

Town of Somerset  
4510 Cumberland Avenue  
Chevy Chase, MD 20815  
301-657-3211

# MINUTES

**Monday, March 7, 2011 - 7:30 P.M.**

Attendance: Mayor Jeffrey Slavin, Council Members Bill Farley, Alan Proctor, Marnie Shaul, Barbara Zeughauser, Clerk Treasurer Josh Russin. Absent during the meeting was Cathy Pickar. Present during all or portions of the meeting were Katie Schaufelberger (Patch.com), Lou Balodemas (Town Pool house consultant), Larry Plummer (Town Building Inspector & Engineer), Dr. Tolbert Feather (Town Arborist), Election Commission Chair Ellie Fink, Pool Committee Chair Barbara Condos, George Wyeth, Tracy Truman, Alexis Carmer, Scott Carmer, Lucy Freeman, Don Buchanan, Tom Ainora, Julie Oxley and Mark Oxley.

## **APPROVAL OF MINUTES FOR REGULAR COUNCIL MEETING FEBRUARY 7, 2011**

Council Member Bill Farley **moved** to approve the minutes of the February 7, 2011, regular council meeting. Vote: Unanimous. Motion passed 4-0.

## **APPROVAL OF MINUTES FOR SPECIAL COUNCIL MEETING FEBRUARY 22, 2011**

Council Member Barbara Zeughauser **moved** to approve the minutes of the February 22, 2011, special council meeting. Vote: Barbara and Proctor in the affirmative, Farley and Shaul abstained. Motion passed 2-0 with 2 abstentions.

## **NOMINATIONS FOR THREE COUNCIL MEMBER POSITIONS FOR TWO YEAR TERMS**

Mayor Jeffrey Slavin turned the proceedings over to Board of Election Chair Ellie Fink. Mrs. Fink opened the floor for nominations for the three council seats currently held by Council Members, Farley, Shaul and Zeughauser.

Town resident Barbara Condos nominated Barbara Zeughauser to the Council. Town resident George Wyeth seconded the nomination. Barbara Zeughauser accepted the nomination.

Town resident Jeffrey Slavin nominated Bill Farley to the Council. Town resident George Wyeth seconded the nomination. Bill Farley accepted the nomination.

Town resident George Wyeth nominated Marnie Shaul to the Council. Town resident Tracy Truman seconded the nomination. Marnie Shaul accepted the nomination.

Election Commission Chair Fink asked if there were any additional nominations. No additional nominations were presented. Mrs. Fink reminded the audience that additional council nominations may be made if twenty registered voters file a petition with the Clerk-Treasurer no later than Tuesday, March 15th. The voter registration deadline is Tuesday, March 22nd. If an election is contested, a candidates' forum will be held at the Town Hall on Wednesday, March 30th from 7:30 – 9:00 pm. Town elections will be held Tuesday, April 5th from 5:00 – 9:00 pm.

## **INTRODUCTION OF FIVE YEAR FINANCIAL PLAN**

Mayor Slavin introduced the Five Year financial plan to the Council, covering a period spanning Fiscal Years (FY) 2012 through 2016. The Mayor began the discussion with the unfortunate news from the Maryland Comptroller's Office that the income tax revenue's are down \$123,514, a 23% decline from the \$500,000 that the Town budgeted. As a result the Mayor has proposed a two cent increase in the property tax rate, from eight cents on the \$100 of assessed property to ten cents. The Mayor said the Five Year Plan begins the Fiscal Year 2012 budget process. The Mayor and Council will continue budget discussions on March 14th at 6:00 pm. The Mayor turned the report over to the Clerk-Treasurer

The Clerk-Treasurer continued highlighting the current spending reductions the Town has pursued during the current FY and will continue into outlying years. The Town has witnessed a 1% growth rate in the assessable real property base from FY 11 to FY 12. The Administration did not view the property tax growth rate of 1% and the projected income tax revenue growth rate of 3% as enough to fund the Town's reduced services and long-term capital projects. The Town has been in a position to rely on income tax revenues to fund Town operations. This revenue source has seen significant declines (23% in FY 11, 47% in FY 10). As a result the Administration has proposed diversifying the Town's revenues based on previous declines in revenues and property tax revenues provide greater stability over time.

The Town salary expenses included a slight increase in an effort to keep up with consumer price index. The building inspection services will increase slightly in FY 12. The Administration's goal was to present a balanced operating budget for FY 12 and the 2 cent increase in the property tax rate with additional cuts in certain categories allowed the Town to reach this goal. The Town pool loan will cost the Town \$125,000 through \$128,000 annually (depending on the year). From 2012 through 2016, the Town's Combined Fund balance will decrease over time to cover ongoing Capital Projects, including the repaving of several Town streets, including Deal Place, Devon Lane, Grantham Avenue, Greystone Street, Surrey Street and Warwick Lane. These expenses are planned for FY 12. The Town Council set a goal of maintaining \$500,000 in the Combined Fund balance. The Five Year Plan will reach that goal. The Council will have to decide if it wants to increase or lower this fund balance to cover future infrastructure projects found throughout the community.

## **FINANCIAL REPORT UPDATE**

The Clerk-Treasurer gave a financial update. The reports include the Operating Income / Expense Report (document 1), the Capital Income and Expense Report (document 2) and the account balances (document 3). The financial reports ran from July 1, 2010 through February 28, 2011. The reports included total expenses by category, what was budgeted, how much is remaining and the percentage of the budgeted amount that has been expended.

The Clerk-Treasurer revised the income tax revenue estimate for the fiscal year (FY). The Town will receive a total of \$376,486 in FY 11, a 23% decline from the budgeted amount that was based on information provided by the Maryland Comptroller's Office. The Town has currently cut back some operating expenses and will continue to make cuts. The Town has lowered publication expenses, supplemental police protection and capital expenses.

To date, the Town has spent 61% of budgeted expenses (the Town is 67%

through the FY). This is still an issue because the Town's income tax revenue is 23% less than the amount budgeted. The Town anticipates spending \$859,349 while receiving \$893,495 in revenues.

### **UPDATE ON POOLHOUSE RENOVATION PROJECT**

Council Member Alan Proctor gave a brief update on the poolhouse project. Council Member Proctor informed the community that the poolhouse is out of the ground and the building is being framed. Town project consultant Lou Balodemas continued the discussion. The Council approved the following materials that are related to the renovation project:

- Selected glacier white as the color for the corian counter tops and cubbies
- Selected gray plastic laminate for the casework
- The Council approved the upper east terrace paver selection but deferred to project architect McInturff on the color selection. The pavers that were originally specified have beveled edges and had a stone fill between the pavers for drainage, presenting an uneven surface. Proposed pavers are flat without a beveled edge and will have a 0.25" gap for drainage. The cost and availability will remain the same.
- The Council approved the new proposed anchored bike rack design by McInturff. The Council was supportive but wanted to know the cost difference between the two racks.
- The consultant and council are still waiting for the project architect to present the preliminary fence options to the Council. The fence will be placed along the pool decking (creek-side). The three options include: Chain link, steel and vinyl coated mesh fencing spaced 5' apart and steel pickets (this material & style was what was originally proposed by the architect). The former fence was a 4' wooden fence. Current plans include either placing 4.5' fence at grade or at base of stone cap that is approximately 2' above grade that will create a barrier that is 6' tall. The Town wants to make sure the fencing is at least 6' in height above grade that can include the stone base wall.
- The Council deferred paint color selection to the architect for all the doors, frames, louvers and et cetera.
- Council is still waiting for the architect to come up with pool furniture selection ideas.
- Lou Balodemas gave an update on the references supplied by the poolhouse security contractor Vigilant (the Council approved this contractor at the February 22, 2011 special council meeting) pending positive references. The Fairfax County Police Department and the City of Baltimore provided recommendations.

Mr. Balodemas advised the Council to prepare a pool opening contingency plan. The Town will have more information regarding progress made by the contractor at the March 21, 2011 special council meeting.

### **SUGGESTIONS AND QUESTIONS FROM RESIDENTS**

Pool Committee Chair Barbara Condos asked if the poolhouse floor tile has been selected. Mr. Balodemas showed the selected tiles.

At this time Mayor Slavin discussed an issue that was brought to his attention by a Town resident regarding portable storage unit (POD) devices and the permit application process. The resident, David Kass has applied and granted a POD permit on two occasions and received permit extensions. Based on the spirit of the Code the Town Inspector recommended the Mayor ask the Council its opinion on renewing POD applications consecutively. The Council discussion indicated that the spirit of the law was

to discourage PODs being permanent fixtures in the Town.

Town resident Lucy Freeman asked if a resident who installed a generator and has not met the County noise guidelines could operate their generator. The Town Inspector Larry Plummer responded that the resident is not supposed to and residents can file a complaint and request the County enforce the County night-time noise standard of 55 decibel levels (dBAs).

Resident Barbara Condos asked if the Mayor and Council are still encouraging Pepco to boost their power reliability in Somerset so residents are not forced to install generators. The Council unanimously responded yes and is continuing to encourage Pepco to immediately improve its infrastructure and has requested Pepco to update the Town on its reliability plan.

Council Member Proctor distributed a chart that plotted the actual tons of refuse and recyclables that were collected by the Town's contractor, Unity Disposal, over a 10 month period. Overall, Somerset has decreased the volume of trash that is collected. For the month of February, 59% of the items collected by Unity were refuse and 41% were recyclables.

### **ACTION ON REMOVAL OF 14 TOWN TREES, INCLUDING 4 NUMBERED TREES AND 10 UNNUMBERED**

Town Arborist Dr. Feather gave an update regarding the request to remove the 14 trees, including:

- #957, a dying American Elm in Vinton Park near the corner of Wisconsin and Dorset Avenue;
- #653, dying Flowering Cherry located at 5515 Trent Street;
- #655, dying Flowering Cherry located at 5515 Trent Street;
- #660, dying Flowering Cherry located at 5516 Trent Street; and the following unnumbered Town trees located in wooded areas on Town property;
- dead 18" Black Locust located at 5402 Uppingham Street;
- dead 6" Black Cherry located at 5411 Uppingham Street;
- dead 6" Ash located at 5513 Uppingham Street;
- 9), 10) Three 12" Sycamores leaning over house and shedding limbs at 5522 Warwick Place;
- 11) 18" American Elm leaning and co-dominant located at 5527 Warwick Place; 12) 20" Tulip because weaknesses in upper cavity and co-dominant located at 5601 Warwick Place; 13) 18" Black Locust because of decay in upper trunk located at 5609 Warwick Place; & 14) 30" Tulip with split trunk located at 5615 Warwick Place

The unnumbered Town trees were compiled by the Town Arborist during an authorized Town tree survey during the winter. The unnumbered Town trees are located on Town property, mainly in Vinton Park and are adjacent to private properties. The limbs and trunks from these trees can remain in the woods. The numbered Town trees were damaged during the winter season during the snow and wind storms.

Town staff wanted advanced approval so when the Town tree bids are approved next month the Town can budget the removals in Fiscal Year 2012 due to existing budget restraints. Council Member Proctor asked the Town staff if they can try to get the Town tree removal contractor to extend the Town's price to Town residents.

Council Member Farley **moved** to approve the removal of fourteen Town trees, including

#957, a dying American Elm in Vinton Park near the corner of Wisconsin and Dorset Avenue; #653, dying Flowering Cherry located at 5515 Trent Street; #655, dying Flowering Cherry located at 5515 Trent Street; #660, a dying Flowering Cherry located at 5516 Trent Street; and the following unnumbered Town trees located in wooded areas on Town property; a dead 18" Black Locust located at 5402 Uppingham Street; a dead 6" Black Cherry located at 5411 Uppingham Street; a dead 6" Ash located at 5513 Uppingham Street; three 12" Sycamores leaning over house and shedding limbs at 5522 Warwick Place; an 18" American Elm leaning and co-dominant located at 5527 Warwick Place; a 20" Tulip because weaknesses in upper cavity and co-dominant located at 5601 Warwick Place; an 18" Black Locust because of decay in upper trunk located at 5609 Warwick Place; & a 30" Tulip with split trunk located at 5615 Warwick Place. Vote: Unanimous. Motion passed 4-0.

### **TREE REMOVAL PERMIT REQUEST**

Town resident Helen Colson was not able to attend the Council meeting. Town Arborist Dr. Feather presented the staff report. Helen Colson applied and received a tree removal permit in November 2010. The permit allowed for the removal of a 36" Ash tree that was contingent upon the Colson's replant a canopy tree at or near the same location. The Colson's wanted to replant a Red Maple tree on the Town right-of-way. Dr. Feather agreed with the Council that it is important to have a canopy tree near the corner of the property. Council Member Zeughauser reminded the audience that the Town currently has a tree monoculture plan that outlines the type and variety of trees that are planted along Town streets. According to the plan for the Colson's property, the Council noted that Japanese Zelkova trees are the trees that can be planted in the Town right-of-way. Dr. Feather pointed out that a large canopy tree such as a Red Maple would not be the type of tree the Town wants to plant under electrical wires.

Council Member Zeughauser **moved** to turn down request by the applicant to plant a red maple tree on the Town right-of-way. Council Member Shaul seconded the motion. Vote: Shaul & Zeughauser in the affirmative; Farley & Proctor in the negative. Motion passed 2-2 with Mayor Slavin voting in favor of the amendment. Council Member Zeughauser moved that the applicant plant a Japanese Zelkova tree in the Town right-of-way in the location the Town Arborist suggested on the Surrey Street side of the property or the applicant plant a Red Maple on their lot. Vote: Farley, Shaul & Zeughauser in the affirmative, Proctor in the negative. Motion passed 3-1.

### **DEMOLITION PERMIT, BUILDING PERMIT, CURB CUT AND TREE REMOVAL PERMITS, INCLUDING TREE REPLACEMENT PLAN AND PARKING PLAN FOR 4817 ESSEX AVENUE**

Town resident Alexis Carmer gave a presentation on their demolition, building permit, curb cut and tree removal permits including their tree replacement plan. The Town Building Inspector presented his report to the Council. The demolition permit meets all Town requirements. The building plan meets the Town building requirements. The new home incorporates stormwater run-off guidelines with the installation of four dry wells that will store water from the downspouts and a pervious driveway. The building takes up 17% of the lot, which is below the 20% guidelines for new construction. The Town consultants and staff recommended the Council approve the demolition of the existing house, construction of the new house, removal of eleven trees, and the proposed tree replacement submitted by the applicants landscape architect, DCA Landscape Architects minus the removal of the Town street tree. They also recommended, modifying the construction parking plan to allow two construction vehicles to be parked in the cul-de-sac at the bottom of Essex Avenue, three vehicles on Essex Avenue itself, two on

Surrey Street and two on the site. The staff recommended denying the Curb, Sidewalk and Driveway Permit application because the applicant requested the installation of a second curb cut on the property that would have required the removal of a Town tree and eliminate parking spaces along the street.

The Carmer's presented the case that the curb cut would not eliminate parking spaces because the space that would have been removed by the curb cut would most likely be used by the Carmer's themselves. The Carmer's also highlighted that their section of Essex Avenue is a low traffic street and a loss of parking should not adversely impact the neighbors. Mrs. Carmer in her application offered to replace the Town street tree and move it to a location near the new curb cut. The curb-cut cannot be placed further away from the Town tree because there is an existing fire hydrant and beyond the hydrant there is not enough space between the hydrant and the property line.

Council Member Shaul pointed out that two nearby communities(Chevy Chase Village and the Town of Chevy Chase) restrict driveways and curb cuts to one per lot and place 10 foot limits on the driveway's width. She also pointed out that the Center for Watershed Protection, in its work for the Town, pointed out that driveways should be as short and narrow as possible and shared when possible.

The Town does not allow for the removal of a Town tree for a curb-cut permit unless there is no other way to install a curb cut. In the case of 4817 Essex Avenue, this residence currently has an existing curb cut allowing the property owner egress to the property. The Town Code, Section 8-202 (3) discusses the Council being empowered to remove a Town tree in connection with a building or driveway permit only in an extraordinary circumstance. This section clearly defines an extraordinary circumstance, as one that would result in extreme hardship to the applicant if alternative access were not feasible.

The Council opened up the floor to public comments. Council Member Proctor said the Carmer's presented a compelling case and should be allowed to install a second curb cut because it would have no negative impact on street parking. Council Member Farley commented that the Council has not approved the removal of town trees for circular driveways. Council Member Zeughauser stated that circular driveways are a small percentage of the driveways that exist in Somerset. The Council indicated they were open to a curb-cut in the future if the application spares the Town tree. Resident Mark Oxley stated there is very little parking issues on Essex Avenue. Resident George Wyeth said the Environment Committee does not comment on individual permit applications but are generally interested in no net increase in stormwater runoff from properties.

Council Member Farley **moved** to approve demolition of the house located at 4817 Essex Avenue, approval of the building permit follows the Town building guidelines set out in §6-312C(1) that lists the total set-back requirements which buildings must follow within Town limits. The motion included modifying the construction parking plan to allow two construction vehicles to be parked in the cul-de-sac at the bottom of Essex Avenue, three vehicles on Essex Avenue itself, two on Surrey Street and two on the site. The motion includes the approval of the tree protection plan assembled by the Town Arborist dated February 24, 2011. The motion includes approval of the proposed landscape plan submitted by DCA Landscape Architects dated February 21, 2011, including the planting of seven large evergreen and twenty medium sized evergreen or ornamental trees minus the removal and replacement of Town Tree #319, a 9" Red Oak and denial of the Curb, Sidewalk and Driveway Permit because the proposed second curb-cut location would require the removal of a Town tree and eliminate parking spaces along the street. The motion also included approval of the tree removal permit, allowing the removal of the following eleven trees: a 6" Green Ash because the tree is in poor

condition, codominant with a weak top, a 4" Cedar because it is in poor condition, a 7" Hemlock because it is leaning and in decline, a 17" Hemlock because it is dead, a 17" Hemlock because it is dead, a 6" Cedar because tree is in poor condition, a 6" Hemlock because tree is in decline, a 4" multistemmed Japanese Maple because it is dead, a 2" Dogwood (tree is under 4"), a 12" Norway Spruce because the upper trunk has split leaders, codominant and it poses a hazard, and a 17" Norway Spruce because the upper trunk has split leaders, codominant and it poses a hazard as outlined in the Town Arborist report. The following six trees are not approved for removal: a 9" Red Oak (Town Tree #319) because the tree is healthy and is a public tree, a 14" American Holly because the tree can be revived and may be stressed at this time, a 18" Katsuratree because the tree is healthy, a 6" Japanese Maple because the tree is healthy, a 13" Sawtooth Oak because the tree is healthy and a 4" multistemmed Crepemyrtle because the tree is healthy. Vote: Farley, Shaul and Zeughauser in the affirmative, Proctor in the negative. Motion passed 3-1.

### **GENERATOR PERMIT FOR 5524 TRENT STREET**

Town resident Cindy Finn informed the Town staff in advance that she could not attend the hearing. Town Building Inspector and Engineer Larry Plummer presented the permit application. Ms. Finn intends on installing a 14 kW Kohler multi-fuel vapor / natural gas generator located 11.6 feet from the right side of the property line and 40 feet from the rear property line. The house will shield the left side of the property line. There are two 6 foot fences near the planned location. The generator produces 70 dBAs at 23 feet exceeding the County night-time noise level of 55 decibel levels (dBAs). Members of the Council pointed out that the proposed generator will be located 11.6 feet from the property line, far exceeding the allowable noise level. Council Member Shaul commented that generators that have come before the Town that are placed on the edge of a property tend not to meet the County night-time noise standard of 55 dBAs. Council Member Shaul also mentioned a similar case that came before the Council when an applicant proposed locating a generator on the side of the property and the Council approved the generator but required the generator placed behind the house to help bring the generator into compliance. Council Members Farley, Proctor, Shaul and Zeughauser agreed that applicants need to come up with a sound mitigation plan when they submit a permit application. The Council Members commented that they want to protect homeowners by requiring a sound mitigation plan be submitted with the permit application so that the applicants can install a generator that will meet the County night-time noise standard of 55 dBAs.

Council Member Proctor **moved** to approve the 14 kW Kohler multi-fuel vapor / natural gas generator located on the left side of the property contingent upon the applicant submitting a sound mitigation plan to the Town staff for review with the reasonable expectation that the sound mitigation plan will meet the County night-time noise level of 55 dBAs at the nearest property line. The Town will require the Owner install noise mitigation measures, including but not limited to fencing and landscaping. The Town will retain the Two Thousand Dollar (\$2,000.00) 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) and (2). Vote: Unanimous. Motion passed 4-0.

### **GENERATOR PERMIT FOR 4515 DORSET AVENUE**

Town resident Mark Oxley presented his permit application. Mr. Oxley intends on installing a 20 kW Generac air-cooled gas generator in the front of the house, behind a staircase. The Town Building Inspector presented his report. Mr. Plummer noted that the

generator will be located 35 feet from the right side of the property and 25 feet from the left side of the property. The staircase and house should help to buffer the noise produced from the generator.

Council Member Farley **moved** to approve the 20 kW Generac air-cooled gas generator in the front of the house, behind a staircase. 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 Town will require the Owner install noise mitigation measures, including but not limited to fencing and landscaping. The Town will retain the Two Thousand Dollar (\$2,000.00) 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) and (2). Vote: Unanimous. Motion passed 4-0.

### **GENERATOR PERMIT FOR 5606 WARWICK PLACE**

Town residents Thomas Ainora and Don Buchanan presented their permit application. The applicants intend on installing a 14 kW Generac air-cooled gas generator located in the rear of the house. The generator will be located 20 feet from the side property line and 35 feet from the rear property line. The house should help to shield the right side of the property line from the noise produced by the generator.

Council Member Farley **moved** to approve the 14 kW Generac air-cooled gas generator located in the rear of the house. 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 Town will require the Owner install noise mitigation measures, including but not limited to fencing and landscaping. The Town will retain the Two Thousand Dollar (\$2,000.00) 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) and (2). Vote: Unanimous. Motion passed 4-0.

### **GENERATOR PERMIT FOR 5712 WARWICK PLACE**

Town resident Dr. Frederick Goodwin presented his permit application. The application is for post-construction approval for a 17 kW Generac air-cooled gas generator located on the right side of the house. The Town received information that a generator was installed on the property and visited the site to confirm the information. The Town informed the Goodwin's that a Town permit is required. Based on a sound test conducted by the Town Building Inspector on February 24, 2011, the generator measured 57 dBAs at the front property line, 60.9 dBAs on the right side of the property line, 63.7 dBAs at the left side of the property and 49.7 dBAs at the rear of the property, exceeding the County night-time noise standard of 55 dBAs. Dr. Goodwin has agreed to install a second fence around the generator and line it with a sound reduction material. These noise mitigation measures should help to bring the generator into compliance.

Council Member Farley **moved** to give post construction approval for the 17 kW Generac air-cooled gas generator located on the right side of the house. After mitigation measures are installed, the Owner will notify the Town to retest 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 Town will require the Owner additional noise mitigation measures, including but not limited to fencing and landscaping. The Town will retain the Two Thousand Dollar (\$2,000.00) 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) and (2). Vote: Unanimous. Motion passed 4-0.

**ACTION ON PROPOSED ORDINANCE TO TOWN OF SOMERSET CODE CHAPTER 8, PROTECTION OF TREES, SECTION 8-204, ESTABLISHING A FEE TO PROCESS AND REVIEW TREE PERMITS**

The Council did not act on the proposed ordinance based on public feedback.

**ACTION ON PROPOSED ORDINANCE TO TOWN OF SOMERSET CODE CHAPTER 2, ADMINISTRATION AND PROCEDURES, SECTION 2-402(i), ALLOWING THE COUNCIL SET JOURNAL ADVERTISING FEE BY RESOLUTION**

The Council did not act on the proposed ordinance.

**ACTION ON ARBOR DAY PROCLAMATION**

The proclamation would declare April 1, 2011 as Arbor Day in the Town of Somerset to coincide with the worldwide celebration of Arbor Day. Council Member Zeughauser **moved** to approve proclamation. Vote: Unanimous. Motion passed 4-0.

**ACTION ON CUB SCOUT PACK 52'S REQUEST TO HAVE TOWN COUNCIL SPONSOR USE OF TOWN HALL AND GROUNDS FOR CUB SCOUT MEETING ON APRIL 26, 2011**

Town staff gave an update regarding the request. The Cub Scout's have received approval to use the Town Hall and grounds in the past. Section 2-301 of the Town Code allows the Council to adopt rules governing the use of the Town Hall. The Council has generally approved sponsoring group rental sponsorship requests if the event is open to the general public.

Council Member Marnie Shaul **moved** to approve the Town Council's sponsorship of Cub Scout Pack 52's request to use the Town Hall and grounds, including waiving the rental and deposit fees on April 26, 2011. Vote: Council Members Proctor and Shaul in the affirmative, Council Members Farley and Zeughauser in the negative. Vote 2-2. Mayor Slavin broke the tie and the motion passed.

**MAYOR'S REPORT**

The Mayor presented his report and said that copies were available at the meeting. See attachment.

**ADJOURNMENT**

Council Member Zeughauser **moved** to adjourn the meeting at 11:00 p.m.

Prepared by Josh Russin, Clerk-Treasurer