

MINUTES

Monday, January 3, 2011 - 7:29 P.M.

Mayor Jeffrey Slavin, Council Members Bill Farley, Cathy Pickar, Alan Proctor, Marnie Shaul, Barbara Zeughauser and Clerk-Treasurer Josh Russin began the meeting at 7:29 p.m. Present during all or portions of the meeting were Natalie Neumann (Patch.com), Larry Plummer (Town Building Inspector), Geert Visscher (Therrien Waddell), Jerry Therrien (Therrien Waddell), Lou Balodemas (Town Pool Project Manager / Consultant), Ed Mulheron (Mulheron Tree Service, Town Snow Contractor), Howard Byron, Mark Oxley, Barbara Condos, Zola Schneider, Phyllis Wiesenfelder, William Feeney, Robin Barr, Joy Abel, George Wyett, Sarah Morse, Judy Bowles, Janet Lowenthal, Lucy Freeman, David Kathan. The Council deviated from the order established in the Council agenda.

APPROVAL OF MINUTES FOR REGULAR COUNCIL MEETING DECEMBER 6, 2011

Marnie Shaul **moved** to approve the minutes of the December 6, 2010, regular council meeting with technical amendments. Vote: Unanimous. Motion passed 5-0.

APPROVAL OF MINUTES FOR SPECIAL COUNCIL MEETING DECEMBER 20, 2010

Council Member Marnie Shaul **moved** to approve the minutes of the December 20, 2010, special council meeting with technical amendments. Vote: Unanimous. Motion passed 5-0.

FINANCIAL REPORT UPDATE

The Town Clerk-Treasurer gave a financial update. The reports include the Operating Income / Expense Report (document 1) and the Capital Income and Expense Report (document 2). The financial reports ran from July 1, 2010 through December 30, 2010. Both of these reports include total expenses by category, what was budgeted, how much is remaining and the percentage of the budgeted amount that has been expended.

The Town Clerk-Treasurer shared with the Council the Town Arborist's tree survey report of the unnumbered Town trees located near properties along Lower Trent, Uppingham, Street, Warwick Place, Dorset Avenue and Capello Park. The survey was to get an idea of the current health and conditions of the Town trees and to determine if additional tree trimmings will need to be undertaken in Fiscal Year 2011 and to build these maintenance cost into 2012. The Council was supportive of staff soliciting bids.

Council Member Proctor requested the Town staff develop a column in the financial reports that would give projections for budget categories, and others suggested doing that only for budget categories that are expected to differ significantly from what was originally anticipated.

ACTION ON AVON FOUNDATION 2011 AVON WALK FOR BREAST CANCER CAPELLO PARK SITE REQUEST

The Town-Clerk Treasurer discussed the request by the Avon Foundation to permit the event organizers to set up a quick stop site in Capello Park from Saturday, April 30 – Sunday, May 1, 2011. The request includes the ability to set up two 10' x 10' tents to distribute water to participants, five parking spaces and the right to set up to twenty-three portable toilets. All items will be removed on May 1st. Road closures will not be necessary and the County Police will monitor the intersections along the route.

Council Member Bill Farley moved to approve the Avon Foundation's request. Vote: Unanimous. Motion passed 5-0.

REAPPOINTMENT OF POOL COMMITTEE CHAIR

Mayor Slavin requested the Council reappoint Barbara Condos as the Chair of the Town Pool Committee. Council Member Bill Farley moved to approve the reappointment of Barbara Condos as the Chair of the Town Pool Committee. Vote: Unanimous. Motion passed 5-0.

UPDATE ON POOLHOUSE RENOVATION PROJECT

Council Member Alan Proctor introduced representatives of pool renovation contractor Jerry Therrien & Geert Visscher. Mr. Therrien stated that there is no slack time left in the project schedule but he is confident his company will achieve the May 6, 2011 completion date. However, currently the project is behind schedule. Mr. Therrien discussed some of the problems the contractor came across during the project, including bad soils and weather. He said that the project should be out of the ground in January with the construction of the structure starting the end of January. Mr. Therrien said they are working with some of their subcontractors to begin working on Saturdays, if their schedules permit while avoiding adding additional cost to the project. Mr. Therrien thought they were doing enough at this time. Mr. Balodemas said that the project would not be able to be completed on time unless the Town was able to obtain the Phase Two permit in the next few weeks.

Council Member Zeughauser and some of the other council members were concerned about the drop in activity at the site during the week between Christmas and New Years considering the warm weather during that period. Mr. Therrien said the scope of the work dictates the number of workers found on site. They did not plan on having some contractors, such as the concrete company, at the site during that time period. Several contractors completed some work at the site, including the stone mason on the terrace, a carpenter to pull out the old deck bolts, and the plumber who completed the rough-in.

Town consultant and pool house renovation project manager Lou Balodemas noted that there is a Project Change Order (PCO) on the table that would extend the project completion date to May 13, 2011—this is the time period when the Town could not assess a penalty for not being completed on time. The contractor noted that TW may not need to use all the time allotted to them.

SUGGESTIONS & QUESTIONS FROM RESIDENTS

Council Vice President Shaul opened the floor to members of the community.

Zola Schneider spoke on behalf of the community organization, Helping Hand. Mrs. Schneider asked if the Council would consider allowing members of the community access to the Town Hall from 5:00 pm to 8:00 pm during power outages. The Mayor stated this will be added to the February regular council agenda and introduce it as a simple resolution.

Sarah Morse recommended the simple resolution define the groups permitted to use Town Hall during power outages and the hours.

Howard Byron asked if the Town Hall generator was working

BUILDING PERMIT FOR 4813 FALSTONE AVENUE

Town resident and the applicants architect Bill Feeny gave a presentation on Nicolas Lloreda and Alessandra Tassara's behalf. The permit application includes enclosing an existing carport, addition of new first floor basement at the rear yard and stormwater management system that includes the use of two drywells.

The Town Building Inspector Larry Plummer reviewed the plans. Mr. Plummer consulted with the Mayor and requested a stormwater engineer review the proposed drywell system proposed by the applicant. Bill Bissell, an engineer with Design Construct International reviewed the plans, visited the site and submitted a report that agreed with the storage capacity indicated by the applicant. According to the County Code, Section 8-29B, Control of Water Runoff on Small Lots, the drywell system must control 1.5 inches of rainfall during a 24-hour period. To accomplish this, the engineer determined the dry wells must have an 83 cubic foot capacity. The two drywells exceed the County requirements by storing 129

cubic feet. Town Arborist Dr. Feather reviewed and submitted a tree protection plan for the Council's review.

Council Member Alan Proctor moved to approve the building permit to enclose the existing carport and addition of new first floor basement at the rear yard because the addition follows the Town building guidelines set out in §6-312C(1) that lists the total set-back requirements buildings must follow within Town limits. The motion also includes approval of tree protection plan as outlined by the Town Arborist and the stormwater retention system because it complies with the County Code Section 8-29B, Control of Water Runoff on Small Lots. The applicant may also use a dumpster in the driveway. Permit is good for one year after signature. Vote: Unanimous. Motion passed 5-0.

SNOW REMOVAL PLAN UPDATE

Mayor Slavin began the discussion by stating that the Town snow contractor, Ed Mulheron started the three year contract this season and has been the contractor for the Town for over 10 years and serves other communities, including Friendship Heights. Ed Mulheron discussed the snow removal operation by stating that his company typically pre-treats surfaces before an event by sending one truck through and giving selective spot treatments. Mulheron uses the County salt/sand mix. Mr. Mulheron was aware that members of the community were interested in using a sand only mix and was concerned about using just sand as an applicator. Sand hardens during cold temperatures and is good at creating traction but does not melt ice. Sand must be kept indoors. Mr. Mulheron said other materials may be used such as ice melt flakes but such materials are expensive because they are sold in bags and attract moisture. Mr. Mulheron said this was the first year he received any feedback regarding the impact the salt has on town dogs.

The Council opened the floor to members of the audience. Lucy Freeman asked if there is a possibility of changing the ratio the County uses in its road mix to use an 80 / 20 sand to salt ratio? Howard Byron requested that the Town require new households install sidewalks and driveways that can melt snow and ice. Sarah Morse requested the Town decrease the number of times the streets are plowed. Robin Barr requested the Town contractor or the Town staff clean up any excess salt after the streets are cleared. David Kathan (4920 Dorset Avenue) recommended the Town contract with local children to shovel the town sidewalks.

The Clerk-Treasurer informed the Council that the Town just received the invoices from the contractor at the meeting and noted that the Town was billed \$3,740 to shovel the Town sidewalks, or 93.5 hours of labor. For three storms, the Town was charged \$7,310 for snow removal services, which included materials for the storms on December 14, 16 & 26, 2010. The Town budgeted \$30,000 for snow removal services in FY11.

As a result of the feedback from members of the community and comments made by the public, the Mayor and Council decided to no longer use any salt, sand or deicers on Town sidewalks and the path leading to Friendship Heights. Council Member Farley introduced a code amendment at the meeting and the amendment will be heard at the February meeting that will change the requirement that the Town clear Town sidewalks and the path from two inches to four inches. Council Member Farley said he will write an article about this topic in the January Town Journal. The Mayor indicated he will discuss with the contractor the need to not use as much materials on town roads.

DISCUSSION OF POOL, BATTING CAGE, TENNIS USER, JOURNAL AD AND FACILITY RENTAL FEES FOR CALENDAR YEAR 2011

The Town Clerk-Treasurer informed the Council that the December and January Council meetings are the time period when the Council considers adjusting user fees for the following Town owned facilities: The pool, batting cage and the tennis courts. The Town Journal advertising fee and facility rental fee can be set at any time by a code amendment.

The Town Council will reconsider these items when the Mayor assembles the Fiscal Year 2012 budget and during Council workshops.

2011 TOWN JOURNAL PRINTING BID

The Town Clerk-Treasurer presented the calendar year 2011 journal bids submitted by three printing service companies. Current Town Journal publisher Bethesda Business Service provided a bid and listed a unit price of \$1.87 per copy if 421 copies are purchased for a total of \$787.13 per month. The lowest bidder, Print 1 provided a unit price of \$1.15 per copy if 425 copies are purchased for a total of \$487 per month. The Council awarded the 2011 Town Directory contract to Print 1 at the December meeting. The Town budget includes \$23,000 for publication expenses, including printing the Town Directory. All the bids included charges for the odd job inserts and envelopes. None of the prices offered by the bidders include postage.

Council Member Farley moved to approve the bid price submitted by Print 1. Vote: Unanimous. Motion passed 5-0.

INTRODUCTION OF ORDINANCE TO AMEND THE TOWN CODE, CHAPTER 8, SECTION 204 (a)(5)

Town Clerk-Treasurer informed the Council the staff noted an inconsistency in the Town Code regarding the measurement of the diameter of a tree from ground level. The Council passed a Town Ordinance, Bill Number 2-10 at the June 7, 2010 meeting correcting an omission that increased the diameter of a tree that must be measured above ground level from 4 to 4 ½ feet. The section of the Code that was corrected at the June 7th meeting was Section 8-303 (a)(2). Chapter 8, Section 204 (a)(5) contains the 4-foot measurement information even though the rest of the Code requires the measurement be 4 ½ feet. The ordinance was introduced at the December, 2010 regular council meeting.

Council Member Zeughauser moved to approve the Ordinance to amend the Town Code, Chapter 8, Section 204 (a)(5). Vote: Unanimous. Motion passed 5-0.

INTRODUCTION OF ORDINANCE TO AMEND THE TOWN CODE, CHAPTER 5, PARKS AND NATURAL RESOURCES COMMITTEE, SECTION 5-901 (a), (b), (c), (d)

Mayor Slavin and Council Member Zeughauser gave an update on the changes outlined in the PNR. The changes proposed allow nine residents to serve 3-year terms and allow the members to serve consecutive terms. The Mayor with Council approval will have the authority to select the Committee chairperson. A council member will serve in a liaison capacity to the Committee. The ordinance was introduced at the December 2010 regular council meeting. Council Member Zeughauser moved to approve the Ordinance to amend the Town Code, Chapter 5, Parks and Natural Resources Committee, Section 5-901 (a), (b), (c), (d). Vote: Zeughauser, Proctor, Pickar, Shaul in the affirmative, Farley in the negative. Motion passed 4-1.

CALENDAR YEAR 2011 ANNUAL DUES TO COORDINATING COMMITTEE ON FRIENDSHIP HEIGHTS

Council Member Shaul moved to approve the payment of \$100 annual dues to the Citizens Coordinating Committee on Friendship Heights (CCCFH) for the 2011 Calendar Year. Vote: Unanimous. Motion passed 5-0.

ACTION SETTING DATES FOR NOMINATION & ELECTION OF THREE COUNCIL MEMBERS

The Clerk-Treasurer informed the Council nomination and election dates for the Council must be set before January 15th according to the Town Charter. The Town staff received approval from the Election Committee for the proposed dates. The Town staff checked with local public and private schools and there are no conflicts with Monday, March 7th and Tuesday, April 5th.

Council Member Shaul moved to set the date for nominating council members to the three council seats that are up for reelection to Monday, March 7, 2011 and setting the Town election date to Tuesday, April 5, 2011 and extending voting hours from 5 –9 pm. Vote: Unanimous. Motion passed 5-0.

MAYOR'S REPORT

The Mayor presented of which copies were available at the meeting.

ADJOURNMENT

Council Member Zeughauser **moved** to adjourn the meeting at 10:27 p.m.

Prepared by Josh Russin, Clerk-Treasurer