

**Town of Somerset**  
**4510 Cumberland Avenue, Chevy Chase, MD 20815**  
**Minutes for Council Meeting on**  
**Tuesday, July 2, 2019**

**Council Members Present:** Marnie Shaul; Barbara Zeughauser; Morris Panner; Steve Surko; **Council Members Not Present:** Frannie Peale; **Mayor:** Jeffrey Slavin; **Town Manager:** Matthew Trollinger; **Outgoing Town Manager:** Rich Charnovich; **Building Administrator:** Doug Lohmeyer; **Town Arborist:** Tolbert Feather; **Town Hall Renovation Project Manager:** Lou Baledamas

7:00 p.m. Council Work Session

The Council and Mayor reviewed the Council work session notes. On the first item – keeping construction sites clean – Mayor Slavin suggested a Town-wide effort and campaign to pick up trash when a resident sees trash. Council member Shaul asked how often staff rides by active work sites. Manager Trollinger reported that Town staff rides by at least once per day; typically Mr. Lohmeyer goes by in the morning, and the Code Enforcement Officer, Mr. Wayne Fowler goes by in the afternoon. There may be opportunities to be more proactive and to go by on foot more often.

On the second item discussed – debris collecting on storm drain – Mr. Lohmeyer explained that if debris is on top of the storm drain it is the Town's responsibility to take care of it. If it inside the storm drains, it is the County's responsibility to maintain. Council member Planner recommended revisiting the issue later to devise a plan for removing debris. Mayor Slavin noted that in the past the Town has painted storm drains to cover up rust, and it may be something to look into again.

On the third item discussed – the piano in the Town Hall meeting room – Council member Zeughauser noted that only one resident has asked to use the piano in the past year. Mayor Slavin suggested the Town could donate to a nonprofit, contingent on signing an MOU that allows residents to use the piano freely.

eFile Storage: Manager Trollinger informed the Council that a proposal could be brought to the August meeting. Council member Panner suggested any eFile storage system be purpose-driven, and effective for the use in the office. He recommended testing out multiple systems before deciding on one. Council member Shaul added that staff should not feel rushed to bring a recommendation to the Council.

Payroll Services: Manager Trollinger suggested there could be benefits to using payroll software rather than running directly from the bank to more easily handle things such as payroll deductions, for example. Council member Shaul noted that the Town might be obligated to use SunTrust's system because of the loan the Town has taken out. Council member Panner recommended looking into a company called Just Works.

LED lights: Council member Shaul reported that she had reached out to Pepco to help put together estimates for different possibilities. She had made a connection at the Maryland Municipal League meeting. Council member Panner noted that while he is against the project in general, he felt it imperative that the Council understand the true cost and risk of undertaking streetlight replacement. Mayor Slavin and Council member Shaul will meet later in July to discuss adding an agenda item in September.

Town ROW: Mayor Slavin suggested the Town set a policy moving forward that covers what responsibilities the Town has vs. the homeowner for easements. Council member Surko asked why the Town is responsible for maintaining the easement at 5701/5703 Warwick. Town Attorney Ron Bolt explained that the Town maintains improved portions of the ROW, while residents are responsible for maintaining unimproved portions of the ROW. Because this easement is dedicated as an improved walkway, the Town is responsible for its maintenance.

7:30 p.m. Council Meeting Convenes

Mayor Slavin calls the meeting to order, and opens the floor for public comments.

7:31 p.m. Comments: Public Comment Period

There were no public comments.

7:33 p.m. Consent Agenda: Motion to consider approval of Bank Signature Card Reolutions for SunTrust Bank and Capital One Bank replacing Richard Charnovich with Matthew Trollinger

The Consent Agenda passed unanimously. No comments.

7:35 p.m. Non-Consent Agenda  
Town Manager Administrative and FY19 Fiscal Reports

Manager Trollinger gave his report (below).

Manager's Report  
July 2, 2019

Administrative Matters

- **Personnel:** Incoming Town Manager Matthew Trollinger began working in the office beginning on Monday June 3. Much of the month has involved getting new staff up-to-speed on current Town projects and processes. Thanks to outgoing Manager Rich Charnovich for his continued steady stewardship of the Town's administration, and his help and patience in training the new staff.

- **MML Summer Conference:** Manager Trollinger, mayor Slavin, and Council members Shaul and Surko attended the Maryland Municipal League Summer Conference. The conference is an opportunity to learn more about municipal issues throughout the state, meet other municipal staff and elected officials, and connect with vendors, utility representatives, and State officials.
- **Canon Contract:** The Village has signed a new contract with Canon to upgrade the Town Hall copier/printer/scanner. The new contract will save the Village roughly \$50 per month. Canon can also provide the Town with an eFile cloud-based storage system.
- **QuickBooks:** The Town has moved over to an online version of QuickBooks software to track its budgeting and finances. Town staff was given a tutorial and has transferred existing data into the online system. Although the system is up and running, the conversion required troubleshooting related to yearly budgeting calculations.
  - **Consultant:** Spoken to CPA at MML and via QuickBooks to look at our account, and give any advice on best practices moving forward, and suggestions on cleaning up the books.
- **Computers:** The Town has received quotes from H.P. for three new computers (one laptop and two desktops). The current computers are roughly ten years old; one has recently crashed, and the current Manager, Rich Charnovich has been forced to use his personal computer. Based on conversations with several vendors, it is recommended that the Town switch to PCs instead of Macs, which are currently in use. The cost of the three computers totals \$4,200. The Town currently has only \$3,000 budgeted for new office equipment for FY20. The Town may also consider adding Microsoft Office Suite and Adobe Acrobat to the new computers.
  - **Quotes for Microsoft Office and Adobe: \$6,260.00**
    - \$1470 Adobe
    - \$1005 Office
    - \$3785 Computers
  - **Set-up: Come pre-loaded with Windows “Smart buy units”.**
- **File Storage:** Canon has a cloud-based storage system (see above). Staff also met with Amazon at the MML Conference, which offers a relatively low-cost cloud-based storage system as well. Staff is scheduling follow-up calls and conversations with the companies to get a better understanding of pricing and mechanics of the systems. *Staff hopes to bring a recommendation to the Council at the August meeting.*
- **Code Revisions:** Staff has been working with Council member Peale and Town Attorney Ron Bolt to gather and send individual resolutions and Code Amendments to General Code so a revised copy of the Code can be presented to and voted on by the Council, with a *goal of the August meeting presentation.*
- **Payroll:** As the new staff gets familiar with the payroll system, it may realize benefits from switching to a company such as ADP, which specializes in payroll. It integrates with QuickBooks; makes w-2 forms accessible to employees; makes retirement and health insurance distributions easier for employees; online clocking in/clocking out for maintenance staff, Linda, and police officers.
- **Bank:** The Council may need to vote to authorize Mr. Trollinger as a signer for the Town’s bank account.
- **Composting at Pool:** The Town has switched over to larger composting bins at the pool to fit pizza boxes, at the request of the Pool Committee.

#### Community Events

- **Pool Opening:** The Town held its annual Summer Kickoff at the pool on Saturday, June 8. Hotdogs, hamburgers, and other picnic food were served for Village residents. The Town may consider scheduling future Kickoffs on the day of the first home swim meet of the year to increase turnout.
- **4<sup>th</sup> of July:** The Town will host its annual Fourth of July Celebration at the Town Hall, with the usual assortment of activities, including the Cupcake Contest, reading of the Declaration

of Independence, new swim team records announcements, etc. We also hope to have elected officials from the federal, state, county, and local level at the event, as in past years.

- **July 5:** The Town office will be closed on July 5<sup>th</sup> in observance of the state holiday, which the governor proclaimed on

#### Infrastructure

- **Emergency Tree Removal:** WSSC removed a large and hazardous tree in the public ROW in front of 5611 Warwick Place on Thursday, June 13. The tree roots had also damaged the water meter in front of the home, and repairs were made on Friday, June 28. WSSC will replace the tree with a Cherry, in consultation with the Town's Arborist and the resident at 5611.
- **Town Hall Renovations:** Staff has attended weekly Town Hall renovation update meetings. (See report from architect and project manager Lou Baledamas)

#### Contracting

- **Gardening Consultant:** The Town may be interested in contracting out services for a gardening consultant to assist maintenance staff with planting and care of Town green spaces.
- **Recycling:** The Environmental Committee has recommended the Town look into moving from single-stream to separated paper/cardboard from metal/glass/plastics. Town staff is investigating how the current contract might be affected, and whether Goode has the ability to handle recycling as such.

#### Building Administration

See worksheet from Town Building Administrator Doug Lohmeyer – included in packet.

#### Tree Updates

See report from Town Arborist, Dr. Tolbert Feather – included in packet.

Outgoing Manager Richard Charnovich gave the fiscal report. The Council asked for a general overview of the Town's fiscal outlook. Manager Trollinger suggested the Town could restructure its financial reports to cover a different timeframe than the calendar month (such as a cutoff of the 10<sup>th</sup> or 15<sup>th</sup> of the previous month) to more accurately reflect the timing.

7:58 p.m.      Building Administrator Report

Town Building Administrator Doug Lohmeyer gave his report. He noted 5800 Deal Pl. was given a six-month permit extension at the last Council meeting. Mr. Lohmeyer also added that 5813 Surrey was required to fix their driveway per HPC. That work has not taken place yet. The Town still has an outstanding bond with the resident, although the permit is expired.

Council member Zeughauser asked about work progress at 5800 Deal Pl. and whether the Town could compel the resident to re-start work. Town Attorney Bolt suggested staff could send the resident a notice advising them to start as quickly as possible, explaining that Council might not grant another extension. Council member Zeughauser also asked Mr. Lohmeyer about the silt fence at 5800 Deal Pl. Mr. Lohmeyer responded that the Town Office has asked them to put the fence back up, although it was not required to be put up in the first place by either the Town or County.

Council member Surko noted that the driveway apron at 5415 Trent has not been reduced. He also pointed out that the shrubbery was supposed to be put up as landscaping covering the retaining wall, but that it does not cover the wall. Town Attorney Bolt responded that the Council did not impose vegetative coverage requirements with the permit. Council member Zeughauser suggested that the drainpipe on the side of the driveway has been moved, and asked Mr. Lohmeyer to take a look.

8:05 p.m. Town Hall construction project update, including discussion and possible authorization of additional roof repair in the Council Meeting Room.

Town Hall Renovation Project Manager Lou Baledamas explained that the rafters in the Council Meeting Room are pushing out the sidewalls. Repairing will cost roughly \$25,000, although no definitive plan has been finalized.

Council member Zeughauser added that before the construction crew will be delayed if the roof repairs are not approved.

Council member Panner moved to approve up to \$25,000 to repair the roof, and that the money be diverted from streetlight funds in the budget. The motion failed for lack of a second.

Council member Zeughauser made a motion to allow the Town Manager to approve up to \$28,000 for roof repairs, and that the money be diverted from police officers. The motion failed for lack of a second.

Council member Zeughauser made a motion to allow the Town Manager to approve up to \$28,000 for roof repairs, and that the money be taken out of the contingency fund. Council member Surko seconded. Council members Shaul, Zeughauser, and Surko voted in favor; Council member Panner opposed. The motion passed 3-1.

8:20 p.m. Public Hearing/Discussion to consider approval of Balodemas Architects Invoice covering period of 1/1/2019 – 5/31/2019 in the amount of \$21,717.26

Council member Zeughauser asked why the Council must vote to approve the project manager invoices for the Town Hall renovation. Council member Panner responded that it is not a matter of trustworthiness on the part of the project manager, and that he believes Mr. Baledamas is both hard-working and honest, but that it is good practice for transparency's sake to have the bills be voted on and for the Council to have a good sense of how much it is costing.

Mr. Baledamas suggested the Council table the discussion and that he meet with the Town Manager to get a better understanding of the budgeting. The Council could

then address at the next Council meeting. Council member Panner remarked that Mr. Baledamas should be paid on time for the work he has done. Town Attorney Bolt noted that a budget amendment may be needed to pay the full invoice, but that the Council could pay up to the budgeted amount for the fiscal year, and revisit the remainder at a later time. Council member Zeughouser moved to pay the full invoice and pull the money from the Town Hall construction line. Council member Shaul seconded. All in favor.

8:25 p.m. Public Hearing/Motion to consider approval of smoke alarm and security system installation in the Town Hall for a cost of \$2,485.00

Manager Trollinger explained that the work is to replace smoke alarms in the upstairs, and to add security in case doors/windows are broken into. The system would all work together and be installed by Splaine. Council member Zeughouser moved to approve the proposal, Council member Shaul seconded, all in favor.

8:26 p.m. Public Hearing/Motion to consider approval of a building permit at 4602 Dorset Avenue to construct a rear yard addition and install 2 HVAC units.

Building Administrator Doug Lohmeyer described the scope of the work to the Council, and recommended approval. The resident and architect also addressed the Council. Mayor Slavin asked the resident to remind the workers to be mindful of trash on site. Council member Shaul voted to approve the permit, Council member Zeughouser seconded, all in favor.

8:28 p.m. Public Hearing/Motion to consider confirmation approval of an emergency HVAC unit installation at 5510 Surrey Street.

Manager Trollinger reported that outgoing Manager Rich Charnovich and Mayor Slavin has signed off on approval to install a second story HVAC unit within the setbacks of the property.

Council member Surko asked why the Council votes on HVAC units, as new units do not make very much noise. Mayor Slavin responded that it is currently in the Town Code because of previous noise concerns. He suggested the Council earmark for future discussion. Council member Zeughouser voted to approve the HVAC unit, Council member Surko seconded, all in favor.

8:30 p.m. Public Hearing/Motion to consider removal of the following Town trees as recommended by the Town Arborist:

- Spruce 12" at 4810 Essex Avenue – 90% dead
- Serviceberry 2" at 4909 Falstone Avenue – dead
- Dogwood 3" at 5501 Surrey Street – dead
- Pin Oak 30" at 5522 Warwick Place – 50% dead

- Tulip Poplar 34" at 5522 Warwick Place (in the woods to the south) – Hazardous to house
- Tulip Poplar 24" at 5522 Warwick Place (in the woods to the south) – Hazardous to house
- Tulip Poplar 15" at 5522 Warwick Place (in the woods to the south) – Hazardous to house
- Tulip Poplar 21" at 5522 Warwick Place (in the woods to the south) – Hazardous to house

All sizes in inches diameter at 4.5' above ground level.

Town Arborist Dr. Feather also noted that two small trees had died since the list was submitted to the Council for approval: a 6" Cherry at 5820 Surrey Street, and a 3" Cherry at 5510 Trent Street.

Council member Shaul asked if there were plans for replacing the tree canopy. Town Arborist Dr. Feather responded that the Town does replace trees, but that the newly planted trees are much smaller when first planted and that it takes many years for them to grow back to full size. Council member Zeughauser added that she was concerned about the lack of canopy tree coverage. Mayor Slavin asked the Town Attorney if the Town would be liable if a tree were to fall. Attorney Bolt responded that generally the Town is only liable if it is shown to be negligent in taking care of the Town trees. In order to be considered negligent, the Town must be aware of a dead, dying, or diseased tree and not take appropriate care. Mayor Slavin suggested that the Town could take out dead branches at 5522 Warwick, but not remove the entire trees.

Council member Panner asked Dr. Feather if the Town pruned the trees at 5522 Warwick aggressively, could the Council postpone the decision to take them down? Dr. Feather answered that it would be possible, and that removal of the trees would cost the Town roughly \$20,000. He could instead add it to the list of trees to prune on July 16.

Council member Surko moved to remove all the dead trees, and prune the Poplars at 5522 Warwick. Council member Shaul seconded, all in favor.

8:40 p.m.      Public Hearing/Motion to consider adoption of a Resolution approving the County 2018 Hazard Mitigation Plan.

Town Manager Trollinger explained that the County develops a uniform emergency response plan for all of its municipalities and unincorporated areas based on scheduled meetings with municipal officials. Council member Panner asked if Manager Trollinger recommended the Council approve. Manager Trollinger responded affirmatively. Council member Panner moved to approve the Hazard Mitigation Plan, Council member Surko seconded, all in favor.

8:41 p.m. Public Hearing/Motion to consider installation of signs encouraging residents to back in their cars at the pool parking spaces when possible.

Barbara Condos of the Pool Committee gave the recommendation to the Council, explaining that the signs would be on the parking spots that cross over the walking path near the pool (seven to the right, and three to the left). The Pool Committee recommended unanimously that signs be erected that encourages residents to back in (but that are not enforceable).

Council member Zeughouser asked the Town Attorney if the Town would be liable for any damage if signs were erected. Mr. Bolt responded that he did not believe the Town would be liable because the Town would not be creating a dangerous situation.

Council member Panner suggested that to infer that backing into the spaces is safer is speculative, because there is no data or professional analysis backing it up. Council member Surko agreed – he thanked the Pool Committee for their recommendation and remarked that he shares their safety concerns, but believes it prudent for the Town to hire a consultant to look at the situation before any signage is erected. Mayor Slavin remarked that there is not currently money in the FY20 budget for a consultant, but that the Town has traditionally gotten professional opinions before putting up any traffic signs. Council member Shaul noted that originally the Pool Committee had recommended money for a consultant be put in the FY20 budget, but the Council elected not to include it.

Ms. Condos reported that there have not been any accidents that she is aware of, but that she has heard of or observed a number of close calls. Town employee Linda Williams relayed a story about a child running in front of her car at the parking lot, but because she had backed in, she was able to see them.

Council member Shaul moved to erect signs on both sides that say, “For safety, please back in.” The motion died for lack of a second.

Council member Shaul moved to use Town funds to hire a consultant at a price not to exceed \$5000. The money will be taken from budget line 62400 – Traffic Calming. Council member Zeughouser seconded. Council members Shaul, Zeughouser, and Surko voted in favor; Council member Panner opposed, and remarked that the money was meant for the Westbard project. The motion passed on a vote of 3-1.

8:55 p.m. Public Hearing/Motion to consider approval of three new office computers from HP (one laptop and two desktop computers) in the amount of \$4196.

Manager Trollinger updated that the quotes come to a total of \$6260 with Microsoft Office and Adobe Acrobat licenses. Council member Panner stated that the cost was high. Council member Zeughouser stated that it was important because the Town

had held off for so many years, and that one of the Town's computers had already crashed. Manager Trollinger stated that new computers were needed, and that the prices from HP were similar to prices received from Apple, but that the Town could save by cutting back on the software licenses. Council member Panner asked what Adobe Acrobat would be used for. Manager Trollinger answered that it has the ability to edit PDFs, and create fill-able PDFs, which was suggested by the Communications Committee for Newcomer Forms, as an example.

Council member Surko suggested the Town only invest in Adobe on one of the computers, and the Town could re-evaluate later if it is not enough. Council member Shaul motioned to approve up to \$5300 for new computers, three Microsoft Office licenses, and one Adobe license. Council member Zeughauser seconded, all in favor.

9:05 p.m.      Adjourn

Mayor Slavin suggested skipping the General Code Update until Council member Peale was back in town, and that his Mayor's Report could be skipped, as it will be included in the weekly Town announcements.

Council member Shaul motioned to adjourn. Council member Panner seconded, all in favor.