

Town of Somerset
4510 Cumberland Avenue
Chevu Chase, MD 20815

Minutes for Council Meeting held on March 2, 2020.

Council members present: Marnie Shaul; Barbara Zeughauser; Steve Surko; Franny Peale; Morris Panner; **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; **Residents and other attendees:** David Kathan (Dorset Ave.); Carrie Wofford (Essex Ave.); Mora Solana (Grantham Ave.); Michael Sullivan (de Marne and Day); Ranwa Nourieh (Paramount Construction); Bob Anderson (Paramount Construction); Brett Schoeder (Essex Ave.); Heidi Schroeder (Essex Ave.); Julie Greenberg (Falstone Ave.); Lucy Freeman (Falstone Ave.); Robin Barr (Essex Ave.); Ivar Andersen (Essex Ave.)

7:00 p.m. Council Work Session

The Council discussed options to have more discussion of topics facing the Town.

Mayor Slavin suggested a study and Town forum to discuss building regulation changes.

7:30 p.m. Public Comments

David Kathan (Dorset Ave.) asked for clarification on whether listserv discussion was allowed by Council members per the Maryland Open Meetings Act. Town Attorney Ron Bolt cited an opinion from the 1990s that said that notice must be given if a quorum of Council members are present. A separate ruling determined that email discussion is considered being present. He noted that he has not specifically asked the Open Meetings Compliance Board to weigh in on listserv discussion. Mayor Slavin asked Mr. Bolt to ask the Compliance Board for an opinion, and for Mr. Bolt to write an explanation that can be distributed to residents.

Carrie Wofford (Essex Ave.) suggested that non-vegetative surface should count towards lot coverage calculations. Town Attorney Bolt noted that the Town does not have lot coverage regulation, and is bound by County regulations. Council member Shaul added that stormwater is also regulated by the County.

7:39 p.m. Consent Agenda

To approve minutes from special Council meeting to consider construction permit at 5508 Uppingham St., held on January 21, 2020

To approve minutes from regular Town Council meeting held on February 3, 2020.

Council member Zeughauser approved; Council member Shaul seconded; all in favor.

7:40 p.m. Discussion: Update on Town Hall construction project

Council member Zeughauser reported that the water meter would be attached on the following day. Lights were scheduled to arrive the following weekend, and inspections would follow, which would last approximately three weeks.

7:42 p.m. Public Hearing/Motion: To consider building permit application submitted by Mora Solana for the property located at 4809 Grantham Ave. The applicant sought the following permits:

- 1) Two-story rear building addition;
- 2) Front porch enclosure;
- 3) Wall permit
- 4) HVAC replacement.

The applicants introduced themselves, and stated that they wished to preserve the home. They are enclosing the back patio and extending the master bedroom. They are making significant interior renovations, but wanted to maintain the character of the home.

Council member Shaul asked if there were gutters on the home. The applicant responded that the existing house has one gutter and that they are adding two to the back of the house.

Council member Zeughauser asked where water on the left side of the house flows. The applicant responded that the roof is asymmetrical so approximately 80% of water drains to the spouts.

Council member Peale motioned to approve the permit on condition of compliance with the tree protection plan submitted by the Town Arborist; Council member Shaul seconded; all in favor.

7:55 p.m. Public Hearing/Motion: To consider building permit application submitted by Paramount Construction, Inc. on behalf of Brett and Heidi Schroeder for the property located at 4712 Essex Ave. The applicants sought the following permits:

- 1) Demolition permit
- 2) New home construction;
- 3) New curb cut & driveway apron;
- 4) Dumpster on site;
- 5) Fence installation;
- 6) Tree removal.

The applicants pointed out that they moved the proposed pool to protect a neighbor's tree, and move the drywell, water and sewer connections to comply with Town tree protection. They have met with

neighbors to accommodate some concerns, and believe that they will help the stormwater situation on the lot and abutting properties.

Council member Shaul asked if the applicants had considered permeable pavers and if there was room for a second dry well on the property. The applicant responded that there was not room for a second dry well, and that they had planned for concrete pavers in the driveway.

Council member Zeughauser asked if coir logs could be installed to help catch water. The applicant responded that the builder has not used them before. Town Building Administrator Lohmeyer added that typically coir logs are used to keep sediment from entering a storm drain. The applicant agreed to install a super silt fence underground. Dr. Feather added that sometimes coir logs are used to slow down water and stabilize a bank. Bob Anderson (Builder, Paramount Construction) said that the super silt fence would meet the need of stopping water. Mr. Schroeder noted that they are installing a French drain on the back fence made of stone to drain water into the ground and help protect the trees.

Mr. Anderson also pointed out that there are setbacks on the house, property line, and pool that made it difficult to fit a second drywell in.

Julie Greenberg (Falstone Ave.), an abutting property owner, said that the water, silt, and stability of the property is a concern, but is being improved. She still had concerns about the stability of the hill on her property, and about the overall lot coverage, tree removal, and stormwater waivers granted by the County.

Lucy Freeman (Falstone Ave.) thanked the Town staff for working with the owners and builder to move the pool and install the super silt fence. She expressed concern about water, and asked if there would be plants between the pool and rear of the lot.

Mr. Schroeder responded that yes they were planning to plant in the rear of the property. He pointed out that drainage to Ms. Freeman's property is reduced 25% without considering the French drain. The builder added that the stormwater calculations do not consider that the swimming pool will capture and contain water.

Robin Barr (Essex Ave.) asked the Council to defer on making a decision about the permit and seek advice from a stormwater management consultant. Carrie Wofford (Essex Ave.) agreed.

Ivar Andersen (Essex Ave.) said that his property has three dry wells. He asked if a dry well could be installed on the patio. The builder answered that it was not possible because of setback restrictions against the pool.

David Kathan (Dorset Ave.) suggested a permeable driveway.

Mr. Schroeder said that he was willing to consider a permeable driveway, and added that they were planning to install a rain garden, and that according to the County stormwater calculations, drainage will improve on the site after construction.

Council member Peale moved to approve the permit application, subject to conditions listed by Mr. Lohmeyer in his report (that the applicant submit a certified wall check and roof height check, and that the HVAC units meet the Town's noise requirements). Council member Zeughauser seconded. Council member Shaul asked if permeable pavers should be a condition of the permit. Council member Peale

responded that that condition was not in her motion. Council members Peale, Zeughauser, Panner, and Shaul voted in favor; council member Surko voted against. The permit was approved on a 4-1 vote.

8:52 p.m. Building Administrator Report

Mr. Lohmeyer noted that the 5800 Deal Pl. permit expires before the next Council meeting, but that the applicant will seek an extension in April. He reported that 4709 Dorset will not need an extension – the permit is set to expire on April 9; 4823 Dorset Ave. has completed its construction.

Council member Shaul asked that the dumpster at 5800 Deal be required to empty more frequently. Council member Peale noted that the Council could hold a special meeting on an extension for 5800 Deal. The Council discussed the construction project at 5800 Deal. Mayor Slavin asked Mr. Lohmeyer to convey the Council's frustrations about the lack of progress to the homeowner.

9:02 p.m. Public Hearing/Motion: to consider removal of a dead 23" Ash public tree at 5545 Warwick Pl., in the Town park behind 5601 Warwick Pl.

Council member Zeughauser moved to approve the removal; Council member Panner seconded; all in favor.

9:04 p.m. Motion: To consider approval of 2020 agreements with Camp Summerset for use of the Town Pool and Town Tennis Courts

Council member Zeughauser approved; Council member Panner seconded; all in favor.

9:06 p.m. Motion: To approve appointments to the Board of Supervisors of Elections:

- 1) Phyllis Wiesenfelder
- 2) Robin Orseck
- 3) Jim Berry
- 4) Sherry Bindeman
- 5) Lucy Freeman

Council member Panner approved; Council member Shaul seconded; all in favor.

9:08 p.m. Motion: To approve of appointments to the Town Pool Committee

- 1) Nancy Zuckerbrod
- 2) Debbie Heller
- 3) Barbara Condo
- 4) Matt Zaft (Chair)
- 5) Cathy Pickar
- 6) Jennifer Bloodworth

- 7) Michael Veksler
- 8) Carina Veksler
- 9) Debbie Berger

Council member Zeughauser questioned whether two members from the same household should be allowed, and asked that one be removed. Council member Peale agreed, and asked that the Committee Chair find a replacement. Council member Surko agreed not approve both. Mayor Slavin recommended the Council approve the other seven committee members at this time.

Council member Zeughauser motioned to approve members listed 1-6, and 9. Council member Peale seconded; all in favor.

9:16 p.m. Motion: To approve of appointments to the Town Communications Committee

- 1) John Barry
- 2) Cinzia Furlanetto
- 3) Ilene Heller
- 4) Diane Horn
- 5) Barbara Marenus
- 6) Kathleen Kenyon
- 7) Mary Wisniewski

Council member Surko motioned to approve; council member Peale seconded; all in favor.

9:18 p.m. Discussion: Town Manager Administrative and Fiscal Reports (attached at bottom of minutes)

Town Manager Trollinger gave his reports. Council member Shaul recommended a Doodle Poll to meet with Mark Etheridge from Montgomery County. Council member Zeughauser pointed out that staff had missed a dumpster that was placed without a permit for over a week.

Mayor Slavin recommended adding early voting dates in Maryland to Town announcements, and ride information for people who need transportation.

9:23 p.m. Adjourn

Council member Panner motioned to adjourn; Council member Peale seconded; all in favor.

Administrative Report

3/2/2020

Administrative Matters

- **Budget:** The Town has had a series of work sessions, and a draft budget has been created. This will continue to be revised as additional information comes in – particularly tax revenues.
- **Stormwater Management:** Staff has recommended scheduling Mark Etheridge from Montgomery County to give a presentation on the County’s stormwater management permitting process. Mr. Etheridge has said that he is willing and able to do a presentation for the Council and any interested residents. He recommended a lunch-time meeting.
- **Personnel:**
 - Town Manager will be out of Town from 3/4/2020 – 3/12/2020
 - Maintenance Foreman Enrique Cabrera has informed me that he is planning to retire at the end of FY21 (June 2021).
 - Police: Staff is gathering information on other municipalities’ police arrangements.
- **Brown Bag lunches:** The Council has approved Brown Bag lunches for the following dates:
 - April 16
 - September 17
 - November 11
- **Arbor Day/Earth Day:** The Town may consider an Arbor Day/Earth Day proclamation and “celebration” to keep Tree City status.

Infrastructure

- **Pool Bridge:** Mulheron Tree Services has painted a no-slip epoxy surface onto the bridge to help prevent slippage. 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 have 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. The maintenance staff is relocating all signs onto new poles and off of poles that are scheduled to be removed.
 - *The Town may consider contracting with an Engineer to evaluate sign placement.*
- **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 – and have indicated that they may do County-wide conversions in the not-too-distant future. Delegate Al Carr has put forwarded legislation at the state level to allow municipalities to negotiate to purchase lights from Pepco.
- **Batting Cage:** The Town has ordered a new batting cage net, and will remove the old dilapidated equipment.

- **Town Hall Improvements:** Staff is looking into estimates to improve safety at the side entrance of the Town Hall.

Contracting

- **Gardening:** The Town has signed a contract through June 2021 with Groundsmith Collective. The contract was officially executed on Thursday, February 27, and we expect work to begin soon.
- **Pool Safety:** Staff has completed Safety RFP, and received three bids. Two of the three bids were exorbitantly high, and I cannot confidently recommend the third bid, based on conversations with the references, and the description of the scope of work. I followed up with Sabra Wang, and they are going to submit a bid for consideration, but it has not been received by the time of printing. If that bid is not worth recommending, or if the Council feels that we should solicit more bids, we could schedule a meeting to review and approve a contract in March to try and keep to a timeframe of finishing before the Pool season begins in mid-May.
- **Pool Software:** Staff is gathering information on Member Splash pool software, and expects the Council to be able to vote on a decision at the April meeting. A Member Splash employee will be attending to answer Council questions.
- **Trash & Recycling:** Staff is working with the Environmental Committee to create a Request for Proposals for Town trash and recycling pickup. The Environmental Committee recommends switching to dual-stream recycling (separate bins for paper products), which may result in higher costs, but may boost the quality of product that is salvaged during recycling. The current contract with Goode expires at the end of May, 2020, so the Council will vote for a new contract at the May meeting.