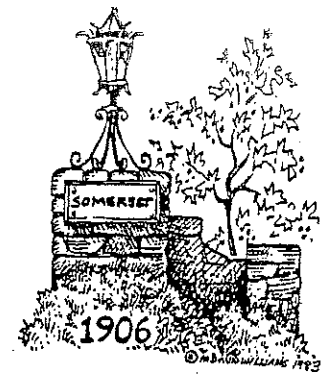


TOWN OF SOMERSET

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Jeffrey Z. Slavin
Mayor

Rich Charnovich
Town Manager/Clerk-Treasurer

Council Minutes
October 3, 2011

Mayor and Town Council Present:

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

Town Staff

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

Consulting Staff and Contractors:

Matt Maynard, Therrien Waddell
Mimi Kress, Sandy Spring Builders

Residents Signed In:

Sue Rosenthal, Surrey
Barbara Condos, Falstone
Patty Friedman, Grantham
Wendy Louttit, Trent
Caroline, Louttit, Trent
Brian Davis, Cumberland
Sue Besharov, Cumberland

Abby and Michael Nolan, Surrey
Annie Gubser, Cumberland

Press:

Laura Thornton, Chevy Chase Patch

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

Mayor Slavin stated that at the November Council Meeting, the staff indicated the sound system would be installed in the room.

Mayor Slavin also wanted to clarify Agenda Item number 12 that approval of the generator was being considered as well as the Council recommendation as the Local Advisory Panel to the HPC.

1. Approval of Council Minutes

September 6, 2011 Council Meeting-Motion Council Member Zeughauser, Second Vice President Shaul. Motion passed 4-0.

September 7, 2011 Closed Session-Motion Council Member Zeughauser, Second Vice President Shaul. Motion passed 4-0.

2. Financial Report

Town Manager Charnovich provided the October Financial Report to the Council including the Revenues, Expenditures, Capital Expenditures and Balance Sheet. Preliminary discussions took place concerning potential refund options for the Town's General Obligation Bond of 2010 that was issued for the Pool House Project. (Attached)

3. Comments/Agenda Items

Barb Condos, Falstone, asked several questions concerning swim team funds, the Town Journal, and the Building Permit tutorial.

Sue Rosenthal, Surrey, inquired about the Agenda and how it is set. Sue Rosenthal mentioned that the floors in the pool area were very unclean. Council Members advised this was being worked on for the end of the year as well as hiring a cleaning firm for next season. She also mentioned that the drains didn't seem to be working appropriately.

Barb Condos, Falstone informed those at the meeting that the women's locker room appeared to be worse than the rest of the tiles at the facility.

Wendy Louttit, Trent, thanked the Council for making an effort to make the Agenda clearer.

4. Comments/Non-Agenda Items

Wendy Louttit, asked about cars parked on Dorset Avenue after 4:30 PM and if this is permitted.

5. Pool House Construction Update

Matt Maynard, Senior Project Manager, provided the Pool House Construction Update on behalf Therrien Waddell. Mr. Maynard went over the list of punch list items for the project including hardware/lock issues as well as concrete and geo-tech issues. (Punch List Attached to the Minutes)

6. To consider the following PCO's for the Pool House Renovation Project

PCO 64R (Revised) - \$1,650.00

PCO 73 - \$25,888.00

PCO 74 - \$8,048.00

PCO 75 - \$7,063.00

PCO 76 - \$6,470.00

PCO 77 - \$440.00

PCO 78 - \$330.00

Motion Council Member Zeughauser, Second Vice President Shaul, to approve PCO's 73, 74, 75, 77, and 78. Motion passed 4-0.

PCO 64 R, to extend fencing along the walking path by Pond 3. Motion Vice President Shaul, Second Council Member Zeughauser, to approve up to \$600.00 to extend the chain link fence around Pond 3. Motion passed 4-0.

PCO 76, Motion Council Member Zeughauser, Second Vice President Shaul, to approve \$1175.00 to install a second water fountain at the Town Pool House. Motion passed 4-0.

7. To Consider Approval of Payment Number 13 to Therrien Waddell in the amount of \$35,459.08

Motion to approve payment contingent upon Mayor, Town Manager, Vice President Shaul and Pool Committee Chairperson ascertaining from Pool Consultant and Therrien Waddell that substantial completion has been made on the punch list by October 15, 2011. Motion Vice President Shaul, Second Council Member Pickar. Motion passes 4-0.

8. To Consider the removal of the following Town Trees

Mayor Slavin asked Dr. Feather to give his report on the Town trees to be removed. Motion Council Member Zeughauser., Second Council Member Pickar. Motion passed 4-0.

9. To Consider an application to remove the following trees at 4824 Cumberland Avenue as recommended by the Town Arborist

Mayor Slavin asked Dr. Feather to provide his report. Motion Council Member Zeughauser, Second Council Member Pickar to approve the removal of 2 sets of trees: 9 Hemlock Trees and 1 Dogwood Tree. Motion passed 4-0. Council Member Proctor would need to be contacted to apply for the removal of the 1 Tulip Poplar tree.

10. To Consider an application to remove the following trees at 4515 Cumberland Avenue as recommended by the Town Arborist

Mayor Slavin asked Dr. Feather to provide his report. Council Member Zeughauser asked a question about the reforestation plan and made a motion to approve contingent upon the recommended canopy tree and an agreement to be worked out between the neighbors for the two dogwoods. Second Council Member Pickar. Council Member Farley asked to amend the motion so it is not contingent upon the two dogwoods. Motion failed for lack of a second. Council Member Zeughauser asked to amend the motion for the replanting of Letter E so that all of the planting will be done on 4515 Cumberland Avenue. Motion was voted down unanimously. Original Motion passed 3-1 with Council Member Farley opposed.

11. To Consider approval of the planting of the following trees as submitted by the Town's Arborist in his chart dated September 28, 2011

Mayor Slavin asked Dr. Feather to provide his report. Dr. Feather indicated that 4810 was not consistent with the current monoculture plan.

4715 Essex Avenue, Scarlet Oak

4812 Essex Avenue, Scarlet Oak

4816 Essex Avenue, Scarlet Oak

4818 Essex Avenue, Scarlet Oak

4810 Falstone Avenue, Yoshino Cherry

4803 Grantham Avenue, Red Oak

5712 Surrey Street, Willow Oak

5501 Trent Street, Red Sunset Maple

5712 Warwick Place, Zelkova

Barb Condos asked about the status of a Town Tree near her property. Motion Council Member Farley, Second Council Member Zeughauser, to approve planting these trees. Motion passed 4-0.

12. To consider recommendation and approval as local advisory committee to the HPC on an application submitted by the Nolan's at 5807 Surrey Street

Mayor Slavin asked Mr. Plummer to provide his report. Mr. Plummer recommended approval of the generator. Barb Condos, Falstone, asked if a shed for a generator requires an additional building permit. Vice President Shaul made motion to advise HPC that the Town Council is

recommending approval of this generator. Second Council Member Zeughauser. Motion passed 4-0. Motion Council Member Zeughauser, to approve the generator permit. Second Vice President Shaul. Motion passed 4-0.

13. To consider granting a generator permit extension for the permit currently in place at 4809 Grantham Avenue. The permit is set to expire on October 5, 2011

Mayor Slavin asked Mr. Plummer to provide a report. Motion Council Member Farley, to approve the permit extension until April 5, 2012, Second Council Member Zeughauser to grant 6 month extension, contingent upon Mr. Plummer performing the test. The applicant will have to pass the test, otherwise it will be a violation. Motion passed 3-2 to include Council Member Zeughauser's amendment. Council Member Shaul, Council Member Zeughauser and Mayor Slavin for, and Council Member Pickar and Council Member Farley against. Motion passed 4-0 to approve the 6 month extension with Council Member Zeughauser's amendment.

14. Continue a public hearing on the status of construction at 4909 Essex Avenue

The Council and Mayor decided that Town officials would consult with the Town Attorney about what to do with this project after the October 6, 2011 permit expiration date.

15. To consider adoption of a Resolution proclaiming November to be Municipal Government Works Month

Motion Council Member Farley, Second Council Member Pickar. Motion passed 4-0.

16. To Consider approval of a Contract for leaf removal for calendar year 2011 with Wray Brothers Landscapes in the amount of \$22,500.00 as recommended by the Town Manager

Motion Council Member Zeughauser, Second Council Member Farley, with an amendment by Council Member Zeughauser to document the amount of leaves, the approved recycling facility, and to verify that there is room for a skid loader on the site. In addition, a silt fence would be placed to protect the Pond. Second Vice President Shaul. Amendment passed 3-1 with Council Member Farley against. Motion to approve the contract passed 4-0.

17. To consider adoption of a Resolution confirming the closure of Wisconsin Avenue and River Road Entrances on Sunday, October 23, 2011 from 8:30 AM until 12:00 PM for the 8KM Road Race sponsored by the Somerset Elementary School PTA

Motion Council Member Farley, Second Vice President Shaul to approve the Resolution. Motion passed 4-0.

18. Mayors Report

Mayor Slavin indicated his report was in the back of the room if anyone wanted to review.

Adjourn

10:15 PM