

Town of Somerset
4510 Cumberland Avenue
Chevy Chase, MD 20815

Minutes for Council Meeting held on April 6, 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:** Miguel Tejblum (Essex Ave.); Julie Greenberg (Falstone Ave.); Carrie Wofford (Essex Ave.); Barbara Marenus (Surrey St.); Jon Medalia (Surrey St.); Matt Zaft (Dorset Ave.); Jack Frink (Cumberland Ave.); Paige Whitley (Cumberland Ave.); Jim Berry (Essex Ave.); Ann Bolten (Cumberland Ave.); Miriam Tavens (Dorset Ave.); David Kathan (Dorset Ave.); Lucy Freeman (Falstone Ave.); Brian Smith (Uppingham St.); Yogesh Rajkotia (Deal Pl.); Barbara Condos (Falstone Ave.); Jan Kaufman (Trent St.); Kumar Vaswani (Trent St.); Robin Barr (Essex Ave.); Phil Young (Greystone St.); Phyllis Wiesenfelder (Cumberland Ave.); Mike Sullivan (de Marne & Day); Phil Eagleburger (Treacey & Eagleburger Architects)

(NOTE: The recording began at approximately 6:45 p.m.)

7:15 p.m. Council Work Session

The Council discussed the Montgomery County pesticide law and whether the Town should opt in to the restrictions. The Mayor will organize a meeting with representatives from the landscaping community before a vote is taken and legislation introduced at a later meeting.

7:30 p.m. Public Comments

Miguel Tejblum (Essex Ave.) asked if the Town would consider an ordinance restricting or prohibiting construction.

Julie Greenberg (Falstone Ave.) asked the Town Council to consider forming and appointing members to a study group to look at storm water management and tree removals, as well as potential changes to the Town's building code. David Kathan (Dorset Ave.), Lucy Freeman (Falstone Ave.), and Brian Smith (Uppingham St.) also expressed support for the suggestion.

Miriam Tavens (Dorset Ave.) asked that the Town not permit a shredding event in the Town parking lot because it is loud and disturbing at her house.

7:51 p.m. Motion: To approve minutes from regular Town Council meeting held on March 2, 2020.

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

7:52 p.m. Public Hearing/Motion: To consider recommendations from the Board of Supervisors of Elections, and possible action on Town of Somerset election procedures.

The Board of Supervisors of Elections was represented by Chair, Phyllis Wiesenfelder. The Board recommended postponing the election until June 9 due to the COVID-19 pandemic. The Board also recommended a registration deadline of April 28. Chair Wiesenfelder asked the Council if they would prefer to have ballots sent to every eligible voter or only those who apply. She also asked if the Council would like for there to be a Town forum for candidates.

Town Attorney Bolt noted that the Charter says that the Town election will be held in May, and so an emergency Charter amendment would be necessary to change the date.

Council member Shaul moved to adopt an emergency charter amendment, and adopt the Board of Supervisors ordinance recommendations. The motion failed for lack of a second.

The Council discussed whether the recommendations from the Board of Supervisors of Elections was clear enough.

Council member Shaul moved to adopt an emergency Charter amendment, and to wait for election procedures until the Board of Supervisors of Elections has answered the logistical questions. Council member Peale seconded, all in favor.

Council member Shaul moved to change the Town's election date to June 9, 2020. Council member Peale seconded, all in favor.

The Council agreed to a meeting within two weeks to consider regulations for the 2020 Town election.

8:17 p.m. Nominations: For two seats on Town Council and one seat for Town Mayor for the 2020 Town of Somerset Election

Board of Supervisors of Elections Chair, Phyllis Wiesenfelder, took nominations for the positions. Franny Peale (Uppingham St.) nominated Jeffrey Slavin (Warwick Pl.) for the position of Mayor. Jack Frink (Cumberland Ave.) seconded.

Barbara Zeughauser (Trent St.) nominated Morris Panner (Essex Ave.) for Town Council. Franny Peale (Uppingham St.) seconded.

Marnie Shaul (Uppingham St.) nominated Steve Surko (Uppingham St.) for Town Council. Franny Peale (Uppingham St.) seconded.

Carrie Wofford (Essex Ave.) nominated Robin Barr (Essex Ave.) for Town Council. Marnie Shaul (Uppingham St.) seconded.

Matt Zaft (Dorset Ave.) asked for clarification on whether e-signatures could be used in lieu of hand-signed signatures for nominations by petition, and what date a petition would be due. Ms. Wiesenfelder answered that the due date was kept as April 28; the Board will include instructions for petition.

8:28 p.m. Public Hearing/Motion: To consider approval of an extension to the existing building permit at the site located at 5800 Deal Pl.

Town Building Administrator Lohmeyer recommended that the Council extend the permit for six months. The homeowner, Yogesh Rajkotia (Deal Pl.) explained that there were extenuating circumstances with the construction project which had caused the delays.

Council member Peale motioned to approve a six-month building permit extension. Council member Shaul seconded. All in favor.

8:31 p.m. Public Hearing/Motion: To consider approval of a rear addition to the property located at 4721 Cumberland Ave.

Council member Surko asked if the chimney would be affected. Phil Eagleburger (Treacy & Eagleburger Architects) answered that there was a new chimney being built.

Council member Shaul motioned to approve. Council member Zeughauser seconded. All in favor.

8:40 p.m. Public Hearing/Motion: To approve removals of the following public trees, as recommended by the Town Arborist:

- 1) 52” dia. Flowering Cherry located at 4800 Falstone Ave. – tree in decline with large pieces of dead wood;
- 2) 36” dia. Flowering Cherry located at 4715 Trent Ct. – tree in decline with large pieces of dead wood;
- 3) 36” dia. Flowering Cherry located at 4707 Trent Ct. – tree in decline with large pieces of dead wood.

Council member Peale motioned to approve the removals; Council member Shaul seconded; all in favor.

8:43 p.m. Discussion: Update on Town Hall construction project

Council member Zeughauser announced that the project was nearing completion, and the Town was working to schedule final inspections.

8:44 p.m. Public Hearing/Motion: To approve contract with Wet Yet Fitness to provide Water Aerobic at the Town Pool.

Town Manager Trollinger clarified that payment was due only if classes are held, and that the decision to open the pool will be done in conjunction with County and State regulations and decisions.

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

8:45 p.m. Public Hearing/Motion: To approve alarm monitoring, video monitoring, and maintenance contract with SkyLine Technologies in the amount of \$7,615.50.

Town Manager Trollinger recommended to the Council that only a portion of the contract be approved. The maintenance contract is not recommended by the company. The total amount of the contract is \$6,080, split between FY2020 and Fy2021.

Council member Shaul motioned to approve the contract as recommended, Council member Peale seconded; all in favor.

8:52 p.m. Public Hearing/Motion: To approve contract with Member Splash for Town Pool sign-in and member software in the amount of \$5,000.

Town Manager Trollinger gave an explanation of the Member Splash software. A representative from Member Splash emailed to say that they were unable to make the meeting at the last minute because of power outages in California.

The Council elected not to approve the contract, but would reconsider at a later date if Member Splash was able to have a representative present at the meeting.

9:07 p.m. Discussion/Motion: To approve parts replacements at Town Pool, as recommended by American Pool, totaling \$4,911.48.

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

9:08 p.m. Discussion/Motion: To approve Town Pool maintenance work totaling \$3,552.25, as recommended by American Pool and required by Maryland Department of Health.

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

9:10 p.m. Public Hearing/Motion: To approve agreement to one-year extension of Waste & Recycling contract with Goode Companies, Inc. at an amount of \$137,409.

Town Manager Trollinger recommended signing a one-year extension with Goode Companies for the same service at the same cost, given budget and other unknowns moving forward as a result of COVID-19 pandemic. The Town can continue to investigate dual-stream recycling and make the switch next year if it so desires.

Robin Barr (Essex Ave.) commented that the recycling market has changed over the past couple of years, and the Town should reconsider the way it does recycling.

9:14 p.m. Discussion/Motion: Introduction of FY2021 Budget

Mayor Slavin reviewed the budget process.

The Council discussed the budget with Budget Committee member Phil Young. The Council discussed the logistics of the rainy day fund and the Town's debt services.

9:19 p.m. Discussion/Motion: To approve the following 2020 public events

- 1) Shred Event (May 30)
- 2) Somerset Kids Pop-Up Marketplace (September 21)

The Council discussed whether the events should be approved, given the uncertainty of public events being able to take place. Mayor Slavin explained that this would be to approve of the events, but not necessarily the timing if it was not allowed.

Council member Peale noted that a resident had asked the Council not to approve because of noise during the public comment period. Council member Shaul responded that it was a popular event, so asked that the Town look into ways to reduce noise.

Robin Barr (Essex Ave.) announced that the Environment Committee had voted to express approval of the shred event.

Council member Shaul motioned to approve both events listed; Council member Peale seconded; all in favor.

9:30 p.m. Discussion: Town Manager Report

Town Manager Trollinger reported that maintenance staff was working in shifts; and that a resident has called the office concerned about a property on River Road that has removed several trees over the period of the last year or so, but clarified that all trees had been removed legally and that all trees were dead, dying, or hazardous. (The full report is at the end of the minutes).

9:44 p.m. Meeting Adjourned

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

Administrative Report

4/6/2020

Administrative Matters

- **Budget:** The Town has had a series of work sessions, and a draft budget has been created. Changes were made after meeting with Budget Committee Chair to reflect the probable need for austerity budget to prepare for reduce revenues in the next year or more.
- **Personnel:**
 - Linda Williams has agreed to be hired full-time for the Town.
 - Maintenance Foreman Enrique Cabrera has informed me that he is planning to retire at the end of FY21 (June 2021).
 - Police:
 - Steve Cheoung has agreed to take over from Tony Galladora as our main point of contact with Montgomery County police.
 - Mary Livingston is on leave recovering from surgery. She will return to duty in mid-April.
 - Maintenance staff is developing a rotational schedule so that they are better able to “social distance” during the COVID-19 crisis. They will focus on priority projects and maintenance at this time. The Town has purchased gloves, and is asking that maintenance staff wear masks or something covering their face, as well as washing hands for at least 20 seconds whenever entering or exiting the Town Hall.
 - Linda and Matt have been working remotely when possible, and will continue to do so until further notice. Staff is still available via phone and email.
 - Code Enforcement Officer Wayne C. Fowler is working on a limited basis from home during stay-at-home order.
- **Equipment/Software:**
 - Staff has purchased an additional laptop and cell phones to better enable staff to work remotely. The Town is being set up for calls to Town Hall to route directly to staff cell phones.
 - The Town has a Zoom Account available for Council meetings and other official meetings, which allows for more people to join, and longer meetings, among other capabilities.
 - The Town has renewed its Bill.com membership to allow for invoice approval and check signing digitally.
- **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, but an Earth Day event is not required for Tree City designation this year because of the COVID-19 pandemic.
- **Public Space:** The Town Hall, and other public spaces, including tennis courts, basketball court, and batting cages, are closed to the public until further notice by emergency proclamation from the Mayor.
- **Other Pandemic-related news:** Town Manager has been on a recurring weekly call with County and State officials regarding Coronavirus response and data.
- **Tree Removals:** I would recommend that the Council and/or PNR or Environmental Committee look into closing a loophole in our tree removal policy, where a person can continually get an administrative permit for 1 or 2 trees without a reforestation plan.

MAYOR'S REPORT
FOR
APRIL 2020 TOWN MEETING

1. **TOWN GOVERNMENT REMAINS OPEN DURING THE PANDEMIC.** Over the last month the Town Manager and I have continued to work--safely--to ensure that the vital functions of the Somerset government continue as required. Some of the staff are working remotely and others are performing their duties following the State mandated safety measures. On a daily basis, and particularly since the sheltering-in-place order, we have been on conference calls with the Governor, COUNTY EXECUTIVE MARC ELRICH, Maryland Municipal League, US Conference of Mayors, National League of Cities, our two US Senators, CONGRESSMAN JAMIE RASKIN, County Councilmember ANDREW FRIEDSON nonprofits and utility companies, among others, keeping up with the latest information and vital advice. This is a national and worldwide pandemic, and information comes in and has changed the landscape every day, almost by the hour. The Town Manager and I are committed to doing everything possible in our power to assist residents and keep everyone as safe and healthy as possible. I am not making final decisions to be popular, rather for everyone's protection. All citizens should feel free to call or email at any time if they are experiencing issues that might be addressed by us. It is heartwarming to see the kind message and offers to help others on the listserv, in emails, on social media and by phone. It truly takes a village, and together we will get through this.

2. **WALK SUGGESTION.** Since the heavily used Giant in Friendship Heights is now closed, I have rediscovered an excellent walking route to the nearby Safeway on Connecticut Avenue south of Chevy Chase Circle. Exit Dorset Avenue and make a right a right on Wisconsin and then go behind Saks Fifth Avenue to the Western Grove Urban Park (official address: 5409 Grove Street, Chevy Chase Village). Beautifully designed and pet friendly, this park provides a lovely respite from the traffic and nice scenery. Try it!

3. **CATCHING UP WITH FORMER RESIDENT FLORENCE GANG (Falstone).** Over a year ago much beloved resident and noted artist Florence Gang moved from her home of over half a century to a nice senior living community in Rockville. I have kept in touch with her ever since. I spoke with her the other day and she is excited about turning 100! this Fall and is still using her creative talents. Since her ability to leave her apartment is severely restricted I am sure she would love to here from any of her former neighbors so feel free to contact me if you need contact information.

4. **VOLUNTEER OPPORTUNITIES.** While I realize that many of your are currently extremely time challenged, if anyone is looking for additional ways to help those in need in Montgomery County I want to recommend this resource: the Montgomery County Volunteer Center.