

Town of Somerset
4510 Cumberland Avenue
Chevy Chase, MD 20815

Minutes for Council Meeting on Monday, January 6, 2020

Council Members Present: Marnie Shaul; Barbara Zeughauser; Steve Surko; Morris Panner; Franny Peale; **Mayor:** Jeffrey Slavin; **Town Manager:** Matthew Trollinger; **Town Administrative Assistant:** Linda Williams; **Town Attorney:** Ron Bolt; **Town Building Administrator:** Doug Lohmeyer; **Town Arborist:** Dr. Tolbert Feather; **Town Hall Renovation Project Manager:** Lou Balodemas; **Residents and other attendees:** Julie Greenberg (Falstone Ave.); Miguel Tejblum (Essex Ave.); Matt Zaft (Dorset Ave.); Debbie Heller (Falstone Ave.); David Kathan (Dorset Ave.); Debbie Fox (Cumberland Ave.); Cathy Pickar (Dorset Ave.); Joan Ebzerly (Dorset Ave.); Page Whitley (Cumberland Ave.); Jon Barry (Cumberland Ave.); Deborah Shulman (Falstone Ave.); Megan Spellacy (Uppingham St.); Michael Banks (Banks Development Company); Neal Thomson (Thomson & Cooke Architects); Ben Rogers (American Pool)

6:00 p.m. Municipal Orientation

Town Attorney Ron Bolt gave an orientation to Council members on their legal duties, and what powers State law gives to municipalities.

7:00 p.m. Council Work Session

The Council tabled a discussion on paying for the Distinguished Leaders fund until budget season.

The Council discussed a grand opening party for the Town Hall, and agreed that Election Day would be a good time.

The Council discussed FY2021 Budget work sessions, and what dates to set. Town Manager Trollinger will send out a poll.

The Council discussed the length of Council meetings, and suggested that permit applications go at the beginning of meetings.

7:30 p.m. Council Meeting Convenes – Public Comment Period

Mayor Slavin called the meeting to order.

Julie Greenberg (Falstone Ave.) referenced a letter that she had circulated on the Town's listserv, and asked the Council to consider administrative changes to the Town's permitting process, to inform

residents sooner. Miguel Tejblum (Essex Ave.) expressed his support for the letter. Mayor Slavin will hold a meeting with interested parties to discuss ways in which the Town can meet their goals.

7:40 p.m. Consent Agenda

1. To approve minutes from Council meeting held on December 2, 2019.
2. To approve an amendment to the Town's investment policy, as recommended by the State Treasurer.

Council member Shaul motioned to approve; Council member Zeughauser seconded; all in favor.

7:41 p.m. Public Hearing/Motion: To discuss Town Hall construction project, and consider approval of change order #24 in the amount of \$20,949.17 for installation of meeting room lighting design; change order #25 in the amount of \$408.65 to relocate meeting room alarm; and change order #26 in the amount of \$2,008.50 to add shelving units to Mayor's office; and furniture order in the amount of \$19,086.69 from Bialek Environments & Intellistruct (Council previously approved \$15,000 funding).

Project Manager Lou Balodemas gave an update on the construction project. Floors will be completed within a week of the meeting. The estimated completion date is in February.

Council member Zeughauser motioned to approve the funding; Council member Shaul seconded; all in favor.

7:45 p.m. Public Hearing/Motion: To consider approval of Pool Management contract with American Pool for one year.

Town Manager Trollinger recommended that the Town renew its contract with American Pool for one year, and reevaluate with new software to see if service issues are properly addressed. Rather than the proposed 3-year contract, Manager Trollinger recommended the Town renew for one year and go out to bid once again in the spring.

Council member Shaul expressed disappointment that American Pool did not send a representative to the meeting. She felt that the desk function was not handled well, and information was not kept in an orderly manner.

Matt Zaft (Dorset Ave. & Pool Committee Chair) agreed with the recommendation to renew with American Pool for a year. Debbie Heller (Falstone Ave.) said that the software was a major issue this past year.

Council member Shaul moved to approve the contract and that the Town Manager negotiate performance measures; Council member Peale seconded; all in favor.

7:53 p.m. To consider reformatting of pool rules and amendment raising the age required to bring a guest unaccompanied by an adult from 8 years old to 11, as recommended by the Town Pool Committee.

Matt Zaft (Dorset Ave. & Pool Committee Chair) outlined the rule change for the Council, and explained that the Committee had gone through many discussions before it was submitted to the Council for approval. He suggested the rule was for safety and responsibility purposes rather than behavioral. He cited two instances of children being hurt and the parents' accompaniment helping to alleviate the situation.

Council member Peale asked if there were other options aside from raising the age, such as clearer rules on swim test requirements.

David Kathan (Dorset Ave.) voiced opposition to the rule change, and asked the Council to table the discussion.

Debbie Heller (Falstone Ave.) suggested that the rule change would help avoid tragedy.

Debbie Fox (Cumberland Ave.) noted that young children can still go unaccompanied to the pool, but suggested that they cannot reasonably be expected to be responsible for their guests. She noted the administrative burden on lifeguard staff when small children bring guests unaccompanied by an older child or adult.

Council member Shaul moved to approve the rule change and reformatting; Council member Zeughauser seconded; all in favor.

8:25 p.m.

Ben Rogers from American Pool arrived. He does not supervise Somerset Pool. Council member Shaul asked Mr. Rogers about front desk maintenance and keeping records. Mr. Rogers was unable to answer Council member Shaul's questions.

8:27 p.m. Public Hearing/Motion: To consider fence permit for fence repair at 501 Warwick Pl., submitted by Peter Dewees and Ritva Reinikka

Town Attorney Bolt noted that the Council can grant exceptions to fence height requirements.

Joan Ebzerly (Dorset Ave.) and Paige Whitely (Cumberland Ave.) both asked the Council to approve the permit waiver.

Cathy Pickar (Dorset Ave.) suggested to the Council that the fence should be considered part of the house's architectural design because the side of the house with the fence is glass.

Council member Zeughauser motioned to approve the fence permit; Council member Panner seconded; all in favor.

8:33 p.m. Public Hearing/Motion: To consider demolition and new home construction permit application submitted by Megan Spellacy at 5508 Uppingham St.

The Council took a ten minute recess to review the application documents.

Dr. Tolber Feather gave his report. He recommended removal of one tree in the back yard due to decay, but did not recommend the other two trees be removed. He did not think that one of the trees would survive the installation of the driveway as presented.

Megan Spellacy (Uppingham St.) said that she would like to keep all trees, but her consulting experts had recommended the right-of-way tree be removed because of root damage. Dr. Feather did not agree with that assessment.

Council member Shaul asked if all three trees on site could be preserved. Neal Thomson (Thomson & Cooke Architects) responded that CAS Engineering recommended removal of all three trees, but that if the trees can be protected, they were willing to keep any of them.

Council member Shaul asked about stormwater management on the site. Neal Thomson responded that there were two drywells onsite.

Council member Zeughauser asked if the utility lines could be moved to save the right-of-way tree. Michael Banks (Banks Development Co.) suggested that they could be moved. Council member Zeughauser said she would be uncomfortable approving the plans as presented – with removal of the trees – if there were ways to preserve the trees.

Council member Peale asked Dr. Feather if the right-of-way tree could be preserved; Dr. Feather said that he believed it could.

Council member Peale asked Dr. Feather about the Magnolia tree in the footprint of the driveway. Dr. Feather said that the driveway could not be excavated.

Council member Panner suggested that the site plan that was presented is not accurate; it shows all three trees being taken out, but the applicant suggested that the trees could be preserved.

Council member Surko asked if the box bay window or breakfast nook on the plans counted towards lot coverage. The bay window does not, while the breakfast nook does.

Jon Barry (Cumberland Ave.) said he was concerned about the development on the property and the trees. He suggested the Council allow demolition, but not the construction or tree removal until new plans are submitted that clarify what will and will not be removed.

Paige Whitley (Cumberland Ave.) suggested the Council not approve the plans because of discrepancies.

Council member Zeughauser moved to approve the demolition; Council member Shaul seconded; Council member Peale asked whether the parking plan and dumpster should be approved.

Council member Peale amended the motion to approve the demolition, parking plan, and dumpster; Council member Shaul seconded; all in favor.

The Council agreed to set a date for an expedited hearing to reconsider the new home construction, pending submission of revised plans. Council member Zeughauser moved to hold an expedited hearing at 6:00 p.m. on January 21; Council member Surko seconded; all in favor.

9:52 p.m. Discussion: To consider dates for 2020 Town calendar of events

Mayor Slavin deferred discussion on the Town calendar until a later date due to the lateness of the meeting.

9:53 p.m. Discussion: Building Administrato Report

Town Building Administratr Doug Lohmeyer gave his report, highlighting that 4715 Cumberland Ave. and 4710 Essex Ave. projects had been closed by the County. He also noted that 4709 Dorset Ave. permit expires in April. The 5526 Uppingham project has been completed, and the Town is awaiting County approval before it is closed. The Town will send a letter to 5800 Deal property owner asking for an update on construction.

9:56 Town Manager August Administrative and Fiscal Reports

Town Manager Trollinger gave his report (included below at end of minutes).

10:03 p.m. Adjourn

Mayor Slavin asked for a motion to adjourn the meeting. Council member Peale so moved; Council member Peale seconded; all in favor.

Administrative Report

1/6/2020

Administrative Matters

- **Accounting/Bookkeeping/Auditing:** Auditors Zelenkofske Axelrod LLC have completed two trips to the Town Hall to work on the FY2019 audit with the Town staff. The audit report is expected to be completed in the next week or so, and the presentation will be at the February Council meeting.
 - Preliminary FY2021 meetings will be held in February for Council to introduce the budget at the April Council meeting.

- **Leaf Collection/Street Cleaning:** Last week was the final week for leaf collection as per the Town's contract with Wray Brothers. The Town is working with Wray Brothers to schedule a curb-to-curb street cleaning. The Town has also budgeted \$4,000 this fiscal year for a street cleaning. Staff is looking into options for a spring street cleaning.
- **Directory:** An errata sheet proof has been sent to the Town office, and copies will be sent to residents this month.
- **Tree City:** The Town completed its Tree City, USA application and anticipates being renewed for the award.
- **Town Committees:** Staff is compiling committee members, and re-appointments are recommended at the February Council meeting.
- **Stormwater Management:** Staff has recommended scheduling Mark Etheridge from Montgomery County to give a presentation on the County's stormwater management permitting process.

Infrastructure

- **Pool Bridge:** The Town signed off on a \$600 proposal from Mulheron to paint the pool bridge with an epoxy mix that will give traction during the winter. Staff has also met with Mason Resurfacing & Construction Co. to get opinions on fixes. They have recommended raising the slats on the side of the bridge to allow excess water to flow off, and will be submitted a proposal to the Town for the work.
- **Utility Poles:** Staff has put together a list of double poles in Somerset, and submitted to Pepco for removal. This is a County-wide issue. Our Pepco representatives have indicated that double pole removals will be a budget priority this upcoming year.
- **LED Streetlights:** The Town has been advised by Clean Energy Solutions not to go forward with the proposals from Pepco for LED streetlight replacement due to the high costs. Pepco has expressed some willingness to engage the Town in a pilot program if such a program were to become available.
- **Storm Drain Damage:** At the corner of Little Falls and Dorset, a County Storm Drain has been damaged, presumably by large vehicles making the turn onto the street and hopping the curb, Staff has put up cones and staked off the area to ensure pedestrian safety, and passed along the information to the County for repairs.
- **Basketball and Tennis Courts:** Staff has power-washed the basketball and tennis courts; staff is in contact with Bishop Tennis regarding maintenance for the tennis court to fill cracks.

Contracting

- **Pool Management:** The Town received three bids for its pool management.
- **Gardening:** The Town has completed a gardening and landscaping RFP, with bids due in mid-January. The Council will be able to vet and approve a contractor at the February Council meeting.
- **Pool Safety:** Staff is finishing Safety RFP, and expects the Council to be able to vote on a decision at the March meeting

Calendar/Event

- The office will be closed Monday, January 20 in observance of MLK, Jr. Day.
- Communications Committee meeting Thursday, January 23.

- **Pool Bridge:** Staff continues to discuss options to help drainage at the Pool Entrance Bridge. Two ideas are to sawcut along the seams of the bridge to make the seams slightly larger for water to flow through; another option recommended by the County is to install a “boardwalk.” Staff has located the completed contract and will review – with Town Attorney if recommended – to see contractor’s liability for lack of drainage. The saw-cutting would probably be the least costly option. However, the County engineer cautioned that care needs to be taken to not damage the top flanges of the steel beams when saw cutting. He also suggested it would result in a porous deck, and as a result, a reduced life expectancy of the bridge structure. It may solve the major water ponding problem but this will allow water and deicing salts to accelerate corrosion of the steel beams and bearings. Also, over time the gaps will get clogged with debris which will retain moisture and increased deterioration of the timber deck boards.

- **Utility Poles:** Staff is putting together a list of “double poles” in Somerset, and submitting to Pepco for removal. This is a County-wide issue. Our Pepco representatives have indicated that double pole removals will be a budget priority next year.
 - Two new poles were installed on Devon Lane the week of 11/25. Pepco reset and anchored poles that were leaning and could impact reliability. These poles had been reported by concerned residents. Pepco facilities were relocated onto the new pole and the other providers on the pole will be notified to transfer their services.

- **LED Streetlights:** The Town is working with Clean Energy Solutions to help move forward on LED streetlight conversion. In addition, the Town has set up meetings with Pepco,

- **Electric Vehicle Charging Station:** Pepco has unveiled a program to install electric vehicle charging stations for free to municipalities. Staff has forwarded the information to the Environmental Committee to review to see if they have any recommendations or feedback.

- **Storm Drain Damage:** At the corner of Little Falls and Dorset, a County Storm Drain has been damaged, presumably by large vehicles making the turn onto the street and hopping the curb. Staff has put up cones and staked off the area to ensure pedestrian safety, and passed along the information to the County for repairs.

- **Greystone/River Road Pepco Repairs:** Repairs continue, but temporary markings are removed and lanes are open. The only restriction that remains in place is left turn limitations. Tami Watkins from Pepco has made clear that she has an open line of communication with residents.

- **Dorset Avenue Sign:** The faded Dorset Avenue sign on Wisconsin Avenue has been replaced. Special thanks to County Council member Andrew Friedsen’s office for their help in relaying our concerns to the appropriate channels.

- **Basketball and Tennis Courts:** Staff has power-washed the basketball courts; and is in contact with Bishop Tennis regarding maintenance ideas for the tennis court. Bishop has provided a quote for several thousand dollars to clean the tennis court with their own solution and staff. The Tennis Committee has also noted several cracks on the tennis courts.

Contracting

- **Pool Management:** Staff completed a Pool Management RFP that has been sent out to several potential bidders. Bids are due in mid-December, and a contractor can be selected at the January Council meeting.

- **Gardening Consultant:** The Town is interested in contracting out services for a gardening consultant to assist maintenance staff with planting and care of Town green spaces. The Parks and Natural Resources Committee created a rough draft of an RDP. Still is working to finalize an RFP and advertise so the Council can select a contractor before the spring.
- **Bridge/Signage/Traffic Consultant:** The Council approved hiring a consultant to look at parking and other issues at the Town Pool.

Calendar/Events

- **Community Service Day:** The Town held its annual Community Service Day on Saturday, November 16 in partnership with Manna Food Center. Donation boxes are still at the Town Hall for canned goods and toy donations.
- **Holiday Party:** The staff holiday party will be held at the Town Hall on Thursday, December 12.
- **Holiday Schedule:** The Town Hall will be closed on the following days in the month ahead:
 - Tuesday, December 24
 - Wednesday, December 25
 - Wednesday, January 1
- **Municipal Law Orientation:** Prior to the January 6 Council meeting, Town Attorney Ron Bolt will provide a “crash course” on municipal law and the Town Code for Council members and staff, starting at 6:00 p.m.
- **Movie Night Event:** Residents have expressed interest in the Town putting money into the budget for a second Movie Night event on the Town Green.

MAYOR'S REPORT FOR DECEMBER 2019 TOWN MEETING

1. SOMERSET HOLIDAY FUND--PLEASE DONATE NOW. With the holidays fast approaching, it's now time for those of you so inclined to make a contribution to the fund our Town has set up so that we can collectively thank our loyal and hard working employees at this season for their service in 2019. Checks are preferred (but cash is accepted too) and should be made payable to "Town of Somerset" with "holiday fund" written on the subject line. We would like to get the contributions by next Monday, December 9 by 4:30 PM, if possible, and you can leave them at the Town Hall or drop them by my house at 5706 Warwick Place. We don't provide a suggested donation amount but I can report that in the past the gift range has generally been from \$75 to \$500. The Council and I sincerely appreciate the generosity of all. For those that miss this deadline, we will continue to accept gifts up until Christmas Eve, but it's better to give sooner than later!

2. TOYS FOR TOTS COLLECTION. We are currently collecting new, unwrapped toys at Town Hall so that underprivileged children in our County will have happy holidays like the rest of us. Please try to make these donations as soon as possible. Go to www.toysfortots.org for further info. Participation so far has been much much slower than we would like, so let's all step it up.

3. ADDRESSING HUNGER IN OUR COUNTY. It's sad that in a such a resource laden County, many of our residents---even those who live nearby--go to bed hungry at night. To help change that, this holiday season I am encouraging our Town to partner with the outstanding nonprofit Manna Food Center by donating food, volunteering or making a year end contribution. More information is available at www.mannafood.org. There is a collection box at Town Hall, too. Please help.

4. MAIL SERVICE IMPROVEMENTS CONTINUING? Each year at this time I like to ask residents

whether our US mail service has been satisfactory for the last twelve months --especially because in the recent past we have received a number of complaints and requested and received Congressional help. Accordingly, I would like to encourage everyone and anyone with a concern about the mail in general or with a specific problem to write to me or the Town Manager now so that we can bring such issues forward to our Congressman JAMIE RASKIN and his expert staff.

5. 2020 ELECTION. The next Presidential and Congressional election is coming on faster than we all realize. Don't forget to take the time over the next months to bone up on the issues and the candidates and, most especially, to urge everyone in your families and wider circles to VOTE! The same goes for the Census.

HAPPY CHANNUKAH, MERRY CHRISTMAS, HAPPY KWANZAA, HAPPY NEW YEAR, HAPPY THREE KINGS DAY, JOYOUS OSHOGATSU AND SAFE TRAVELS TO EVERYONE IN DECEMBER. BE GRATEFUL FOR ALL YOUR BLESSINGS AND THE WONDERFUL REUNIONS YOU WILL HAVE THIS MONTH. I WISH EVERYONE MUCH SUCCESS IN 2020.