

COUNCIL OF CHEVY CHASE VIEW **Worksession on Town Issues**

Date: October 1, 2007

Place: Christ Episcopal Church, Kensington, Maryland

Present: Michael Plantamura, Chairman; Coral Bell, Ray Bernor, Martie Mitchell,
Peter Roman and Jana Coe, Town Administrator

David Podolsky, Legal Counsel to Chevy Chase View

Called to Order: 7:05 p.m. by Michael Plantamura, Chairman

Discussion of Town Administrator Position: Mike Plantamura stated that the Council was addressing a 9-17-07 memo that Jana Coe, Town Administrator, had sent to the Council. As early as February 2006 in a memorandum to the Council, Jana Coe had advised that as CCV continues to mature and face more “real town” problems, the Council should realize that this position is becoming more involved and is slowly moving toward a full time position. Based on the trend of increased hours that town managers now need to devote, it is clear that the job is full time. Full time positions in local government offer full benefits, including health insurance, retirement, and vacation time. The evolution of this job over the past 3-5 years now involves more time consuming tasks. Town managers are “on call employees” in actuality and should be treated as such. Consequently, Jana recommends that the position of Town Administrator for the Town of Chevy Chase View be changed to Town Manager, a full time position that is recognized as salaried with benefits commensurate with the position, per comparison with other full time town managers in Montgomery County and the State of Maryland.

Mr. Plantamura then 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 with this position. Excluding vacation weeks, the weekly average was approximately 40 hours over this six- month period. Peter Roman agreed with the recommendation to designate the position as full time. The consensus of the Council was that the Council should give notice to the town residents of such a proposed change to give residents an opportunity to comment on this proposal. The Council members asked Jana Coe to check with the International City Management Association (ICMA), Maryland Municipal League and Montgomery County to research relatively comparable positions in order to determine a comparable salary, benefit and vacation schedule.

Peter Roman then moved that David Podolsky be authorized to draft a proposed Charter Amendment that would change the title of the position from Town Administrator to Town Manager. Martie Mitchell seconded the motion and it passed unanimously.

The Council agreed to place the proposal to change the position from part time to full time and to change the position title to Town Manager on the agenda for further discussion at the October 17, 2007, meeting.

Discussion of Inconsistent Lot Lines: The Council discussed 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). A differential of five feet (445 feet instead of 450 feet) was discovered when Mike Manion of 4213 Glenrose Street and Ray Bernor of 4217 Glenrose Street hired CPJ to perform staked boundary surveys. At the September 17, 2007, Council meeting, several residents of the affected properties asked the Council to take a look at the problem and help the residents figure out a remedy.

The Council discussed the residents' request that CCV obtain an independent survey of the affected properties to determine if the CPJ surveys are correct and whether the front property lines are set two and one-half feet too far into each property.

David Podolsky explained that it would be unusual for a town to get involved in resolving a boundary line dispute that does not involve public property. The Council does not have the legal authority to mandate a particular resolution of a boundary line dispute between neighbors.

Peter Roman felt that the past and present Councils did not cause this discrepancy, cannot fix the discrepancy and should stay out of it. Ray Bernor disclosed that he is a resident of the block in question and feels the Council should authorize CPJ to conduct surveys on the individual properties to establish the mid point for residents, and then let the residents work it out.

Martie Mitchell asked what the process would be for addressing the discrepancy between two adjoining property owners. David Podolsky explained that the adjoining property owners could file a resubdivision plat or file a document in the land records. The legal work for preparation and review of said document, David estimated, would probably not be over two hours for drafting or one hour for reviewing.

David Podolsky explained that CCV does not currently regulate the placement of back yard fences. To obtain a CCV permit, an applicant must represent that the fence would either not be in the front yard or, if it would be in the front yard, it would not be more than four feet high. Once a permit is issued, the Council does not verify the exact placement of a fence as long as it is not in the front yard. The Council then discussed the placement of accessory buildings. David Podolsky suggested that a letter could 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 does contest the placement of the shed.

Jana Coe suggested that a certified letter be sent to all residents on the block who are potentially impacted by the discrepancy. The Council asked Jana to contact CPJ for a price quote for rear line surveys and 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.

The Council concluded that it was not advisable (1) for the Town to pay for an independent survey by CPJ for the affected properties, (2) for the Town to be involved in drafting legal documents for use by adjoining private property owners to resolve the property line issue between them, or (3) for the Town to reduce the town's right-of-way. Ray Bernor was opposed to these positions of the Council.

Discussion of Right-of-Way Release Requirement: The Council reviewed the engineering report provided by Miguel Penafiel (10010 Summit Avenue) in order to satisfy the Council's request at the July 18, 2007 meeting. Harold Green of Chamberlain Contractors was asked to meet with Mr. Penafiel, discuss the engineering report and make a recommendation to the Council. Mr. Green found that the professionally prepared, complete engineering report by DCI provided the proper evaluation of the issues addressed by the Council. The crown of the apron will be approximately 2 to 2½ inches higher than the existing 4½ to 6-inch high asphalt curb. Therefore, based on the submitted plans no introduction of water from Summit Avenue onto his property would be likely unless there is a 100-year storm event.

Based on Mr. Green's findings, Martie Mitchell moved that Mr. Penafiel be allowed to install the second curb cut on his property and that no right-of-way release would be required. Coral Bell seconded the motion and it passed unanimously. The building permit will be issued contingent on the installation of the curb cut consistent with the approved DCI engineering report.

The Council concluded that it was not inclined to put an automatic right-of-way release requirement in place, but would continue to review situations related to the right-of-way on an individual basis.

Possible Subdivision Policy: David Podolsky reviewed the role of municipalities (such as CCV) in the Regional District in the subdivision process. 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. He explained that the Council may wish to have a process in place so that the 45-day period would not expire while the Council is deciding how to form its recommendation.

He further explained the criteria that are most often considered as relevant to re-subdivisions in existing neighborhoods are that 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.

Martie Mitchell stated that she believed the Council owed it to residents to have a process and procedure in place. The Council would need to set the procedure and standards.

Mike Plantamura recommended that the Council discuss this further at its regular October meeting and asked Council members to begin thinking about what they would recommend as the policy procedure and standards.

4314 Glenrose Street Tree Removal: The Council is waiting for the county arborist to review the location of a tree which was removed at 4314 Glenrose Street to determine whether it was a right-of-way tree. Jana Coe suggested that Peter Roman check the CCV tree database to determine if the tree was sited as a right-of-way tree four years ago. David Podolsky discussed the procedures that the state arborist would follow in the event it was determined to be public property.

Tree Planting Policy: Peter Roman reported that there are a total of 16 properties in CCV where the homeowner has expressed opposition to the planting of a right-of-way tree. He encouraged the Council to consider a policy where each property would be required to have at least one street tree.

Adjournment: At 9:15 p.m., Martie Mitchell moved that the meeting be adjourned. Coral Bell seconded the motion and it passed unanimously.

Time and Place of Next Meeting: The next regular monthly meeting will be held on Wednesday, October 17, 2007, at 7:30 p.m. This meeting will be at Christ Episcopal Church, Kensington, Maryland.

Respectfully submitted,
Jana S. Coe, Town Administrator