

Council Minutes
June 6 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 Zeughauser
Council Member Bill Farley

Town Staff

Norman Knopf, Town Attorney
Larry Plummer, Building Code Inspector
Tolbert Feather, Town Arborist
Jerry Schiro, Acting Clerk/Treasurer

Consulting Staff and Contractors:

Lou Balodemas , Town Project Consultant
Gerald Therrien, Principal, Therrien Waddell, General Contractor
Geert Visscher, Project Manager, Therrien Waddell

Residents Signed In

Sue Rosenthal, 5529 Surrey Street
Ellen Globokar, 4919 Dorset Avenue
Howard Byron, 4713 Essex Avenue
Mark Oxley, 4515 Dorset Avenue

Press

Laura L. Thornton, Editor, Patch

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

Approval of Council Minutes

Council Member Barbara Zeughauser moved to amend the minutes of the May 02 Regular Meeting to reflect that she had introduced the Ordinance regarding the stop signs on Trent Street on behalf of Cathy Pickar, not the ordinance regarding curb cuts as the draft minutes reflect. Bill Farley moved to approve the minutes with that amendment Seconded Barbara Zeughauser. Motion passed unanimously. Council Vice President Marnie Shaul moved to approve the minutes of the May 16 Special Meeting. Seconded Barbara Zeughauser, passed unanimously.

Financial Report

Acting Clerk/Treasurer Jerry Schiro presented the financial report for the month of May 2011. The report was in a changed format as had been previously requested by the Council. A copy of the report is included in the record.

Pool Renovation Update

Pool Project Consultant Lou Balodemas, Gerald Therrien and Geert Visscher with Therrien Waddell addressed the Council on the status of the pool house renovation. A revised schedule was submitted. June 24 is now the projected opening date for the project. The schedule is included in the record. The Council discussed the inspection schedules. Mayor Slavin reported he had spoken with the County inspectors and they are willing to meet with the project team on site to discuss the required inspections prior to granting a certificate of occupancy. The schedule as submitted shows inspections occurring on June 17. Council Member Alan Proctor pushed for an opening date of June 17th, with inspections completed earlier. He also inquired about opening the pool on a part time basis while some of the remaining work is underway. The contractor agreed to pursue those options.

Council set a Special Meeting for June 20 to review the status of the pool and formally vote on the Project Change Orders.

Suggestions and Questions From Town Residents

Resident Sue Rosenthal, 5529 Surrey Street expressed concerns about opening the pool prior to the completion of the construction.

Town Resident Don Buchanan , 5606 Warwick Place, addressed the Council regarding the current Town noise requirements for generators. Mr. Buchanan reported the County does not check sound levels absent a complaint. He suggested that if the Council is truly following the County Code, the same enforcement policy should be followed. The Council discussed the issue. The Town Attorney will check into the Town's options, including adopting independent ordinances that reflect the Town's current policy and allowing for variances for medical conditions requiring independent electrical sources.

4728 Dorset Avenue

The Council held a fact finding hearing on an application for a Waiver Permit to construct a 3x7 foot gable shield to an existing non-conforming pool house at 4728 Dorset Avenue. The applicant also applied for a building permit for renovations to the existing house at 4728 Dorset Avenue. The renovations will not entail expansion of the existing footprint. A new in-ground pool is proposed, as are the construction of a fence and the installation of an emergency generator. The project will also require the removal of trees. The applicant was present. The Council reviewed the materials submitted which included a completed building permit application, construction drawings, an application for a waiver permit, a report from the arborist outlining a tree protection plan for the site and recommended removal of three trees requested by the applicant.

The Council heard reports from the Town Staff, including the Town Building Inspector, Larry Plummer and the Town Arborist, Dr. Tolbert Feather. The applicant provided testimony and an overview of the site plan including the landscaping aspects of the project. The Town Building inspector reported that the application was complete and complies with the Montgomery County Building Code requirements. Mr. Plummer reported the County has issued Building Permits for the project, but since he just received those permits, he has

not had an opportunity to review the approved County permits for consistency with the materials before the Council. Regarding the request for a Waiver Permit, Mr. Plummer agreed with the information submitted by the applicant and feels new gables proposed for the pool house should qualify for a waiver permit. He cited the fact that the construction will be small and will not be visible from adjacent properties.

When questioned by the Town Attorney, he responded that the plans conform with the applicable subdivision and zoning ordinances. He feels the project complies with applicable Town Ordinances and does not unduly or adversely affect the surrounding neighbors or the enjoyment of their property, nor, the health, safety or welfare of the Town, its property or its residents.

Dr. Tolbert Feather's report recommended a tree protection plan and recommended the removal of the trees indicated in the application.

The Council discussed the sound issues surrounding the installation of the generator at the proposed location. While the generator at the proposed location meets zoning and building code requirements, the applicant was cautioned it may not meet the Town and County noise restrictions. The applicant acknowledged his understanding of the requirement to provide a noise mitigation plan to the Town Staff and understands the permit for the generator will not be issued until a plan is submitted. He understands he is proceeding at his own risk by locating the generator at the proposed location as it relates to the decibel level requirements and if the generator does not meet the noise limit he will be responsible for mitigation measures.

Council Member Bill Farley moved to approve the request for a waiver permit based on the information before the Council and the fact the construction will not interfere with light and air. Council Member Cathy Pickar seconded. The motion carried unanimously.

Council Member Bill Farley moved to approve the Building permit contingent on the Building Inspectors confirmation that the County approved plans do not significantly differ from those submitted to the Town. Council Vice President Marnie Shaul moved to amend the motion making the permit for the generator contingent on the submission of a sound mitigation plan to the Town Staff and the Staff's indication that the plan could reasonably be expected to meet the required decibel levels for sound. The submission of the plan does not relieve the applicant from actually meeting the required noise levels. The amendment passed with Council Members, Shaul, Pickar, Zeughouser, and Proctor voting in favor. Council Member Farley Bill opposed. The motion, with the approved amendment, to approve the Building permit passed unanimously.

5509 Uppingham Street

The Council conducted a fact finding hearing on an application to replace an air conditioner at 5509 Uppingham Street and a request to waive the late fees for the application due to emergency circumstances. The Town Building inspector reported the application meets the requirements of the Town and County Codes. He also reported the compressor met all applicable noise level regulations. He recommended approval. Council Member Cathy Pickar moved to approve a permit for the installation of the air conditioner and waive any associated late fees based on the emergency circumstances surrounding the installation. Council Member Alan Farley, seconded. The motion passed unanimously. Council Member Shaul recused herself from voting on the permit.

Tree Removal 4902 Falstone Avenue

The Council reviewed an application to remove three trees from the back side of the property at 4902 Falstone Avenue. The trees include a Norway Maple 9" in diameter, a Silver Maple 14" in diameter, and a Silver Maple 13" in diameter. The Town Arborist presented a report on the trees. Based on the condition of the trees, the Arborist recommended approval to remove the trees. Based on the recommendation of the arborist, Council Member Bill Farley moved to approve a permit to remove the trees. The motion was seconded by Council Member Cathy Pickar. The motion passed unanimously.

The Council heard recommendations from the Town Arborist, Dr. Tolbert Feather, to remove six hazardous public trees. Dr. Feather submitted a report along with photographs of the following trees:

1. 18" Honey Locust located at the Pool Facility
2. 24" Polar located in Capella Park near Wisconsin and Cumberland- tree # 8
3. 30" Silver Maple in Capella Park near Wisconsin and Cumberland- tree # 857
4. 30" American Elm in Vinton Park at the corner of Wisconsin and Dorset- tree # 957
5. 24" Sugar Maple at 5712 Surrey Street – tree # 224
6. 20" Pin Oak at 4803 Grantham Street – tree # 427

He reported the trees were declining, presented a danger to the public and should be removed. Council Member Bill Farley moved the trees be approved for removal based on the recommendation of Dr. Feather. Council Member Barbara Zeughauser seconded the motion. It was approved unanimously.

The Council heard a request to increase the Pool Consultant contract to \$143,000. The increase is due to additional work required from the consultant in completing the project. Council complimented Mr. Balodemas' work on the project. Council Vice President Marnie Shaul moved to increase the contract amount to \$143,000. Council Member Barbara Zeughauser seconded. The motion carried unanimously.

The Council discussed formally approving the project change orders for the pool house renovation and decided to place the matter on the June 20 special Council meeting for action.

The Council discussed Town Code Amendments to require a deposit for a wall permit, regulate curb cuts, and install stop signs at the 5400 block of Trent Street at the curve. Council felt the language regarding the proposed amendments should be published in the Journal prior to acting on the amendments. The information will be placed in the Journal and placed on the July 5th meeting agenda for action.

The Council considered a list of Council liaison assignments for 2011. Council Member Bill Farley moved to approve the list as presented. Council Vice President Marnie Shaul seconded. The motion carried unanimously.

The Acting Clerk/Treasurer discussed the request for bids (RFB) for street repairs in the Town. The RFB, as drafted, calls for bids due July 15th 2011 and construction to begin on or before August 19th. The Council discussed the option of deferring the work in light of the additional expenditures for the pool house renovations. It was decided to proceed with the RFB as drafted.

Council Member Cathy Pickar moved to approve the list of alternative Council meeting dates to accommodate the Fiscal Year 2012 holiday schedule. The amended schedule would move the July 4 2011 meeting to July 5 2011, the September 5 2011 meeting to September 6 2011 and the January 2 2012 meeting to January 3 2012. The motion was seconded by Council Vice President Marnie Shaul and passed unanimously.

Council Vice President Marnie Shaul moved to adjourn, Council Member Barbara Zeughauser seconded.

The meeting adjourned at 9:30 pm.

Submitted by Jerry M. Schiro, Acting Clerk/Treasurer