

Chevy Chase Village Board of Managers

September 13, 2010

Final

BOARD OF MANAGERS

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

STAFF

David R. Podolsky, Legal Counsel	Present
Shana R. Davis-Cook, Village Manager	Present
Roy Gordon, Police Chief	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, Acting Chair of the Chevy Chase Village Board of Managers, called the meeting to order at 7:35 p.m. Ms. Shuren was absent.

Approval of the minutes from the Board's regular and executive sessions held on July 12, 2010.

Ms. Feldman made a motion to approve the minutes of the Board's regular and executive sessions held on July 12, 2010, as edited. Mr. Yeo seconded the motion. Mr. Winstead, Mr. Yeo, Mr. Kilborn, Ms. Feldman, and Dr. Heilman voted in favor of the motion. The motion passed.

The Board reported that on September 13, 2010 at 6:30 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

Energy and Environment Committee

Chair Lawrence Heilman advised that he had received a memorandum from members of the Building Facilities Commission (BFC) prior to the meeting. The memorandum outlined recommendations pertaining to matters Dr. Heilman had intended to discuss. Dr. Heilman deferred discussion of these matters pending a review of the BFC's memorandum.

Decision on Previous Appeals

None.

Appeals

Continued from the July 12, 2010 Board Meeting A-5311 (Permit Renewal & Modification): Mr. and Mrs. Stephen C. Conley, 9 West Lenox Street—To replace and expand an existing asphalt driveway with a concrete paver driveway. The proposed apron and turnaround area would be located on private property and would have a maximum width of fifty-four (54) feet. The Conleys' contractor, Bob Hawkins, presented the request. Mr. Hawkins advised that the Conleys have decided to construct a french drain to allow water to drain off of the new surface area in order to address the water drainage concerns expressed by the Board at the July 12, 2010 public hearing.

Harriet Fox of 8 West Lenox Street testified that the Conley's had a history of performing work without having obtained the required permits. She cautioned that the staff and Board should be paying close attention to the proposed work and activity on the property to ensure that all work complies with applicable Village regulations.

Michael Gelman of 11 West Lenox Street expressed concern with the proposed driveway's lack of water permeability. Mr. Hawkins advised that the proposed French drain would allow water to percolate into the ground and the section of the driveway nearest the street would channel water toward the street, not toward the Gelman's' property.

Susie Eig of 34 West Kirke Street recommended that due to the previous removal of other trees on the Conleys property and in the public right-of-way abutting their property, the Board should require the applicants to reforest with a canopy tree (defined as a hardwood deciduous tree of a tree that achieves a mature height of 45 feet and is a minimum of 2 ½ inches in caliper at the time of installation).

Mr. Conley stated that he and his contractors had sought to comply with all known applicable Village regulations.

Charles Tate of 5904 Connecticut Avenue stated that the Conley's have done a great job renovating their home and that the work has been an improvement to the neighborhood. Discussion followed.

Mr. Winstead asked when the driveway work would be completed. Mr. Hawkins stated that they would have it completed within 60 days.

Mr. Yeo made a motion to direct Counsel to draft a decision approving the request of a variance to replace and expand an existing asphalt driveway with a concrete paver driveway in accordance with the revised plans submitted for the record, provided the applicants complete all work on the driveway by December 13, 2010. Dr. Heilman seconded the motion. Mr. Winstead, Ms. Feldman, Mr. Kilborn, Dr. Heilman, and Mr. Yeo voted in favor of the motion. Ms. Shuren was absent and did not vote. The motion passed.

Old Business

Capital Projects Presentation

Mr. Younes presented a report on the following projects: Brookville Road Sidewalk, Streetlight Replacement, Sidewalk Replacement, *Verizon* FiOs Installation, and Water Main Replacement. Discussion followed.

Discussion of Proposed Speed Humps Installation Policy and Procedures

Reports drafted by Police Chief Gordon and Mr. Kilborn detailing options for implementing a speed hump installation policy were circulated to the Board prior to the meeting. Chief Gordon stated that he recommends creating simple criteria for policy and procedures when reviewing requests for speed humps. Mr. Kilborn stated that after his research, he feels that there needs to be clearer and more specific criteria when reviewing requests for speed humps.

Ralph Stephens of 11 Magnolia Parkway asked why the Board could not have a policy to approve all requests for speed humps.

Dave Evans of 3 Magnolia Parkway encouraged the Board to consider lowering the posted speed limit throughout the Village. Ms. Davis-Cook stated that according to State law an engineering study must take place before there is any change in the speed limit.

Betsy Stephens of 11 Magnolia Parkway stated that she supports the installation of speed humps. Discussion followed.

The Board authorized the creation of a joint Committee of the Public Safety and Public Works Committees to work with Police Chief Gordon to draft a policy for the installation of speed humps in the Village. The Board named Mr. Kilborn as Chair of this joint Committee. Ms. Davis-Cook stated that there should be a moratorium on new speed hump requests until a new written policy has been established. The Board agreed.

New Business

Contract Authorization Request—Brookville Road Sidewalk Construction and Brookville Road Sidewalk Construction Management/Inspection. Mr. Younes presented his reports recommending contract award to *Ardent Company, LLC* to provide construction services and to *Rummel, Klepper & Kahl, LLP* to provide construction management/inspection services for the Village's Brookville Road Sidewalk Project. Discussion followed.

Mr. Yeo made a motion to authorize the Village Manager to enter into a contract with *Ardent Company, LLC* to provide construction services in the amount of \$1,061,400 and to *Rummel, Klepper & Kahl, LLP* to provide construction management/inspection services in the amount of \$72,992.67 for the Brookville Road Sidewalk Project. Ms. Feldman seconded the motion. Mr. Winstead, Mr. Kilborn, Ms. Feldman, Dr. Heilman, and Mr. Yeo voted in favor of the motion. The motion passed.

Contract Authorization Request—Street Maintenance and Repair Services

Mr. Younes presented his report recommending contract awards to *A.B. Veirs and Sons, Inc. and Chamberlain Contractors, Inc.* to provide street maintenance services throughout the Village. Discussion followed.

Ms. Feldman made a motion to authorize the Village Manager to enter into a contract with *A.B. Veirs and Sons, Inc. and Chamberlain Contractors, Inc.* to provide street maintenance services. Dr. Heilman seconded the motion. Mr. Winstead, Ms. Feldman, Mr. Kilborn, Dr. Heilman, and Mr. Yeo voted in favor of the motion. The motion passed.

Roadway Condition and Repair Survey

Ms. Davis-Cook stated that maintenance on Village streets had been deferred due to budget cuts and that many streets were in need of repair/rehabilitation as described in his memorandum circulated by Mr. Younes prior to the meeting. Ms. Davis-Cook requested Board authorization to transfer funds from *SafeSpeed Program-Reserves* to *SafeSpeed Program-Contracted Streets*, in the amount of \$142,000.60 to begin the first phase of the street repairs. Discussion followed.

Ms. Eig stressed the importance of authorizing use of these funds for overall public safety.

Mr. Kilborn made a motion to authorize the of transfer funds from *SafeSpeed Program-Reserves* to *SafeSpeed Program-Contracted Streets*, in the amount of \$142,000.60 to begin the first phase of the street repairs. Mr. Heilman seconded the motion. Mr. Winstead, Mr. Yeo, Mr. Kilborn, Ms. Feldman, and Dr. Heilman voted in favor of the motion. The motion passed.

Manager's Report

The Manager's report was circulated to the Board prior to the meeting. Ms. Davis-Cook reported that the Village, along with other local municipalities, had submitted its opposition to the current scope of the Planning Board staff's traffic analysis for the Chevy Chase Lake Sector Plan. She added that the Village will continue to monitor the development of the Chevy Chase Lake Sector Plan.

Police Report

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

Chairman's Report

The Chairman's Report was circulated to the Board prior to the meeting. Mr. Winstead outlined the Board's proposed plan for filling the vacant Board seat.

Charles Monk of 4027 Oliver Street asked if the Board would conduct its vote in public. Mr. Yeo stated that the discussion would be held in public, but the Board intends to conduct the voting by secret ballot. Mr. Monk requested that the Board hold its vote in public.

Mark Talisman of 8 Grafton Street thanked the Board for publicly holding the candidate selection in a public setting.

Judy Elliott of 17 West Irving Street stated that the Board votes should not be held in public.

Patricia Baptiste of 7 Grafton Street stated that the Board votes should be held in public. Discussion followed. The Board agreed to hold the vote in public.

Legal Counsel Report

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

Mr. Yeo made a motion to adjourn the meeting. Ms. Feldman seconded the motion. Mr. Winstead, Mr. Yeo, Mr. Kilborn, Ms. Feldman, and Dr. Heilman voted in favor of the motion. The motion passed. The meeting adjourned at 11:26 p.m.

Secretary, Chevy Chase Village Board of Managers

Final.