

COUNCIL OF CHEVY CHASE VIEW

Monthly Meeting

Date: October 17, 2007

Place: Christ Episcopal Church, Kensington, Maryland

Present: Michael Plantamura, Chairman; Coral Bell, Martie Mitchell,

Peter Roman and Jana Coe, Town Administrator

David Podolsky, Legal Counsel to Chevy Chase View

Alan Beal, Building Permit Administrator for Chevy Chase View

Others Present: Don Cook, 4201 Dresden Street

Bo Duplinsky, 4209 Glenrose Street

Rachel Ritvo, 4020 Everett Street

Mike Manion, 4213 Glenrose Street

Rev. Bill George, Kensington Baptist Church

Peggy Jacocks, 4000 Dresden Street

Called to Order: 7:35 p.m. by Michael Plantamura, Chairman

Approval of Minutes of September 19, 2007 Regular Meeting and October 1, 2007

Work Session: Peter Roman moved that the minutes of the September 19, 2007 meeting and October 1, 2007 work session be approved. Coral Bell seconded the motion and it passed unanimously.

Financial Report: The financial report for the period September 1, 2007 to September 30, 2007, was presented. Coral Bell moved that the report be accepted. Peter Roman seconded the motion and it passed unanimously.

Council Member Walk: Coral Bell reported that issues she noted on her walk were taken care of this week by Chamberlain Contractors when they were performing other contracted work in CCV.

Rear Lot Line Discrepancy on Franklin/Glenrose Streets: Bo Duplinsky again addressed the CCV Council regarding the rear property line discrepancy on the properties located on the north side of Glenrose Street and the south side of Franklin Street between Cedar Lane and Summit Avenue (4200 block). Mr. Duplinsky felt at the October 1st work session the Council had shifted its discussion focus from the problem to the effect of the situation. He restated the problem as it involves 18 homeowners and affects ongoing building issues. He felt it may include potential litigation between neighbors in the future. Mike Manion questioned if the CPJ survey was correct and whether the front property lines are set two and one-half feet too far into each property. David Podolsky reviewed the original subdivision plan dated in 1910 and thought another independent surveyor would find the CPJ information to be correct.

Peter Roman restated his position that the Town did not cause and cannot fix the problem. He would not want to consider ceding Town right-of-way property to 18 homeowners as that is not fair to other CCV residents.

Mike Manion questioned if the 2.5 feet could have been lost when the roads were widened. David Podolsky explained that the public right-of-way for Glenrose Street and Franklin Street was dedicated by the plat.

Bo Duplinsky asked how the Council intends to handle building applications for sheds and fences if the rear lot line is not 225 feet from the front lot line. Mike Plantamura stated that he was sympathetic to the situation, but stated that the Council discussed the placement of accessory buildings at the October 1st work session and agreed with David Podolsky's suggestion that a letter would be sent to adjoining neighbors thirty (30) days in advance of the date the application for such an accessory building would be considered for approval. Mr. Podolsky explained that the applicant would have to comply with the CCV building regulations, and must meet the burden of proof if the neighbor contests the placement of the shed.

Coral Bell stated that a precedent would be set if the Council became involved in a private property issue. Martie Mitchell stated that the Council cannot force a property owner to accept a compromise position of 222.5 feet. She questioned how we could know if the missing five (5) feet was ever there.

Mike Plantamura stated that a certified letter would be sent to all residents on the block who are potentially impacted by the discrepancy to alert them to the issue. Jana Coe has contacted CPJ for a price quote for rear line surveys and will include this information in the letter. Residents will be encouraged to contact their rear property line neighbor to initiate resolution discussions if they have not already done so.

Bo Duplinsky and Mike Manion stated that some affected homeowners may consider litigation against CCV to settle this matter. Peggy Jacocks of 4000 Dresden Street asked if there was a middle ground and if there were other such cases that have gone to litigation. David Podolsky replied that courts have decided such disputes in many cases. He said that most of the time the affected property owners resolve the issue between themselves for much less than the cost of litigation.

BRAC Committee Report: Mike Plantamura, serving as the representative for CCV on the Montgomery County BRAC (Base Realignment and Closure) Committee, reported that the environmental impact study (EIS) related to the expansion of the National Naval Medical Center is now going to be released in December, not in October, as originally expected. The Navy's representative explained that the reason for the delay in this release was to give the Navy more time to help make certain that all potential issues were buttoned down before the EIS was released for public comment. There will be a 45-day period for comments following this EIS release. Mike explained the possible solutions being considered to address the impact on traffic congestion.

Update on October 11th State Assembly Priorities Meeting: Coral Bell reported on her attendance at the October 11th State assembly priorities meeting. She stated that Town of Kensington (TOK) Mayor Pete Fosselman presented the information developed jointly by the TOK/CCV councils. This information included requests for better lighting, reduction of speed and an extension of the sidewalk on the west side of Connecticut between Washington Street and Saul Road. The speed camera issue was not discussed as that is a county issue.

Martie Mitchell reported on the October 8th meeting that was called by County Council member Nancy Floreen to discuss the county's budget for updating street lights on Connecticut Avenue. In addition to Martie and Jana Coe, Mayor Pete Fosselman and Councilman Al Carr from the Town of Kensington, and Merle Steiner, Chief of Staff for Nancy Floreen, also attended. It was agreed that the two towns would get a quote from their lighting consultants. (Jana Coe will contact Mark Ketteran of Scott Watson's lighting firm.) The consensus was that TOK/CCV would want to work together so that the lighting was uniform and done at the same time. It was agreed that the two towns will hire a consultant to look at current lights and make recommendations for future lighting, including wattages, costs, as well as help determine if it would be beneficial to purchase the lights from Pepco vs. contract with Pepco to change them.

Martie and Jana Coe will continue to investigate the possibility of buying lights from Pepco. The next meeting will be to discuss lighting specifics such as style, wattage, etc.

Speed Camera Update: Chief Ray Gordon of the Village of Chevy Chase Police Department is scheduled to attend the next CCV Council meeting on November 14th (note this is the second Wednesday of the month). The Chief will update the Council on the Village's speed camera program that went live on October 8th.

Tree Committee Report: Rachel Ritvo, as chairman of the newly established Tree Committee, reviewed a proposed document setting forth the Role, Goals and Responsibilities of the CCV Tree Committee. A copy is attached to the minutes. She is excited about the creation of an institutional memory for CCV tree history and plantings, as well as serving as a liaison to other committees. CCV residents who have committed to serving on the committee are Celeste Park, Bonnie Cochran, Marcia Keppel, Jack White and Jule Crider.

Rachel stated that she considers it very important to get the master plan on paper. The first task of the Tree Committee will be to create a coherent and cohesive history of CCV trees for distribution to residents as well as posting on the website. Rachel is hoping to have the master plan available for the Council's review in January 2008.

The Council concluded that it would be best to oversee the Tree Committee principally through the budget process. They prefer updates on a monthly basis, not necessarily tree by tree. It will be the goal of the Tree Committee to communicate to CCV residents that the master plan for trees is not arbitrary or whimsical. Rachel pointed out that there

is great value in thinking about “strategic trees”. Rachel asked Council members to consider how the plan should be publicized.

Possible Subdivision Policy: David Podolsky explained the two elements of the municipalities’ (such as CCV) role in the subdivision process in the Regional District. In order to make a formal recommendation that would trigger the super-majority requirement of Article 28, Section 7-117.2(b)(7), CCV must hold a public hearing and submit its written recommendation and the record of the hearing within 45 days of CCV’s receipt of the proposed subdivision plan from the Maryland National Capital Park and Planning Commission. David reviewed a recommended protocol to insure the 45-day period would not expire while the Council is deciding how to form its recommendation.

The Council then reviewed possible criteria that could be defined for use in formulating its recommendation. Various options for the criteria are possible, such as the proposed lot(s) must be of the same character as to street frontage, alignment, size, shape, width, area and suitability for residential use as other lots within the existing block, neighborhood or subdivision.

David explained that the Council should look at the character of the neighborhood and the criteria to be selected should be the result of a thoughtful process. The Council decided to hold a work session on early December to begin reviewing criteria.

Town Administrator Position: Mr. Plantamura explained that, in the spring of 2007, Jana Coe had been asked by the Council to document her hours for the months of March 2007 through August 2007 in order to determine the extent of hours required for this position. Excluding vacation weeks, the weekly average was approximately 40 hours over this six-month period. At the October 1st work session, the Council concluded that the position is full time and agreed that notice should be given to the town residents of this proposed change to give residents an opportunity to comment.

The Council reviewed a draft proposed Charter Amendment that would change the title of the position from Town Administrator to Town Manager. This proposed Charter Amendment represents a change in title only with all responsibilities per the Charter and job description remaining the same. Jana Coe explained that this title change is meant only to match the position designation as used in most Maryland municipalities. The proposed Charter amendment showing the change in position title is posted to the website for review by residents.

Mike Plantamura opened for discussion a resident’s reaction as to what has been reported in the minutes and urged careful consideration. The Council concluded that they have given careful thought to this position and change as they have been reviewing reported hours for six months. The Council discussed this position at the September monthly meeting, at the October 1st work session, and at tonight’s meeting, and will vote on the adoption of the proposed changes at its November monthly meeting. The proposed full time salary is \$62,500 (40 hours per week) with individual health insurance through Montgomery County (employee to pay 20%) and a retirement contribution

equivalent to 6% of salary. This salary/benefit package is commensurate with other town managers in lower Montgomery County with similar experience (17 years of experience).

Leaf Removal Contract: The Council reviewed a proposed contract with Bethke Landscaping, the contractor that has provided leaf removal to CCV in the past. The proposed contract is a two-year contract and provides for a 3% increase in the price for the first year and 3% in the price for the second year. Peter Roman moved that the contract be approved as presented. Martie Mitchell seconded the motion and it passed unanimously.

Snow Removal Contract: The Council reviewed a proposed contract with Snow Central, Inc. the contractor that has provided snow removal for CCV for over 25 years. The new contract provides for a 3% rate increase over the prior year's rate. Snow Central continues to agree to assume responsibility for any curb/street damage on streets that the Council installs stakes. Martie Mitchell moved that the contract be approved as presented. Peter Roman seconded the motion and it passed unanimously. This contract covers the streets within the municipal limits of CCV, and excludes Connecticut Avenue (state road), Saul Road, Kensington Parkway and Cedar Lane (county roads).

Adjournment: At 10:10 p.m., Mike Plantamura moved that the Council adjourn. Martie Mitchell seconded the motion and it passed unanimously.

Time and Place of Next Meeting: The next regular monthly meeting will be held on Wednesday, November 14, 2007, at 7:30 p.m. This meeting will be at Christ Episcopal Church, Kensington, Maryland. **Please note that this is the second Wednesday of the month.**

Respectfully submitted,
Jana S. Coe, Town Administrator

Application for Building Permit – Building Permit Applications for consideration at the November 14, 2007, meeting must be fully perfected by 5:00 p.m. on Wednesday, October 31, 2007. Applications can be submitted to Alan Beal, the Building Permit Administrator, for review. Please note that Mr. Beal's review may take several days and an application is not considered perfected until Mr. Beal completes his review. Any questions about this process should be directed to Mr. Beal at 202-607-4153.

Bulk Pick-Up - The next bulk pick-up will be Saturday, November 3, 2007. Bulk pick-ups are held on the first Saturday of the month. As a reminder, heavy refuse includes major appliances, furniture, large toys, bicycles, plumbing fixtures and up to two tires cut in quarters. Excluded are batteries, propane tanks, bricks and 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.

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

Listserv – Please consider becoming a member of the CCV listserv. Send an email to ChevyChaseViewNet-subscribe@yahogroups.com.

Please Water Right-of-Way Trees: Due to the minimal amount of rain in the past few months, please be kind to the right-of-way trees and water them. Thank you.