberland, asked if PEPCO could summarize the plan in its entirety. Josh Bobeck, Warwick asked a question about tree trimming in relation to the project. Wendy Louttit, Trent, asked a question about the reliability of the electric service once the work was completed. Motion by Council Member Pickar, grant the two permits, as quoted from the permit numbers as clarified by Attorney Knopf pursuant to the plans given (attached to the Minutes). Motion is subject to an Agreement, Council Member Farley Second to include Dr. Feather's memo with the exception of number 7 that replaces the end of each business day to 48 hours and everything Mr. Plummer states except number 4. PEPCO will work with the town to post notices for no parking 48 hours in advance and will notify other utilities in advance. PEPCO agreed to the timely removal of the old poles. Council Member Farley stated that a bond is not necessary and

Council Member Pickar stated that the Town has an arborist so an independent arborist isn't needed. Motion was approved 4-0 on the 2 permits. (attached to Minutes) At its next regularly scheduled meeting on September 6, 2011, the Council will adopt a formal decision drafted by the Town Attorney to finalize the approval of these two permits.

#### **8. Fact Finding Hearing to Replace an Air Conditioning Unit at 4507 Dorset Avenue**

Mayor Slavin asked Mr. Plummer to provide a report on this permit. Mr. Plummer indicated that the air conditioner was installed and a permit was required after the fact. Mr. Plummer recommended approving the air conditioner. Motion by Vice President Shaul, Second by Council Member Pickar to approve. Motion passed 4-0. Council Member Pickar asked that the procedure for the Town's approval of air conditioning units be put on the to-do list for things to consider amending.

#### **9. Fact Finding Hearing for a Building Permit at 4907 Cumberland Avenue**

Mayor Slavin asked Mr. Plummer to provide a report. Mr. Plummer recommended that the permit be granted. Motion by Council Member Zeughauser, Second Council Member Pickar to approve. Motion passed 4-0.

#### **10. Fact Finding Hearing for a permit to install a 10KW generator at 5610 Warwick Place**

Mayor Slavin, asked Mr. Plummer to give a report on the generator. Mr. Plummer recommended approval of the generator. Motion by Council Member Farley, Second by Council Member Zeughauser. 4-0 to approve the motion to install a 10kw emergency generator to be located 10' from the left side property line and approximately 60' from the rear property line. After installation, the Owner will notify the Town to test the sound level produced by the generator. If the generator exceeds the maximum allowable night time noise level of 55 decibels (dBAs) at the nearest property line (the location on a receiving property) where noise from the source is greatest, the Town will require the Owner to install noise mitigation measures, including but not limited to fencing and landscaping. The Town will retain the \$2000.00 building deposit until the generator passes the noise level test. Town noise standards under 11-301 of the Town Code are governed by the County Code, Chapter 31B-5 (1) & (2).

#### **11. Continue a Fact Finding hearing on the progress work at 4909 Essex Avenue**

Council Member Zeughauser expressed that she remains very concerned about the completion date. Council Member Pickar's concern was that she was curious why there was any need for any additional extensions. Attorney Knopf explained the process of how to issue a citation against the applicant. Mr. Narins explained the situation with the construction in detail. Council Member Zeughauser asked when people begin working on the house during the week. Council Member Pickar expressed her displeasure with the progress of the entire project. Mayor Slavin explained that there are people not working at the house when the applicant is saying they are. Mayor Slavin put Mr. Narins on notice that if the work is not completed by August 22, 2011 he will be fined accordingly. Hali Edison, Essex Avenue, expressed her

displeasure with the progress of the project and indicated that she was speaking on behalf of her neighbors in the area as well.

#### **12. Hearing and Action on to the town code to require a deposit for a wall permit**

Vice President Shaul introduced this amendment, with it being a technical correction to the Code. Council Member Zeughauser asked for clarification of the amendment about whether it was for a new wall permit. Mr. Plummer recommends approving this amendment to the Town Code. Mr. Farley asked why the amount of \$1000.00 was chosen for this Code Amendment. Motion by Council Member Zeughauser, Second by Vice President Shaul to approve the Amendment Motion passed 4-0.

#### **13. Hearing and Action to Amend Ch. 3 of the Town Code regulating curb cuts**

Council Member Zeughauser introduced her legislation on the proposed curb cut amendment. All 4 Amendments will be attached to the minutes as per Council Member Zeughauser's memorandum. Council Member Pickar asked for a Moratorium on construction with two entrances/driveways for a 3-month period while this is revisited. (1 per resident until revisited). Vice President Shaul explained the issue in further detail and stated that other communities had much stricter Codes than the Town of Somerset and cited a watershed report, which discussed curb cuts and driveway widths in detail. Mr. Plummer indicated that this curb cut would be a good idea for the future to make it a better-looking streetscape for properties in the Town. Council Member Zeughauser summarized her comments to state that this is for future Town of Somerset residents. John Stewart, Dorset Avenue, thanked the Council for solving a majority of his concerns but raised several other issues concerning the proposed amendments. Torie Clarke, Dorset Avenue, requested that the curb cut amendment be considered at a later time. Sharon Stewart, Dorset Avenue. and Ellen Globokar, Dorset Avenue expressed their concerns with the proposed curb cut amendment. Julie Abrams, Trent Street, also expressed her concern about the curb cut amendments as proposed. Mr. Narins, Essex Avenue, asked a question if these amendments deal with existing ongoing construction. Mr. Plummer explained on a diagram what a typical curb cut looks like. Julie Abrams, Trent Street, expressed her concern about a waiver procedure. Attorney Knopf advised the Council that while the Ordinance is currently being reviewed, it could set a policy only permitting one curb cut per property. This would apply only to new curb cuts or relocated curb cuts. The Council agreed that this would be the policy until the issue is revisited: Council will not approve a second curb cut for a property, or an apron more than 20 ft. wide, until the Ordinance is revised at a later date. Council Member Farley wanted to reiterate that this should be on a case-by-case basis given the dynamics in the community.

#### **14. Hearing and Action on the 5400 Block of Trent St. Stop Sign**

Mayor Slavin asked Council Member Pickar to introduce the proposed stop sign. The Council agreed that the second location that Mr. Plummer marked was the correct location: 268.5 feet from Uppingham Street and 193 feet from Trent Street. Motion by Council Member Pickar, Second by Council Member Zeughauser to approve the stop sign at this location. Vice President Shaul asked if the stop sign could be installed for 1 year and then revisit it 1 year later. Vice President Shaul proposed this

amended motion, Second by Council Member Zeughauser. Motion was defeated 4-0. The original motion to install a permanent stop sign at the 5400 Block of Trent Street as per Mr. Plummer's directional placement was then voted on and approved by a 3-1 vote. Council Member Farley voted against the motion and stated his reasons why he felt the stop sign should not be installed.

#### **15. Town Enforcement of Generator Noise**

The Council tabled this discussion until the September 6, 2011 Council Meeting.

#### **16. Town Bids Received for the Mill and Overlay Project**

Mr. Plummer explained in detail the bids that were received for the Mill and Overlay Project and recommended the low bidder Francis O' Day Inc. be awarded the contract. Council Member Farley requested that the Town approve the bid at the amount that the Town budgeted for the street program, \$319,000.00. The motion failed for lack of a Second. Motion Council Member Zeughauser, Second Council Member Pickar to award the bid as submitted to Francis O' Day Inc. in the amount of \$329,420.30. Motion was approved 3-1, with Council Member Farley voting against.

#### **17. Pool House Update**

Due to the late hour of the meeting to this point, Mayor Slavin asked that the Town Manager provide the Pool House Update at a later date. It was stated that the next Pool Construction Punch List walk through was scheduled for August 10, 2011 at 8:45 am at the pool site.

#### **18. Discussion/Action to appropriate \$250,000.00 for FY12 for remaining expenses for the pool house renovation project.**

Motion Vice President Shaul, Second Council Member Pickar to approve this appropriation. Motion passed 4-0.

#### **19. Discussion on Town Security Policy**

Mayor Slavin authorized Mr. Charnovich to proceed with entering into an Agreement with Vigilant Security for remote monitoring at the Town Pool House. The reason for this is to help curtail potential after hours visitors to the site.

#### **20. Pool Rules Amendments**

Council Member Pickar proposed the following two motions to amend the existing pool rules. Motion number 1 is to amend the Pool Rules by deleting the text of current Section VIII, 8.b to state that "Guests will be billed on a monthly basis" and inserting "Guest fees must be paid in advance with a deposit check made out to the Town of Somerset and mailed or dropped off to Town Hall or left with the desk attendant at the pool." Motion number 2 amends the Pool Rules by adding a "c" part to Article VIII, Section 8 to state: "Residents who arrive at the pool with guests and have a zero balance in their guest fee account, will be allowed to enter with their guests on this occasion, but must pay the negative balance before returning to the pool and leave a deposit for future guests if they plan to bring guests again. Guests who are next of kin or house sitters for residents with a zero balance in the guest fee account will be allowed to enter on this occasion, but cannot return until there is a positive balance in the resident's guest fee account". Motion Council Member Pickar, Second Council Member Zeughauser to approve the two amendments. Motion passed 4-0.

**21. Mayors Report**

Mayor Slavin indicated that copies of his report were available on the table in the room if anyone wanted to view or take a copy.

**22. Adjourn**

Meeting adjourned at 12:10 AM.