

Chevy Chase Village Board of Managers

September 14, 2009

BOARD OF MANAGERS

Douglas B. Kamerow, Chair	Absent
David L. Winstead, Vice Chair	Present
Robert L. Jones, Secretary	Present
Betsy Stephens, Assistant Secretary	Present
Gail S. Feldman, Treasurer	Present
Timothy J. Trifilo, Assistant Treasurer	Present
Peter M. Yeo, Board Member	Present

STAFF

David R. Podolsky, Legal Counsel	Present
Ronald M. Bolt, Assistant Legal Counsel	Present
Shana R. Davis-Cook, Acting Village Manager	Present
Roy Gordon, Police Chief	Absent
Adventino Dasilva, Police Sergeant	Present
Michael W. Younes, Manager of Contracts and Capital Projects	Present
Doris M. Lyerly, Permitting and Code Enforcement Specialist	Present
Grace Brock, Community Liaison/Administrative Assistant	Present
Demetri Protos, Finance and Accounting Specialist	Present

David L. Winstead, Acting Chair of the Chevy Chase Village Board of Managers, called the meeting to order at 7:34 p.m. Dr. Kamerow was absent. Mr. Peter Yeo arrived at 8:55 p.m.

Approval of the minutes from the Board's regular session held on July 13, 2009.

Mr. Jones made a motion to approve the minutes of the Board's regular meeting held on July 13, 2009. Ms. Feldman seconded the motion. Mr. Winstead, Mr. Jones, Ms. Feldman, and Mr. Trifilo voted in favor of the motion. Mr. Yeo had not yet arrived. Ms. Stephens was absent at the July 13, 2009 Board Meeting and did not vote. The motion passed.

Treasurer's Report

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

Committee Reports

Budget Committee

The Budget Committee's report and draft FY2010 *SafeSpeed* budget were distributed to the Board prior to the meeting. Committee Chair, Samuel Lawrence and the Board discussed the Committee's report and the draft budget.

Mr. Winstead asked how much speeding had been reduced since the speed cameras have been installed. Sergeant Dasilva replied that the average speed has been reduced by approximately 15 miles per hour and that accidents have been greatly reduced by 70%-80%. Discussion followed.

Ms. Feldman moved to approve the FY2010 *SafeSpeed* budget. Ms. Stephens seconded the motion. Mr. Winstead, Mr. Jones, Ms. Stephens, Ms. Feldman and Mr. Trifilo voted in favor of the motion. Mr. Yeo had not yet arrived. The motion passed.

Decision on previous Appeals

None.

Appeals

A-5574: Mr. Thomas Jarrett and Ms. Martha A. Burke, 3 Quincy Street—Demolish an existing carport located in the rear of the property. Mr. Jarrett presented the request. Discussion Followed.

Mr. Jones made a motion to direct Counsel to draft a decision approving the request to demolish an existing carport located in the rear of the property. Mr. Trifilo seconded the motion. Mr. Winstead, Mr. Jones, Ms. Feldman, Ms. Stephens and Mr. Trifilo voted in favor of the motion. Mr. Yeo had not yet arrived. The motion passed.

A-5616: Jane K. Kauffman and Thomas R. Kauffman, Co-Trustees of the Jane K. Kauffman Qualified Personal Residence Trust, 4 Quincy Street—Demolish an existing main building. The applicants' general contractor Eric Ross presented the request. Discussion followed.

Susie Eig of 34 West Kirke Street suggested the Board require the applicant to install a minimum of two (2) hardwood deciduous trees measuring two and one-half inches (2 ½") in caliper at the time of installation and of a species that achieves a mature height of at least forty five feet (45'). Mr. Ross agreed to the reforestation requirement outlined by Ms. Eig.

Nathalie Bramson of 5608 Montgomery Street asked if the proposed trees would be the same size as the existing trees that had been permitted for removal. Mr. Ross replied that the reforested trees would be the same size as the existing trees. Discussion followed.

Ms. Stephens made a motion to direct Counsel to draft a decision approving the request to: demolish an existing main building, provided the applicants install a minimum of two (2)

hardwood deciduous trees measuring two and one-half inches (2 1/2") in caliper at the time of installation and of a species that achieves a mature height of at least forty five feet (45'). Mr. Trifilo seconded the motion. Mr. Winstead, Ms. Stephens, Mr. Trifilo, Ms. Feldman and Mr. Jones voted in favor of the motion. Mr. Yeo had not yet arrived. The motion passed.

A-5615: Mr. Alan H. Fleishman and Ms. Dafna Tapiero, 134 Grafton Street—Enclose an existing front stoop and replace the existing steps with a landing and one step leading to the proposed front portico, which would be located up to four (4') forward of the twenty-five foot (25') front building restriction line. Ms. Tapiero presented the request. Discussion Followed.

Ms. Eig suggested a re-grading option that could possibly negate the need for the applicants to obtain a variance. Ms. Tapiero agreed to postpone her request pending discussion of further design options with staff.

A-5613: Mr. and Mrs. Michael Denger, 5802 Kirkside Drive—Install an arbor at a maximum of 4.5 feet in width and a maximum of 7.5 feet in height located in the Grafton Street front yard of the property. Ms. Denger presented her request. Discussion followed regarding the Village's interpretation of "arbors".

Peter Kilborn of 4007 Oliver Street stated that his arbor was installed 15 years ago and that he felt that interpreting arbors as structures is absurd because they can easily be taken down.

Ms. Bramson stated that she also felt that arbors are not permanent structures, but she felt that they are garden decorations.

Mr. Winstead stated that the Board would look into defining "arbors" and he asked the applicants if they would agree to postpone their request pending the Board's research into a definition for "arbors", that could possibly negate the applicants' need for a variance. The applicants agreed to postponed their request at this time.

Mr. Jones suggested that the applicants appeal fee should be refunded if the Board later defined arbors so that the applicants proposed arbor would comply with the definition and respective regulation. The Board members present unanimously agreed.

A-1742: Mr. and Mrs. Michael L. Denger, 5802 Kirkside Drive—Removal of: (a) one 14.5-inch diameter Leyland Cypress tree located on the west side of the property, (b) one 16.0-inch diameter Leyland Cypress tree located on the west side of the property, (c) one 17.0-inch diameter Leyland Cypress tree located on the northwest corner of the property, and (d) one 12.5-inch diameter Leyland Cypress tree located on the northwest corner of the property. Ms. Denger presented her request. Discussion followed.

Mr. Elliott stated that the trees are in bad condition and are a nuisance and that the proposed Hornbeam replacement trees would be an improvement. He also advised that the majority of the Tree Committee support the removals, provided the applicants reforest with one deciduous tree or two or more evergreen trees, if space allows.

Ms. Feldman made a motion to direct Counsel to draft a decision approving the request for removal of: (a) one 14.5-inch diameter Leyland Cypress tree located on the west side of the property, (b) one 16.0- inch diameter Leyland Cypress tree located on the west side of the property, (c) one 17.0-inch diameter Leyland Cypress tree located on the northwest corner of the property, and (d) one 12.5-inch diameter Leyland Cypress tree located on the northwest corner of the property. Mr. Jones seconded the motion. Ms. Feldman, Mr. Jones, Mr. Winstead, Ms. Stephens, Mr. Yeo and Mr. Trifilo voted in favor. The motion passed.

Old Business

None.

New Business

Discussion Regarding Pending Litigation—Cary M. Euwer, Jr. vs. Chevy Chase Land Company and Chevy Chase Village

Mr. Podolsky provided a presentation regarding pending litigation: Cary M. Euwer, Jr. vs. the Chevy Chase Land Company, et al. At the conclusion of his presentation, Mr. Podolsky advised that the court records have been provided to staff for residents to access. Discussion Followed.

Mr. Adam Wenner of 2 Hesketh Street commented on the stand-still agreement that the Village has entered into with Mr. Euwer. The issue with this stand still agreement is that

Mr. Euwer erected, without any Village approval, concrete based 4x4 pillars, and also ripped out vegetation. Mr. Wenner stated that the Village should demand the restoration of that area until the litigation is resolved.

Resolution No. 09-01-09: Resolution to adopt [a] debt policy. Mr. Bolt advised that the State had passed a law requiring all local governments to adopt a debt policy. The draft policy limits the general obligation debt to no more than 1% of the assessed valuation of taxable property. Discussion followed.

Ms. Feldman made a motion to approve Resolution No. 09-01-09. Mr. Yeo seconded the motion. Ms. Feldman, Mr. Yeo, Mr. Winstead, Ms. Stephens, Mr. Jones and Mr. Trifilo voted in favor. The motion passed.

Consent Agenda

Mr. Winstead outlined the following items on the consent agenda:

- **Contract Awards**
 - Tree Maintenance Services—*The F.A. Bartlett Tree Expert Company*
 - Plan Review and Pro-Active Code Enforcement Services (sole-source)—*Mid-Atlantic Inspection Services, Inc.*
- **Supplemental Appropriations (tax-based budget)**
 - Primrose Street repairs, \$21,000 from reserves to Streets-In-House Maintenance & Repair (*Chamberlain Contractors, Inc*)
 - Plan review and pro-active code enforcement services, \$46,000 from reserves to Administration-Other Professional Services (*Mid-Atlantic Inspection Services, Inc.*)
 - Annual maintenance contract for electronic ticketing software, \$3,000 from reserves to Police Department-Service Contracts (*Advanced Public Safety*)
 - Amendments from the original draft FY2010 *SafeSpeed* budget
 - \$750 from reserves to Police-Personnel
 - \$65,826 from reserves to Public Works-Personnel
 - Two corrections from the originally approved budget
 - \$3,000 re-appropriation from reserves to Public Works-Personnel
 - \$300 from Communications-Personnel to Communications-Operations
- Authorization to purchase three of the remaining twelve lockers for the police locker room, in the amount of \$6,630 (*SafeSpeed* budget)
- ACS Contract Amendment No. 2 to provide payment processing services for the Village's *SafeSpeed* Program (*SafeSpeed* budget)

Ms. Eig stated that she felt the Committee members should have an opportunity to review the bid and proposal materials before the staff makes its recommendations to the Board. Discussion followed. Ms. Davis-Cook stated that future staff recommendations would be circulated to the appropriate Committees in the future, when possible.

Ms. Stephens made a motion to approve all items on the consent agenda. Ms. Feldman seconded the motion. Ms. Stephens, Mr. Winstead, Mr. Jones, Ms. Feldman, Mr. Yeo and Mr. Trifilo voted in favor of the motion. The motion passed.

Verizon FIOS

Gerri Carr of 3 Grafton Street requested an updated on Verizon FIOS. Ms. Davis-Cook advised that Village staff and Counsel were scheduled to meet with Verizon officials by the end of September to begin discussions.

Chairman's Report

None.

Acting Manager's Report

Ms. Feldman expressed her appreciation towards Ms. Davis-Cook for a job well done in her position as Acting Village Manager.

Police Report

The monthly Police Report was distributed to the Board prior to the meeting. Discussion followed regarding recent vehicle break-ins and the Police Department's plan for addressing the recent crimes.

Mr. Jones made a motion to adjourn the open meeting and to convene in closed session pursuant to State Government Article Section 10-508 (a) (7) to consult with Counsel to obtain legal advice on a legal matter, namely pending litigation (Cary M. Euwer, Jr. vs. Chevy Chase Land Company, et al), and recently enacted legislation (Senate Bill 277). Ms. Feldman seconded the motion. Mr. Winstead, Mr. Jones, Ms. Feldman, Mr. Yeo and Mr. Trifilo voted in favor of the motion. The motion passed. The meeting adjourned at 10:15 p.m.

Secretary, Chevy Chase Village Board of Managers

Final