

# Chevy Chase Village Board of Managers

February 14, 2011

**Final**

## **BOARD OF MANAGERS**

David L. Winstead, Chair	Present
Peter T. Kilborn, Vice Chair	Present
Peter M. Yeo, Secretary	Present
Allison W. Shuren, Assistant Secretary	Present
Gail S. Feldman, Treasurer	Present
Lawrence C. Heilman, Assistant Treasurer	Present
Patricia S. Baptiste, Board Member	Present

## **STAFF**

David R. Podolsky, Legal Counsel	Present
Shana R. Davis-Cook, Village Manager	Present
Adventino Dasilva, Police Sergeant	Present
Michael W. Younes, Director of Municipal Operations	Present
Demetri Protos, Finance Director	Present
Ellen Sands, Permitting and Code Enforcement Coordinator	Present
Grace Brock, Administrative Assistant/Community Liaison	Present

Mr. David L. Winstead, Chair of the Chevy Chase Village Board of Managers, called the meeting to order at 7:34 p.m.

**Approval of the minutes from the Board's regular and executive sessions held on January 10, 2011.** Prior to the meeting, Ms. Baptiste submitted amendments to the draft minutes from the January 10, 2011 regular session, to include more information regarding discussions that occurred. The Board agreed to include these discussions in the minutes.

**Ms. Feldman made a motion to approve the minutes of the Board's regular session held on January 10, 2011, as amended and to approve the minutes from the Board's Executive Session held on January 10, 2011 and Special Meeting held on January 20, 2011. Dr. Heilman seconded the motion. Mr. Winstead, Mr. Kilborn, Mr. Yeo, Ms. Feldman, Ms. Shuren, Dr. Heilman and Ms. Baptiste voted in favor of the motion. The motion passed.**

The Board reported that on February 14, 2011 at 6:45 p.m. it met in Executive Session in accordance with the Form of Statement for Closing a Meeting attached hereto.

## **Treasurer's Report**

The Treasurer's report was distributed to the Board prior to the meeting. Discussion followed.

## **Committee Reports**

### **Budget Committee**

Board Treasurer and Committee member Gail Feldman reported that the Budget Committee has been active in three meetings in the past six weeks regarding the FY 2012 budget. A budget

work session with the Board, staff and committee members is scheduled for February 28, 2011 at 7:30 p.m.

Ms. Baptiste asked if the Capital Budget Improvement Project would be included in the materials for the Board to review at its budget work session. Mr. Protos confirmed it would be.

### **Traffic Committee**

Committee Chair Porter Wheeler presented his committee's scope of work and reported that the Traffic Committee now has eleven members. He also stated that they plan to provide recommendations on two proposed stop sign requests received from residents on the east side of the Village.

Mr. Yeo asked if the mandate of the Traffic Committee also includes attention to pedestrian safety. Mr. Wheeler stated it does.

Martha Mohler of 5609 Grove Street stated that she feels that the speed limit in the Village is too high. She would like the Village to consider reducing speed limits because of the increase in speeds due to cut through traffic. Mr. Wheeler stated that he will look into this issue in his upcoming Traffic Committee meetings.

The Board asked the Traffic Committee to also focus on 1.) Pursuit of recapturing the Highway user revenues which the State cut by 90%, 2.), investigating lowering the speed limit on Village streets, and 3.) working with staff to secure State Highway Administration funding for a new sidewalk along Wisconsin Avenue between Grafton and Hesketh Streets.

### **Committee on Children, Youth and Families**

Tanya Correa of 5403 Center Street and Leslie Caldicott of 5513 Montgomery Street have agreed to serve as Co-Chair's of the Toddler Group which is a sub-committee of the Committee on Children, Youth and Families (CYF). All four Co-Chairs of the CYF Committee submitted a letter resigning from the Committee however; Co-Chair Jill Watson has volunteered to serve as interim Chair of the Committee until new Co-Chair(s) are found. She is also developing the scope of work for the incoming Committee Chair(s).

### **Energy and Environment Committee**

Co-Chair Marilyn Bracken presented the Board with an environmental plan developed for Chevy Chase Village by the Energy and Environment Committee. She advised the committee would also like to work with the Tree Committee regarding Co2 emissions due to trees being cut down throughout the Village.

Susie Eig of 34 West Kirke Street stated that the Tree Committee members were not included in the plan by the Energy and Environment Committee and the Board should not approve the environmental plan without input from and coordination with the Tree Committee. Bob Elliott, Chair of the Tree Committee stated that he would be happy to work with the Energy and Environmental Committee on the issue. Discussion followed.

### **Discussion Regarding Recent Power Outage Resulting from Winter Storm**

Karen McManus from Congressman Van Hollen’s office presented an update on the efforts of elected officials to address PEPCO’s service reliability and customer service

Board members advanced recommendations for ways PEPCO can more adequately respond to prolonged outages: Mr. Kilborn suggested that PEPCO send every home hotel vouchers if their power goes out for an extended period of time. Mr. Winstead suggested that PEPCO reimburse customers when their power is out for an extended period of time. Mr. Winstead suggested that the Village staff collect a list of recommendations for PEPCO on how to better address service reliability.

Ms. Baptiste advised that during the most recent outage in the Village following the January 26 and 27 snow storm, many repair trucks were in front of her house to work on the power lines, but couldn’t because they did not have access to some residents’ back yards and also PEPCO’s contracted workers did not have authority to cut the tree limbs or fix the lines without a company representative present. Even with all of them being on the scene, and with the proper equipment, they still could not work on the power lines. Ms. Davis-Cook stated that in the February issue of the *Crier*, the staff has suggested that residents who have to leave their home during an outage, call the Communications Center to provide them with a telephone number as to where to reach them.

#### **Parks Committee**

Committee Chair Alice Kinter asked that the name of the Committee be changed from the “Parks Committee” to the “Parks and Green Spaces Committee” to more accurately reflect the areas the Committee has historically considered.

The Board asked Ms. Kinter to work with her Committee in preparing a scope of work for submission to the Board.

Ms. Eig stated that she has a concern about changing the name prior to drafting the scope of work.. There is a lack of clarity. Ms. Eig suggests that before the Board changes the name, the Board look at the Committee’s scope of work. Discussion followed.

**Mr. Yeo made a motion to change the name of the Parks Committee the to the Parks and Green Spaces Committee and asked the Committee to submit its draft scope of work as soon as possible. Mr. Kilborn seconded the motion. Mr. Winstead, Mr. Kilborn, Mr. Yeo, Ms. Feldman, Dr. Heilman, Ms. Shuren and Ms. Baptiste voted in favor of the motion. The motion passed.**

#### **Public Works Committee**

Committee Co-Chair Thomas Jackson gave an update on his Committee’s objective to update Chapter 10 of the Village Code to clarify acceptable items for bulk trash collection. He stated that Ms. Baptiste has provided her input on the issue.

He also reported that he, Bliss Ryan and Patricia Baptiste visited the Public Work’s yard and office areas and had concerns with the working conditions for the crew. They met with Village staff to discuss their concerns. The Committee would like to move the fuel-operated equipment outside the bay and underneath a “carport” so that, in the event of an emergency, the crew can

get out more easily. The Committee would also like to update the office and lounge area for the Public Works Crew. The Board supported inclusion of funds for a portion of these proposed changes in the CIP budget for FY 2012.

Mr. Jackson also reported that there are currently 14 “dark spaces” in the Village that are lacking sufficient street lighting. The Committee recommended to the Board that they approve funds to install further lighting to illuminate the “dark spots” currently estimated at \$28,000. The Board directed staff to include the expenditure on the draft CIP for FY 2012.

Ms. Tirpak asked if the Public Works Committee will be working on the proposed sidewalk in front of her house in the near future. She stated that she has waited 27 years for this sidewalk. Mr. Younes stated that the Village has met with representatives from the Maryland State Highway Administration regarding the project which is currently being evaluated for State Funding. (See earlier discussion under “Traffic Committee”

### **Old Business**

#### **Review of Draft Elections Policy and a Recommendation Regarding the Creation of an Elections Committee, Pursuant to Recommendation from the Democratic Process and Good Governance Committee.**

Dr. Heilman stated that the draft policy was still being edited. In the interim, he directed staff to post notice of the new Committee to begin soliciting members. Discussion followed.

Pursuant to the Proposed Policy, Ms. Davis-Cook reminded the Board that the May Regular Board Meeting would need to be rescheduled to allow one week between the contested election (Saturday, May 7) and the regular Board meeting.

**The Board unanimously decided on the date of Monday, May 16, 2011 as the new date for the Board of Managers regular meeting.**

### **New Business**

#### **Report from the Village’s representative to the Friendship Heights Transportation Management District, Mr. David Glass of Cedar Parkway.**

David Glass reported on his term as representative to the Friendship Heights Transportation Management District. He stated that his second term is expiring soon and he is looking for a replacement to fill his position, to be appointed by the Board.

Ms. Baptiste asked if he has any suggestions on how the future representative on the Friendship Heights Transportation Management District can best represent the residents of Chevy Chase Village. He stated better communication between the Board and the Village Representative would be helpful.

### **Emergency Preparedness Committee**

Committee Chair Oliver Davidson presented his report to the Board, which report was distributed prior to the meeting. He stated that neighbors should be helping neighbors during times of emergency. The Board thanked Mr. Davidson for his report and asked him to work with staff to address the recommendations. Discussion followed.

**Discussions Regarding:  
Village Public Right-of-way**

Ms. Baptiste stated that Section 8-27 of the Village Code, needs to be amended to be more easily understood and to address issues that have arisen. Ms. Baptiste will work with Village Counsel to prepare an amended Ordinance for the Board to review at its March regular meeting.

**Belmont Avenue Tree Stump—**

Mr. Kilborn reported on the Belmont Avenue tree stump. He stated that it is an interesting structure and may be worth keeping for artistic purposes. He suggested the removal be delayed pending an expert analysis on the stump before deciding whether or not to remove it. Ms. Davis-Cook stated that the two Village arborists and the State Forester agreed that the tree was dead and decaying and met the Maryland Roadside Tree Law standards for removal. The tree had previously been trimmed down to its current height because of safety issues.

Anthony Pajunas of 5501 Montgomery Street stated his opposition to allowing the tree stump to remain. He would like the stump removed because not everyone may like the proposed artwork. He would rather have more trees and greenery instead.

Greg Dixon of 5500 Montgomery Street stated his opposition to keeping the stump because it is dead.

Bliss Ryan of 5414 Grove Street stated that even though she is torn, she thinks that there may be termites in the tree and if so, it should therefore be removed, however, she leaves it up to the Board to make the decision.

Tomas Silber of 5505 Montgomery Street stated that the stump it is an eyesore and should be taken down.

Ms. Baptiste stated that she would like another professional evaluation of the tree before a decision is made to remove the tree.

Mr. Yeo stated that since there has already been an evaluation of the tree stump although not for the purpose of becoming an art piece, the tree stump should be taken down. Ms. Feldman concurred.

**Ms. Shuren made a motion to take down the tree stump on Belmont Avenue and to pursue a reforestation plan as soon as possible. Ms. Feldman seconded the motion. Mr. Winstead, Mr. Yeo, Ms. Feldman, Ms. Shuren voted in favor of the motion. Ms. Baptiste, Dr. Heilman and Mr. Kilborn voted against the motion. The motion passed.**

**Consideration and possible adoption of a: Legislative policy to exclude certain uncovered front steps and stoops from the definition of Structures for the purposes of the covenant compliance as required by Sections 8-11 (b) 3 and 8-11 (c) 3 of the Village Code for Special Permit and Variance Requests.** Ms. Davis-Cook explained that the policy was drafted in response to the Board request.

**Ms. Baptiste made a motion to adopt a legislative policy to exclude certain uncovered front steps and stoops from the definition of Structures for the purposes of the covenant compliance as required by sections 8-11 (b) 3 and 8-11 (c) 3 of the Village Code for Special Permit and Variance Requests. Ms. Shuren seconded the motion. Mr. Winstead, Mr. Kilborn, Mr. Yeo, Ms. Feldman, Dr. Heilman, Ms. Shuren and Ms. Baptiste voted in favor of the motion. The motion passed.**

#### **Contract Extension Authorization Request**

**Photo Speed enforcement contract with ACS State & Local Solutions, Inc.** Ms. Davis-Cook stated that the contract will expire in March however; the Board can exercise the third and last contract extension for one year. The contract is currently being rebid, and a new contract should be in place before this extended contract expires. Discussion followed.

**Ms. Feldman made a motion to approve the contract extension with ACS State & Local Solutions, Inc for the photo speed enforcement program. Ms. Shuren seconded the motion. Mr. Winstead, Mr. Kilborn, Mr. Yeo, Ms. Feldman, Ms. Shuren, Dr. Heilman and Ms. Baptiste voted in favor of the motion. The motion passed.**

#### **Consent Agenda**

**Administrative Reviews of Applications for Private Improvements in the Public Right-of-Way.**

- **Case No. 5865: Ms. Judith Stern Weisman, Trustee of the Trust Agreement dated April 25, 2002, 5515 Center Street.** Construct a walkway in the Center Street public right-of-way.
- **Case No. 5866: Mr. and Mrs. Stephen H. Willard, 2 West Newlands Street.** Construct gates in the West Newlands Street public right-of-way.

**Ms. Baptiste made a motion to approve both matters on the Consent Agenda. Mr. Kilborn seconded the motion. Mr. Winstead, Mr. Kilborn, Mr. Yeo, Ms. Feldman, Ms. Shuren, Dr. Heilman, and Ms. Baptiste voted in favor of the motion. The motion passed.**

#### **Appeals**

**A-1874: Ms. Judith Stern Weisman, Trustee of the Trust Agreement dated April 25, 2002, 5515 Center Street.** Ms. Weisman requested the removal of one 10-inch diameter Holly tree located in the north (front) yard of the property. Ms. Weisman's landscape architect, Kevin Campion, presented the request. Discussion followed.

**Ms. Feldman made a motion to approve the removal of one 10-inch diameter Holly tree located in the north (front) yard of the property provided the applicant reforests with at least one deciduous hardwood tree which must be at least 2 ½ inches in caliper at the time of installation and must be of a native species that achieves a mature height of at least 45 feet and the installation of the reforestation tree shall be completed on or before February 14, 2012. Mr. Winstead seconded the motion. Mr. Winstead, Mr. Kilborn, Mr. Yeo, Ms. Feldman, Ms. Shuren, Dr. Heilman, and Ms. Baptiste voted in favor of the motion. The motion passed.**

**Legal Counsel Report**

The Legal Counsel Report was circulated to the Board prior to the meeting.

**Manager's Report**

The Manager's Report was circulated to the Board prior to the meeting.

**Police Report**

Acting Chief Dasilva advised that there has been a smooth transition since Chief Gordon's passing. The Village Police are deploying a marked police cruiser throughout the Village to deter crime.

**Chairman's Report**

The Chairman's Report was circulated to the Board prior to the meeting.

**Mr. Yeo made a motion to adjourn the meeting. Ms. Feldman seconded the motion. Mr. Winstead, Mr. Kilborn, Mr. Yeo, Ms. Feldman, Ms. Shuren, Dr. Heilman, and Ms. Baptiste voted in favor of the motion. The motion passed. The meeting adjourned at 10:49 p.m.**

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Secretary, Chevy Chase Village Board of Managers

*Final.*