

Chevy Chase Village Board of Managers

March 14, 2011

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 7:35 p.m.

Tribute to Police Chief Roy Gordon

Mr. Winstead and Mr. Kilborn presented former Police Chief Roy Gordon's widow, Diane, with a Proclamation and Tribute on behalf of the Board of Managers and the Chevy Chase Village Community for the Chief's dedication to the Village. Ms. Gordon thanked the Village for the tribute. She stated that Chief Gordon loved working for the Village and its residents.

Approval of Previous Board Meeting Minutes

Approval of the minutes from the Board's regular and executive sessions held on February 14, 2011.

Ms. Feldman submitted grammatical corrections to the draft minutes from the February 14, 2011 regular session, which were circulated prior to the meeting. Ms. Baptiste added that under the Traffic Committee report, the Board had not asked the Traffic Committee to lower the speed limit, but requested more information regarding the process for lowering the posted speed limit. Discussion followed.

Mr. Yeo made a motion to approve the minutes of the Board's regular and executive sessions held on February 14, 2011, as amended pursuant to edits submitted by Ms. Feldman and Ms. Baptiste. 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 6:47 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. Ms. Feldman stated that February's expenses were within the normal range, and that the *SafeSpeed* Program had generated more revenue in the month of February than anticipated.

Ms. Baptiste asked if the fund balance shown in the Treasurer's Report in the amount of \$5,000,000 represented the total spendable funds. Ms. Feldman stated that no, because a portion of the monies needs to be set aside for the beginning of the fiscal year for tax-based working capital. Discussion followed.

Appeals

A-1878: Mr. William J. Curtin, III 3 Primrose Street

Removal of: (a) one 12.0-inch diameter Spruce tree and (b) one 13.0-inch diameter Spruce tree both of which are located in the north (rear) yard of the property, to accommodate a proposed addition. Mr. Curtin presented his request.

Village Tree Committee Chair Robert Elliott testified that three members of the Committee reviewed the application and they had no objection to the requested removal because the trees are in a poor location, being located too close to the rear of the house.

Ms. Feldman made a motion to direct Counsel to draft a decision approving the request to remove: (a) one 12.0-inch diameter Spruce tree and (b) one 13.0-inch diameter Spruce tree both of which are located in the north (rear) yard of the property, to accommodate a proposed addition, provided that the applicant must have a valid building permit for the proposed addition in accordance with the plans submitted for the record; the applicant must reforest with at least two hardwood deciduous trees which must be at least two and one half inches (2 1/2") in caliper at the time of installation and must be of a native species that achieves a mature height of at least forty-five feet (45'). Dr. Heilman seconded the motion. Mr. Winstead, Mr. Kilborn, Mr. Yeo, Ms. Feldman, Ms. Shuren, Dr. Heilman and Ms. Baptiste voted in support of the motion. The motion passed.

Committee Reports

Public Safety Committee

Committee Chair Saul Goodman presented the Committee's Mission Statement. He stated that the Public Safety Committee met pursuant to the Board's request to prepare a Mission Statement/Scope of work. Among other responsibilities was a "citizen's advisory board" to the Village Police Chief.

Ms. Baptiste voiced her concern regarding the reference within the Mission Statement that the Committee perceives its role to be as a "citizen's advisory board" to Village staff. Mr. Goodman stated that in the past there was not much direction from the Board as to the Committee's duties, but that it seemed reasonable to amend the draft Mission Statement to state that the Committee

serves as an advisory board first to the Board of Managers, and secondly to the Village staff, specifically the Chief of Police.

The Board unanimously approved the Public Safety Committee's Mission Statement, as amended above.

Energy and Environment Committee

The Energy and Environment Committee submitted its mission statement to the Board at its meeting on February 14, 2011, however no formal action was taken by the Board. Mr. Yeo stated that he was comfortable approving the Committee's Mission Statement, but not the Committee's vision statement regarding the urban forest until there was an agreement between the Energy and Environment and Tree Committees. Ms. Baptiste and Ms. Feldman both stated that the Committee's Mission Statement should be amended to state that the Committee will consult with and have open communication with the Board.

The Board unanimously approved the Energy and Environment Committee's Mission Statement provided it is amended to reflect that the Committee serves as an advisory Committee to the Board of Managers.

Update on the Newly Formed Elections Committee

Ms. Davis-Cook reported that Charlotte Jones-Carroll of 11 East Irving Street submitted a letter of interest to serve as Chair of the Elections Committee. Minh Le of 3933 Oliver Street also has expressed interest in joining the Committee. Mr. Winstead stated that after a review of Ms. Jones-Carroll's credentials, he would like to appoint Ms. Jones-Carroll as Acting-Chair of the Village's newly formed Elections Committee. The Board will seek four more members to serve on the Committee. Once full membership is in place, the Board will formally appoint a permanent Chair.

Old Business

Discussion Regarding PEPCO Reliability

Gary Keeler, Manager of Project Reliability for PEPCO summarized ways that PEPCO is actively working to prevent power outages during storms. He also presented a plan that PEPCO has created to help improve the reliability of services at all times.

Mr. Kilborn suggested that a Village representative be present during the preventative tree trimming services that PEPCO will provide as part of its Service Reliability Plan. Mr. Yeo stated his concern with PEPCO following through with their Service Reliability Plan considering the historic inconsistent service reliability in the Village.

Ms. Baptiste asked what kind of notice PEPCO provides to residents when tree trimming is planned on private property. Mr. Keeler stated that PEPCO provides approximately one month's advance notice to residents. Ms. Baptiste requested that PEPCO notify the residents of the exact day that they will be at that particular home to trim trees. Mr. Keeler stated that that can be accomplished. Discussion followed.

New Business

Resolution No. 03-01-11: An ordinance to create a new Chapter 16 of the Chevy Chase Village Code to establish the process and criteria for the closure and for the abandonment of public rights-of-way in the Village. Mr. Podolsky stated that during recent litigation, questions arose as to whether the Board had abandoned unimproved public right-of-way. The proposed Ordinance would eliminate any ambiguity as to whether the Village intends to abandon a particular public right-of-way.

Resolution No. 03-02-11: An Ordinance to amend Chapter 8 of the Chevy Chase Village Code to prohibit the devotion to private use of unimproved rights-of-way. Mr. Podolsky stated that this ordinance provides that rights-of-way that do not have a paved road cannot be dedicated to private use, and abutting homeowners would not be able to obtain a license to install private improvements within such right-of-way.

Jay Powell of 37 West Lenox Street expressed his concern regarding the proposed ordinance, which would prohibit his ability to expand his use of the unimproved portion of the public right-of-way which is adjacent to his property.

Elissa Leonard of 37 West Lenox Street stated that the Board is not being transparent by asserting that an unimproved right-of-way needs to be kept open for public use.

Mr. Yeo made a motion to approve Resolution Nos. 03-01-11 and 03-02-11. Ms. Shuren seconded the motion. Mr. Winstead, Mr. Yeo, Mr. Kilborn, Ms. Feldman, Dr. Heilman, Ms. Shuren and Ms. Baptiste voted in support of the motion. The motion passed.

Discussion Regarding the Format of Board Meeting Minutes

Ms. Baptiste stated that she does not like the current hybrid style of the Board meeting minutes, which is neither an action-only nor narrative format. She suggested that the staff should begin to produce a more detailed version of the meeting minutes that provides thorough narrative of the discussion. Ms. Baptiste also asked why Legal Counsel reviews the draft minutes. Ms. Davis-Cook stated that Legal Counsel reviews the Board Meeting minutes to ensure that they are legally accurate. Dr. Heilman stated that the essence of the Board discussions should be captured in the minutes. Mr. Yeo advised staff to take more detailed minutes beginning at the April 11, 2010 minutes in order for the Board to get a sense of the level of detail that might be appropriate and to get a sense of the additional time this takes staff to produce.

Mr. Kilborn asked staff to provide the cost for transcription services and for the drafting of meeting minutes from the recording company currently contracted by the Village to record the meetings. The Board asked staff to provide copies of minutes from other jurisdictions.

Contract Authorization Request:

- **Sidewalk Replacement and ADA Handicap Ramp Upgrades**

Mr. Younes presented two recommendations for sidewalk replacements and handicap ramp upgrades. The proposed project would replace all existing sidewalks within the Village with brick over a 4-year schedule. Mr. Younes explained that if approved, the Village is not bound by the 4-year contract, but can terminate the contract with or without cause.

Ms. Feldman stated her concerns about the timing of these projects in regard to the budget. She added that it is a “luxury” that the Village should not be embarking on at this time due to the cost of the entire project. Mr. Kilborn agreed with Ms. Feldman. Dr. Heilman stated that the ongoing replacement of sidewalk trip hazards performed by Public Works staff shouldn’t be postponed. He added that this is a top priority. Mr. Yeo asked if a cost estimate can be provided for in-kind sidewalk replacement. Mr. Younes stated that he could provide this for the Board to review at its regular meeting in May.

Ms. Baptiste suggested that the Board postpone the approval the sidewalk replacement contract until the CIP budget for FY2012 is approved.

Mr. Winstead asked Mr. Younes to speak with the recommended contractors to extend the current pricing into the next year. Mr. Younes stated that in this economy, it should not be a problem. Discussion followed.

Legal Counsel Report

The Legal Counsel Report was circulated to the Board prior to the meeting. The Board did not have any questions.

Manager’s Report

The Manager’s Report was circulated to the Board prior to the meeting. Ms. Davis-Cook stated that she recently met with Brenda Sandberg from Park and Planning and that Ms. Sandberg will provide an update to the Board at its April 11, 2011 meeting regarding the process for maintaining and developing the property, including scheduling community charrettes.

Update Report on Capital and Infrastructure Upgrades

Mr. Younes stated that the Brookville Road Sidewalk Project was completed under budget. Mr. Younes also gave a summary of the current and pending capital and infrastructure upgrade projects.

Police Report

The Police Report was circulated to the Board prior to the meeting.

Ms. Baptiste asked for clarifications related to the report. Sergeant Dasilva clarified the correct chart that corresponds to the information contained within the report. Ms. Davis-Cook stated that she would work with the Acting Police Chief and the Communications Supervisor to update the report.

Chairman’s Report

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

Mr. Kilborn made a motion to adjourn the meeting. Mr. Yeo 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 10:22 p.m.

Chevy Chase Village Board of Managers

March 14, 2011

Special Meeting—Budget Work Session

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

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
Grace Brock, Administrative Assistant/Community Liaison	Present

Mr. David L. Winstead, Chair of the Chevy Chase Village Board of Managers, called the Budget Work Session to order at 10:32 p.m. The Board reviewed the following amendments to the draft budget for FY2012.

Budget Reduction

The Village Staff reported a total expense reduction from the FY2011 budget to the FY2012 budget of 13% (not including the CIP).

Legal Expenses

The legal expenses were pulled out of the administrative line item and put it into its own Legal Expenses line item.

Administrative Support

\$25,000 was allocated for Administrative Support to complete the digital archiving system.

Ms. Baptiste asked if this part-time, temporary personnel will only be used in support of the digital archiving project or would this person be responsible for other administrative duties as well. Ms. Davis-Cook replied that the part-time, temporary staffer would solely support the digital archiving of Village files. The Board approved inclusion of \$25,000 for a part-time, temporary staffer under “Capital/Special Projects” in the budget to support the CIP project for digital archiving.

Police

The emergency phone expense line item was moved to the police operation category.

Public Works Line Item

The \$2,500 line item for garage and bays was moved to the public works supplies line item.

Committee Line Items

The Seniors Committee, Committee on Children, Youth & Families and the Parks Committee were all removed as individual line items and moved into shadow accounts within the same departments.

Committee on the Accreditation of Law Enforcement Agencies (CALEA)

Board members commented that they would like to take more time to analyze the costs related to CALEA before budget preparations for FY2013, however, all expenses related to the Program will be maintained in the draft budget for FY2012. Mr. Kilborn stated that he does not want to include CALEA-related expenses in the FY2012 budget. Dr. Heilman agreed. Ms. Feldman stated that the Public Safety Committee recommended that CALEA should be maintained, and she believes that the Board should follow the recommendation from the Public Safety Committee. Ms. Baptiste indicated that she was skeptical of continued participation in CALEA but that we had not had the full unbiased review necessary to support a decision one way or the other.

Mr. Winstead, Mr. Yeo, Ms. Feldman, Ms. Shuren, and Ms. Baptiste voted to maintain the Village's participation with CALEA in FY2012 budget provided the Board conducts conversations with other police agencies and officials to obtain their opinions regarding accreditation before a decision regarding the continued participation with CALEA is made. An opportunity to conduct these discussions is possible during the upcoming interviews with candidates for the Chief of Police position. Ms. Shuren added that it was a great way for the Village to learn and hear outsiders opinions about CALEA during this interview process.

Ms. Baptiste requested that Village staff compile information regarding salary freezes proposed for FY2012 in other local municipalities' and the County's draft budgets.

Mr. Winstead made a motion to adjourn the meeting. Mr. Yeo 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 11:24 p.m.

Secretary, Chevy Chase Village Board of Managers

Final