

**COUNCIL OF CHEVY CHASE VIEW
Monthly Meeting**

Date: January 20, 2016
Place: Christ Episcopal Church, Kensington, Maryland
Present: Paula Fudge, Chair; Peter Marks and Ron
 Sherrow, Council members
 Jana Coe, Town Manager
 Ron Bolt, CCV Legal Counsel
 Joe Toomey, CCV Building Permit Administrator
Others Present: Cathy Goldwyn, 4212 Dresden Street

Called Meeting to Order: 7:30 p.m. by Paula Fudge, Chair

Approval of Minutes of the December 16, 2015 Monthly Meeting: The December 16, 2015 minutes need to be amended as follows: Under the paragraph - **Introduction of Ordinance No. 67 Granting Non-Exclusive Franchise to Comcast for the Operation of a Cable Communications System in CCV** - the last sentence should read (see italics/bold below). "The Council directed Ron Bolt to draft an ordinance to grant a non-exclusive franchise to Comcast for the operation of a cable communication system in CCV. Paula Fudge moved that Ordinance No. 67 be introduced to the Town residents... ***Peter Marks seconded the motion and it passed by a vote of 3-0.***"

Paula Fudge moved the minutes of the December 16, 2015 monthly meeting be approved as amended. Ron Sherrow seconded the motion. The motion passed by a vote of 3-0.

Financial Reports for Period December 1, 2015 to December 31, 2015: Ron Sherrow moved that the financial reports for the period December 1, 2015 to December 31, 2015 be accepted. Peter Marks seconded the motion and it passed by a vote of 3-0.

Council Member Walk: David Albright was unable to conduct the monthly Council member walk.

Application for Permit - Fence - 4312 Glenrose Street (Skinner): Christopher Skinner and Kathleen DeCicco-Skinner submitted a building application for a fence permit for their residence at 4312 Glenrose Street, in the Town of Chevy Chase View. The application complies with all of the applicable rules and restrictions of the Chevy Chase View Municipal Code.

Mr. Toomey's review was based upon the description of the project in their application, the Capital Fence, Inc. contract proposal,

dated January 4, 2016, the House Location Survey by Charles P. Johnson & Associates, Inc., dated June 30, 2014, and a photograph of the type of fence to be installed. The scope of the project is to install a fence described as a 6-foot high Western Red Cedar alternating board fence, with Mount Vernon dip and truncated pyramid post caps. The fence will be located in the rear and side yards, with sections that run from the side property lines to the sides of the house to fully enclose the rear yard. The fence along the left (east) side property line will be located on the property line, by agreement with the neighbors who are installing the same fence, by the same contractor, as a joint project.

The rear and right (west) side yard fences must be installed at or within the property lines and will require a surveyor to mark the property corners prior to the installation of the fence. Rear and side yard fences, including posts and post caps, can be no taller than 6-1/2 feet. Mr. Toomey recommended that the Town Council approve this application. Paula Fudge moved that the fence permit application be approved. Peter Marks seconded the motion and it passed by a vote of 3-0. A fence Permit will also be required by the Montgomery County Department of Permitting Services.

Application for Permit - Fence - 4308 Glenrose Street (Mullery):

Steve and Kathleen Mullery submitted a building application for a fence permit for their residence at 4308 Glenrose Street, in the Town of Chevy Chase View. The application complies with all of the applicable rules and restrictions of the Chevy Chase View Municipal Code.

Mr. Toomey's review is based upon the description of the project in their application, the Location Drawing by Capitol Surveys, Inc., dated October 8, 2014, with the fence locations overlaid upon it, and a photograph of the type of fence to be installed. The scope of the project is to install a fence described as a 6-foot high Western Red Cedar alternating board fence, with Mount Vernon dip and truncated pyramid post caps. The fence will be located in the rear and side yards, with sections that run from the side property lines to the sides of the house to fully enclose the rear yard. The fence along the right (west) side property line will be located on the property line, by agreement with the neighbors who are installing the same fence, by the same contractor, as a joint project.

The rear and right (east) side yard fences must be installed at or within the property lines, and will require a surveyor to mark the property corners prior to the installation of the fence. Rear and side yard fences, including posts and post caps, can be no taller than 6-1/2 feet. Mr. Toomey recommended that the Town Council approve this application. Ron Sherrow moved that the fence permit application be approved. Paula Fudge seconded the

motion and it passed by a vote of 3-0. A fence Permit will also be required by the Montgomery County Department of Permitting Services.

The following CCV building permit summary was submitted by Joe Toomey, CCV Building Permit Administrator:

CCV Building Permit Summary for January 2016

Applications for a Building Permit:

- 4308 Glenrose Street (Mullery) Rear and side yard fence - applied 1/6/16
- 4312 Glenrose Street (Skinner) Rear and side yard fence - applied 1/6/16

Applications withdrawn by the applicant:

- 4205 Glenrose Street (Griffioen) Construction of a new home and rear yard garage - applied 4/6/15, interim approval 6/1/15, abandoned 12/22/15

Applications on hold pending revisions to the application:

- 4205 Glenrose Street (Erasmus Haven BV) Construction of a new home and rear yard garage - applied 12/22/15

Approved applications awaiting issuance of the CCV permit:

- 4213 Glenridge Street (Maloney) Retaining wall - applied 7/20/15, approved 9/16/15

Active and open permit construction projects:

- 10111 Cedar Lane (Francis/Hacking) Deck, fire pit, and pergola - applied 8/1/15, interim approval 10/1/15, issued 10/2/15
- 9819 Connecticut Avenue (Spry) Shed - applied 5/5/15, approved 5/20/15, issued 6/29/15
- 4109 Dresden Street (Merz) Fence - applied 11/14/15, interim approval 12/9/15, issued 12/30/15
- 4225 Dresden Street (Vaghi) Addition - approved 5/21/14, time extension approved 11/19/14, issued 2/5/15
- 4314 Glenrose Street (Green) Wall and fence - interim approval 10/10/14, issued 10/10/14, extended 4/15/15
- 9900 Summit Avenue (McCarthy) Addition - approved 9/17/14, extension approved 3/18/15, issued 7/1/15
- 9900 Summit Avenue (McCarthy) Shed - applied 8/11/15, interim approval 8/27/15, issued 11/19/15

Completed projects since the December Council meeting:

- 4003 Everett Street (Prince) Deck - applied 11/4/15, interim approval 11/10/15, issued 11/11/15, completed 12/17/15
- 4101 Dresden Street (Klaffky) Fence - applied 11/24/15, interim approval 12/9/15, issued 12/15/15, completed 12/23/15

Adoption of Ordinance No. 67 Granting Non-Exclusive Franchise to Comcast for the Operation of a Cable Communications System in

CCV: At the December 16, 2015 Council meeting, the Council voted to introduce Ordinance No. 67 to grant a non-exclusive franchise to Comcast for the operation of a cable communication system in CCV. Paula Fudge moved that Ordinance No. 67 be adopted. Ron Sherrow seconded the motion and it passed by a vote of 3-0. Ordinance No. 67 will not go into effect unless and until the County Council approves the franchise agreement. A link to this ordinance has been posted to the CCV website for your review - www.chevychaseview.org.

Report on Holiday Awards/Contributions to Waste Management

Personnel: Another outpouring of contributions to the annual Holiday Fund this year was evidence that it is a popular way for CCV residents to say thank you to the men of Waste Management who pick up our trash, yard debris and recycling throughout the year. All the men received a very nice check just before the holiday. They were especially appreciative and expressed their enormous gratitude to the Town. The generosity of CCV residents is remarkable!

The Council thanked Lisa Albright of 4009 Cleveland Street for decorating the Town signs with holiday greenery and bows. Lisa also spearheaded the Town's annual CCV Holiday Decorations competition. The 2015 awards ---

2015 Chevy Chase View Holiday Decorations Awards

Most Artistic	4105 Franklin Street
Most Colorful	4113 Everett Street
Most Creative	9821 Connecticut Avenue
Most Spectacular	10139 Cedar Lane
Honorable Mention	9823 Connecticut Avenue

FY 2017 Budget Planning: At the March 16, 2016 Council meeting, the Council will accept the proposed FY 2017 budget for presentation to Town residents for comments prior to the Annual Budget Hearing on Wednesday, April 20, 2016. The Council has scheduled the budget work session for Monday, March 7, 2016, at 6:30 p.m. at Christ Episcopal Church. The work session is open to the public.

Report on WSSC Cedar Lane Water Main Replacement: As part of the its infrastructure renewal program, WSSC is getting ready to begin a water and/or sewer rehabilitation of the Transmission Water Main on Cedar Lane/Summit Avenue (from Beach Drive to Howard Avenue). The work will be performed by Utilicon Corporation and inspected by WSSC. Construction is expected to begin in late January 2016 and is estimated to be completed by May 2017, weather permitting. Jana Coe attended a joint meeting on January 12, 2016, with officials from WSSC and Utilicon Corporation (the general contractor for this project). Town of Kensington officials were also in attendance. As the project work nears Saul Road, WSSC will provide the Town Manager with two-week scheduling updates.

Report on Income Tax Collection and Wynne Case Refund Process:

Jana Coe reported that Maryland's Comptroller Office representatives and Montgomery County officials held a joint meeting in Rockville with municipal representatives on January 15, 2016, to discuss the error in coding of municipal income tax returns (Tax Years 2010-14) that incorrectly assigned certain returns to municipalities when they were actually outside of the municipal boundaries. To a lesser extent, some income tax returns should be been assigned to a municipality but were not.

The first topic covered the Comptroller's ongoing efforts to do a better job getting tax returns associated with the correct municipality. The Comptroller's office has authorized an independent audit which will examine the distributions as well as the manner in which its staff assigns subdivision codes to the taxpayer. Because of the complexity of resolving this issue along with the ongoing operations of the Comptroller, it is not possible to draw any specific conclusions as to the fiscal implications of this matter for Montgomery County and its municipalities at this time.

The second topic addressed discussed the recent U.S. Supreme Court ruling in the case *Maryland v. Wynne* which held that the State's practice whereby residents who earn income outside the State are credited for State income tax, but NOT the county and local jurisdiction taxes, is unconstitutional. The Court found that the State and county income taxes are both State taxes and the practice amounted to double taxation for those who filed income taxes in other states. They ruled it was a violation of the "dormant commerce clause" inferred from the Commerce Clause in the U.S. Constitution. Municipalities do not have the authority to impose income taxes, but we rely on the "piggyback" of the County income tax. Chevy Chase View receives 17 percent of the County's income tax collected from local residents. Because the Comptroller is expected to process so many claims, it is of some concern that CCV not be charged for refunds made to residents of other "Chevy Chase" municipalities.

The Comptroller's office has solid *Wynne tax liability* numbers for Tax Years 2007 through 2010. For 2011 and beyond we have partial numbers that are pretty much useless by themselves, but should get better shortly when Tax Year 2011 amended tax returns have been processed. Though we don't have meaningful numbers for 2011 and beyond, 2009 and 2010 look like good years from which projections can be made. These numbers will be reviewed and available to the CCV Council in advance of the FY17 budget work session.

It is the expectation that the Comptroller's office will resolve this matter in time to incorporate the results of this audit review in the FY17 Operating Budget for both the County and the municipalities.

Motion to Adjourn: At 9:10 p.m., Paula Fudge moved the meeting be adjourned. Ron Sherrow seconded the motion and it passed by a vote of 3-0.

Time and Place of Next Meeting: The Council will meet next for its monthly meeting on Wednesday, February 17, 2016, at 7:30 p.m. at the Christ Episcopal Church, Kensington, Maryland.

Respectfully submitted,
Jana Coe, Town Manager

NOTES AND REMINDERS -

Remember Chevy Chase View on Your Tax Form - As a municipality in the State of Maryland, the major source of revenues for the Town of Chevy Chase View comes from our share of income taxes which every resident pays to the State. In order for the Town to receive this revenue sharing, please write "Chevy Chase View" in the box marked "City, Town or Taxing Area" on your Maryland Income Tax Form 502. (The area is circled below)

This assures that a portion of your tax dollars comes back to the Town (as contained in State law). This revenue supports our municipal budget for trash collection, recycling, leaf collection, street cleaning, snow removal, tree care, and the many other municipal services that are administered in the Town of Chevy Chase View.

					
Print Using Blue or Black Ink Only	Social Security Number		Spouse's Social Security Number		
	Your First Name	Initial	Last Name		
	Spouse's First Name	Initial	Last Name		
	Present Address (No. and street)				
	City or Town		State	ZIP code	
	Name of county and incorporated city, town or special taxing area in which you resided on the last day of the taxable period. (See Instruction 6.)		Maryland County	<div style="border: 2px solid red; padding: 2px;"> City, Town or Taxing Area Chevy Chase View </div>	

Bulk Pick-Up - The next monthly bulk pick-up is scheduled on **Saturday, February 6, 2016**. As a reminder, heavy refuse includes major appliances (must have Freon removed), furniture, large toys, bicycles, and plumbing fixtures. Excluded are batteries, propane tanks, bricks, general construction debris and iron pipes. Please have your items at the curb by 7:00 AM on Saturday as the truck comes through early.

Sign Up for eTownMailings: You can now receive the monthly CCV Council meeting minutes and other Council messages and important announcements from the Town Manager. This does not replace the CCV listserv. Go to the CCV website - on the front page under "Quick Links" - you will find the box that says "eTown Mailings". Enter your mail address in the white field, then hit "Go". This will take you to the website of our partner, Constant Contact. Re-type your email address in the box that says "Confirm your email address". Enter your first name, last name and street address in the section titled "Your Information". Finally click the button at the bottom left that says "Save Profile Changes". After you have completed these steps, you will receive an email confirming your registration. Please note that when one member of your household registers for our electronic mailing list, we will discontinue mailing hard copies of these documents to your household.

Storm Drains - If there is a storm drain adjacent to your property, would you mind helping us out? If you could clear the accumulated debris from the grates occasionally, it will be better to add this debris to the weekly yard pickup as opposed to ending up in the Chesapeake Bay! Thank you.

Listserv - Please consider becoming a member of the CCV listserv. Send an email to ChevyChaseViewNet-subscribe@yahoogroups.com. As a reminder, the ChevyChaseViewNet listserv is not intended to be used by residents to contact the Town Manager or Council members. For the latter, please use the appropriate telephone number or email address for the Town Manager or Town Council member(s). To ensure the timeliest response on matters related to Town business or the Chevy Chase View Council, your inquiries are best directed to the Town Manager at ccviewmanager@verizon.net or by calling 301-949-9274.

Website - Please visit our website at www.chevychaseview.org.

Application for Building Permit - Building Permit Applications for consideration at the February 17, 2016, meeting must be submitted to the Town Manager by 5:00 p.m. on February 3, 2016. Please note that the review may take several days and an application is not considered perfected until the Town Building Permit Administrator completes his review. Please contact Jana Coe, Town Manager, at ccviewmanager@verizon.net or 301-949-9274.