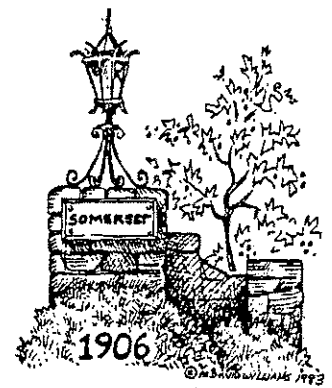


TOWN OF SOMERSET

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Jeffrey Z. Slavin
mayor

Rich Charnovich
Town Manager/Clerk-Treasurer

Council Minutes
July 5, 2011

Mayor and Town Council Present:

Mayor Jeffrey Slavin
Council Vice President Marnie Shaul
Council Member Alan Proctor
Council Member Cathy Pickar
Council Member Barbara Zeughouser

Town Staff

Larry Plummer, Building Code Inspector
Richard Charnovich, Town Manager-Clerk/Treasurer

Consulting Staff and Contractors:

Lou Balodemas, Town Project Consultant
Sherif Almiggabber, Montgomery County Police Department
Joel Haber, Fine Earth

Residents Signed In:

Jack Frink, 4507 Cumberland
Erin Chlopak, 4820 Dorset
Sara Anderson, 4802 Falstone
Jack Benson, 4511 Dorset
Mark Oxley, 4515 Dorset
Lucy Freeman, 4708 Dorset

Press:

Laura L. Thornton, Editor, Patch

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

A Montgomery County, Maryland Municipality

1. Approval of Council Minutes

Motion Vice President Shaul, Second Council Member Pickar. Motion passed 4-0 to approve the June 6, 2011 Regular Council Meeting minutes.

Motion Vice President Shaul, Second Council Member Pickar. Motion passed 4-0 to approve the June 20, 2011 Special Meeting minutes.

2. Council Member Zeughauser gave a report from the Personnel Committee recommending Richard Charnovich as Town Manager- Clerk/Treasurer. Motion Council Member Zeughauser, Second Vice President Shaul to confirm the Mayor's nomination of Richard Charnovich as Town Manager-Clerk/Treasurer. Motion passed 4-0.

3. Financial Report Mr. Charnovich indicated that since he was brand new with the Town his report would be short. He indicated that things looked in line as far as the general fund revenues and expenses for the year ending June 30, 2011. Vice President Shaul requested Mr. Charnovich to work on developing an easy to read budget format for the next fiscal year. Council Member Proctor asked if the Town through Mr. Charnovich could work on projecting expenditures moving forward for upcoming months.

4. Update on Contract Police Services by Sherif Almiggabber, Montgomery County Police Dept.

Mayor Slavin welcomed Sherif to the Council meeting. Vice President Shaul asked Sherif to go over some of his duties and what he thought would be the best use of his time within the town. Sherif discussed some of his past experiences working in the Town. He discussed many issues regarding parking and construction, stop sign issues, cut through streets, a home invasion robbery, and a bank burglary in the Chevy Chase area. He discussed something new with the county program called an E-ticket. It is a more efficient operation for police. He discussed security assessments that are provided by the Police Dept. which residents can take advantage of. Sherif stressed the importance of residents staying mindful of the small things concerning security for the residents. He discussed different issues concerning shift work and what is best for the community given the time of year.

Council Member Zeughauser asked Sherif about the best ways to deter violators from breaking into the pool area. Sherif explained that the town has a good start with the camera system. Council member Pickar asked if a sound system makes a difference. Sherif said that it has its pros and its cons.

Council Member Proctor questioned about fast drivers in the town and why there were no moving violations in the police reports. Sheriff advised about speeding limits within the town. Council member Proctor asked a question about hand held speed radar guns. Sherif explained that he is unlikely to detect speeders with a speed limit of 20 mph because his County vehicle is easy to spot. He explained that stop sign violations are a priority. Vice President Shaul suggested that we could have Sherif go to certain "hot spot" areas of the Town such as Trent Street and he agreed that he would go to specific areas as requested.

5. Pool House Update

Lou Balodemas, Project Manager, explained various details concerning what is remaining on the punch list for the Pool Project to be fully completed. The Council and Project Manager discussed various security related issues at the pool.

Council Member Zeughauser discussed matters in relation to painting, and the Project Manager said the painting is to be done in the fall. Vice President Shaul discussed various fencing issues in and around the pool. Concerns were expressed about bio retention area #2 and the overflow pipe located within. Council Member Zeughauser discussed some planting related issues at the pool. Vice President Shaul indicated that she would like the town to have a reference tool (3 ring binder) that can be used in years to come to help maintain the pool house facility and grounds. Council Member Proctor and Mayor Slavin suggested that the Town Clerk compile a list by the fall of things to document. Mr. Balodemas indicated that the scope of work would be completed by the end of July. The next walk through was going to be held on July 13, 2011. The pool house discussion finished with Council Member Zeughauser discussing the color of the grouting and Mr. Balodemas and Council Member Proctor discussing the first round of signs and extra signs at the pool.

6. Hot Water Heater Emergency Purchase

Motion Council Member Zeughauser, Second by Vice President Shaul, Council Member Proctor discussed a \$12,000 hot water heater that was purchased about 8 years ago and why it wasn't fixed. Mayor Slavin discussed the difficulty of fixing hot water heaters and that the Town needed to replace the heater to pass inspection. A question was raised about whether the heater was installed correctly. Vice President Shaul talked about installing a pad under the water heater in the fall since it wasn't an immediate concern. doing this at a later date in the fall since it wasn't an immediate concern. Motion passed 4-0 to approve the emergency purchase for \$9009.00.

7. PCO's for Swimming Pool Project as provided by the Project Manager

Mr. Balodemas discussed issues concerning items that were not included in the updated project pool total cost sheet. Council Member Proctor asked that the bio retention area be discussed in greater detail to ensure that what was originally planned was done. Council Member Pickar discussed timing issues with the bio retention area. Council Member Zeughauser asked if the number 65 change order was the last one. Mr. Balodemas explained there may be some other change orders that could be forthcoming. Vice President Shaul asked about hiding the recycling bins, and Mr. Balodemas suggested that it be a separate project. Council Member Proctor stated that there might be an easy fix for this issue.

Change order 58 for rental costs associated with a track mounted bobcat. Motion by Vice President Shaul, second my Council Person Zeughauser. Motion passed 4-0 to approve in the amount of \$1,151.00.

Change order 59 for associated light fixtures and landscape lighting, Motion Council Member Zeughauser. , second Vice President Shaul. Motion passed 4-0 to approve in the amount of \$470.00.

Change order 60 for revising the plumbing rough in and patching and repair to wall tile in order to relocate the shower units in the bathrooms. Council Member Zeughauser made a motion to

approve. Council Member Pickar had a question about the change order. Council Member Proctor also shared the concern about the change order. The motion initially failed for the lack of a second. Council Member Zeughouser brought up the motion again. Discussion ensued further about the change order. All Board members expressed various concerns about the change order. Motion by Council Member Proctor, second by Council Member Zeughouser. 3-1 vote to approve with Council Member Pickar against in the amount of \$2,383.24.

Change order number 61 concerning weather stripping and thresholds. Council Member Proctor asked about the need for weather stripping and thresholds. Motion Vice President Shaul, second, Council Member Zeughouser, 4-0 vote to approve in the amount of \$393.00.

Change order number 62 to patch the drywall under the stairs to the new basement per the direction of the Building Inspector. Motion by Council Member Zeughouser, second by Vice President Shaul. 4-0 to approve in the amount of \$205.07.

Change order number 63 concerning the demo and replacement of the existing parking area by the trailer. Vice President Shaul asked Larry Plummer, the Town Inspector, if he had taken a look at it. Motion by Council Member Proctor, second by Vice President Shaul. 4-0 to approve in the amount of \$17,510.50.

Change order number 64, concerning temporary fencing around the bio-retention ponds. Mr. Balodemas suggested that this amount be reduced concerning temporary fencing around the bio-retention ponds. Motion by Council Member Proctor, second by Council Member Pickar. 4-0 vote to approve in the amount of \$1,320.00.

Change order number 65. Various questions concerning the painting and caulking were posed by the council. Vice President Shaul suggested it would be better to paint in the fall either after the pool is only open on weekends or after it is closed for the season. The Council agreed with Vice President Shaul to defer Change Order number 65 to a later time.

8. Suggestions and Comments from Residents

Sara Anderson, 4802 Falstone indicated that the new pool house is beautiful.

Council Member Proctor indicated that he would like a letter sent to the new trash hauler informing the firm of the great job it is doing. Mr. Charnovich advised that he would send this letter.

9. 4728 Dorsett Avenue

Mayor Slavin asked Town Inspector Plummer to explain the building permit waiver and related tree permits at 4728 Avenue. Mr. Plummer explained the situation in detail and recommended the Council approve the building permit, waiver and related permits. Motion by Vice President Shaul, second by Council Member Pickar. Motion was approved 4-0.

10. 4511 Dorsett Avenue

The Town Inspector, Larry Plummer was asked to explain the situation concerning the code requirements for the tree house. Mr. Benson then began to explain the details of his process through the County and obtaining a permit. The Council reviewed the code to make sure what

category the tree house would fall under. Mark Oxley, Dorsett Avenue spoke about the tree house as Mr. Benson's neighbor. He is one of two neighbors that would be affected by this. He said it was interesting watching the tree house being built. Erin Chlopak, Dorset Avenue, expressed how nice she thought the tree house was. Council Member Pickar thought that this should be approved but the Town should address its Code moving forward.

Council Member Proctor asked why tree house issue was subject to the Town Code in the first place. Council Member Pickar suggested that reviewing the code be a high priority moving forward.

Motion made by Council Member Pickar, second by Council Member Proctor, to approve the waiver request for the tree house. Council Member Proctor stated that he believed a permit shouldn't have been applied for in the first place. Vote passed unanimously 4-0 to approve.

11. 4820 Dorset Avenue

Mayor Slavin asked Mr. Plummer to explain the details of this particular tree house. Mr. Plummer testified as to the details of the tree house. The waiver is needed because of its height and location in relationship to the Town Code requirements. Mr. Zaft has stated this is the only particular tree that this tree house could go on. He explained the design of the tree house. Mr. Bensen, Dorset Avenue, asked a question concerning the tree house on 4820 Dorset Avenue. Mayor Slavin expressed his feelings about the Town Code vs. the County regulations tree houses.

Mayor Slavin and Council Member Proctor discussed the Town Code's regulations vs. the County regulations and interpretation of the code.

Council Member Pickar moved to grant the waiver and building permit. Second by Vice President Shaul, vote passed 4-0 to approve.

Council Member Pickar introduced a moratorium on tree house building until some Code issues are clarified. Council Member Pickar withdrew her request for the moratorium after further discussion with the Council.

12. 4802 Falstone Avenue

Mayor Slavin asked Mr. Plummer to explain the issue concerning the rebuilding of the existing screen porch. Mr. Plummer explained various issues concerning the permit application and he made a recommendation to approve the screen porch. Ms. Anderson, the applicant, explained that the existing footprint would remain the same for the house, just replacing the existing screen porch.

Vice President Shaul asked a question concerning the dumpster for this project, and her question was answered satisfactorily. Council Member Proctor made the motion, second by Council Member Pickar. Motion passed 4-0.

13. 5524 Greystone Street

Mayor Slavin asked Mr. Plummer to explain the situation concerning the 17 Kilowatt generator in the rear yard. The only property Mr. Plummer saw that could be affected was a property on

the left hand side. Mr. Plummer stated that mitigation would be required, and he also recommended approval for the generator. Vice President Shaul asked Mr. Plummer if the people across the street were asked to sign an approval sheet. Vice President Shaul also asked a question about the noise levels for this generator. Council Member Zeughauser asked about a mitigation plan in advance of the approval. Mr. Plummer indicated that the generator hasn't been completely installed, because he advised them to stop. Motion by Council Member Zeughauser. Second by Vice President Shaul. 4-0 to approve the motion to install a 17kw emergency generator to be located 12'6" from the left side property line and approximately 55' from the right side. 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 install noise mitigation measures, including but not limited 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).

14. 4909 Essex Avenue

Mr. Plummer discussed with the council an email project update from the contractor that was provided to the Council this afternoon. Council Member Zeughauser asked a question to Mr. Plummer about there being two kitchens in the house. Mr. Narins indicated that the two kitchens have been in the plans all along. Council Member Pickar explained her dismay with the process with the applicant. Mr. Narins explained the details about issues the council was concerned with. Mr. Narins stated that he has addressed all the issues on the exterior of the house the council was concerned with. Council Member Zeughauser disagreed with Mr. Narins' assessment. She stated that the neighbors near the Narins are still upset with the progress of the house. Council Member Zeughauser explained she had a similar situation with a contractor with her house and believed it should be applicable in the Narins situation as well. Council Member Pickar agreed with her comments concerning the finishing of the house in the next months. Vice President Shaul said she has also been receiving calls from neighbors about the lack of progress at the property. Mayor Slavin strongly suggested to the Narins that the house be completed by the extension deadline of August 22, 2011.

15. 4815 Essex Avenue

Mayor Slavin asked Mr. Plummer to go over the situation with the work on this particular property. Mr. Plummer advised the council that he had submitted a memo concerning this property and has recommended approval of this demolition permit. Motion by Council Member Proctor, second Council Member Zeughauser. 4-0 to approve the motion.

16. Hearing and Action on proposed amendments to the Town Code

Mayor Slavin suggested that action on the following code amendments be deferred until the next meeting because of the late arrival of the Journal. He suggested that they be reintroduced. Council Member Zeughauser moved that these code amendments be reintroduced. Chapter 6 Section 6-710, Chapter 3, Section 3-102, Chapter 9, Section 106.

17. Discussion regarding Town's enforcement of generator noise

Lucy Freeman, 4708 Dorset, wanted to verify and express her hope that the generator revised ordinance was enforced properly. Because the Journal had not arrived by the Council meeting, the Council decided to postpone a discussion until the next Council meeting.

18. Mayor's Report

Mayor Slavin indicated that his report was on the table in the room if anyone would like to review it. Mayor Slavin also mentioned the new Safeway project as an addition to the Mayor's report.

19. Adjourn

Adjournment at 10:00 pm, Motion by Council Member Zeughauser. second by Council Member Pickar.