

COUNCIL OF CHEVY CHASE VIEW
Monthly Meeting

Date: December 12, 2022
Place: Meeting was held via open video conference call
Present: Paula Fudge, Chair; Tommy George, Peter Marks,
Nancy Somerville and Ed Tarbutton, Council
members
Jana Coe, Town Manager
Ron Bolt, Legal Counsel for Town
Julie Sparacino, Moderator

Called Meeting to Order: 7:00 p.m. by Paula Fudge, Chair

Approval of Minutes of October 19, 2022, Monthly Council Meeting: Ed Tarbutton moved the minutes of the October 19, 2022 Monthly Council Meeting be approved. Peter Marks seconded the motion and it passed with a 5-0 vote.

Financial Report for Period October 2022 and November 2022: Peter Marks moved that the financial report for the months of October 2022 and November 2022 be accepted. Nancy Somerville seconded the motion and it passed with a 5-0 vote.

Council Member Walk: Ed Tarbutton conducted the monthly Council member walk and found no issues to report. He commented on the high holiday spirit created by many residents in the Town who have impressive holiday displays in their yards.

Ratify Town Permit #553-10001 - Fence - 3909 Saul Road (Wright): Per Town Code, permits for dumpsters, portable storage units and fences are processed by administrative approval.

Ed Tarbutton moved that the following approval for a CCV Town permit be ratified. Nancy Somerville seconded the motion and it passed with a 5-0 vote.

#553-10001 - Fence - 3909 Saul Road (Wright) Applied
10/11/22, approved/issued 10/26/22

CCV Building Permit Summary for December 2022

Permits Issued after Administrative Approval:

- #553-10001 - Fence - 3909 Saul Road (Wright) Applied 10/11/22, approved/issued 10/26/22

Active and open permit construction projects:

- 9819 Connecticut Avenue (Spry) Rear addition with basement - applied 6/1/22, approved 6/15/22, issued 7/12/22
- 9901 Connecticut Avenue (Nix-Gomez) - Sunroom, mudroom entry, expand second floor bedroom, raise roof of third floor level attic space - applied 12/24/21, approved 2/26/22, issued 8/30/22
- 4221 Everett Street (Strittmatter) - Rear deck - applied 7/15/22, issued 9/9/22
- 4021 Glenridge Street (Matan) Addition - applied 4/7/21, approved, 4/21/21, issued 6/24/21
- 4021 Glenridge Street (Matan) Pool and pool house - applied 10/5/21, approved 10/20/21, issued 12/15/21
- 4102 Glenridge Street (DeSarno) Addition and screen porch - applied 10/5/21, issued 1/29/22
- 4109 Glenridge Street (Keenan) Screen porch - applied 4/10/22, approved 5/18/22, issued 7/15/22

Closed out projects since the October 2022 Council meeting:

- 4221 Everett Street (Strittmatter) - Dumpster applied 6/21/22, approved/issued 6/27/22, closed 10/20/22
- 4113 Glenrose Street (Walsh) - Unpermitted driveway apron installation - applied 5/14/22 (not approved), revised 7/1/22, approved 7/20/22, issued 7/21/22, closed 12/12/22

FY22 Audit Report: Lindsey & Associates, CCV's auditing firm, reported that the State-mandated municipal audit for FY22 has been completed and filed with the Department of Legislative Services before the October 31, 2022, deadline.

The following statement was issued by Lindsey & Associates: "In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities and each major fund of the Town of Chevy Chase View as of June 30, 2022, and the respective changes in financial position thereof for the year then ended in accordance with accounting principles generally accepted in the United States of America".

The Council discussed the report with Bob Diss and Aliesha Scarlett of Lindsey & Associates (appearing remotely) who answered questions posed by the Council. Mr. Diss noted that the general fund increased by \$711,573 for FY22 ending June 30, 2022 (includes first tranche of American Rescue Plan Act funds in amount of \$434,595).

Nancy Somerville moved that the Council accept the FY22 Audit by Lindsey & Associates. Ed Tarbutton seconded the motion, and it passed by a 5-0 vote.

Update on DNR Grant and Memorandum of Understanding: The final Memorandum of Understanding (MOU) has been approved by Department of Natural Resources (DNR) staff and is in final review. The EPA-required Quality Assurance Program Plan (QAPP) was submitted to DNR on December 2, 2022 and is currently in review by the DNR environmental department. It is the expectation that the final approval will be completed in January 2023, and the Town can begin this important resiliency study work in February 2023.

Update on Contract #405.005 punch list: Chamberlain Contractors, Inc. has completed all items on the Contract #405.005 punch list. The Town Council has accepted this work and holds a Warranty Bond (\$372,045.90) that shall apply from November 30, 2022, to November 30, 2023.

Introduce Ordinance 93, Resolution 146-11-22 to Regulate Small Wireless Telecommunications Facilities in the Rights-of-Way: *Background:* The Town Council adopted Ordinance 78 in January 2019, in response to the Federal Communications Commission's (FCC) Order compelling municipalities to have "published" design standards in place before enforcement. We noted at that time that the Town's ordinance would need to be revisited once national litigation was resolved and we knew what regulations, if any, would be adopted by the State and County.

Ordinance 93 would amend the Town's Ordinance 78 by adding permit application requirements and standards for deployment (including changing the setback between facilities owned by the same operator from 1000 to 500 feet); requiring a 2-year deployment plan; disallowing pruning of trees except as minimally reasonable necessary;

requiring replaced poles to be removed within 180 days; reducing the allowable equipment box size from 28 to 12 feet (to conform to the County standard); requiring annual certification concerning facilities in use; and adding a provision for variance requests.

The Council discussed the draft. The draft proposed to reduce the permissible number of antennae from 5 to 3 per pole. The Council decided to leave the limit at 5.

Nancy Somerville moved that Ordinance 93 be introduced, as amended. Peter Marks seconded the motion and it passed with a 5-0 vote.

The Council will hold a public hearing on Ordinance No. 93 at the January 18, 2023, Council meeting. Here is the link to the proposed ordinance:

<https://chevyCHASEviewmd.gov/wp-content/uploads/2022/12/No.-93-small-cell-2022-amendments-introduced.pdf>.

Review Small Wireless Facilities Right-of-Way Use and Franchise Agreement: A right-of-way access agreement has been prepared for the Council's review, as contemplated by Ordinance 93. The Town must adopt a form agreement before applications for installation of 5G equipment are received. Ron Bolt advised the Council that this right-of-way agreement and Ordinance 93 can be on the same approval schedule. <https://chevyCHASEviewmd.gov/wp-content/uploads/2022/12/Right-of-WayAccessAgreementsmall-cell110322.pdf>

Assistant Town Manager Position: Background: In April 2022, the following specific information was shared with Town residents in the **OVERVIEW OF FY23 BUDGET EXPENDITURES** (<https://chevyCHASEviewmd.gov/wp-content/uploads/2022/12/Budget-notes-FY23.pdf>).

FY23 Administration Expenditures (\$443,800) include personnel expenses, legal and accounting fees, community activities and maintenance, consulting services, business services/supplies and storage. This amount represents a \$147,350 increase over the FY22 projected amount of \$296,450.

The Council finds that it has become necessary to hire an additional staff person to support the Town's increasingly complex municipal operations. The Council agreed to add

\$65,000 to the salaries and \$22,750 to payroll/benefits line items, which will serve as placeholders for the Town manager and one additional full-time administrative position. At some point in FY23, the budgeted amount of \$24,000 provides for commercial office space that will serve as the Town office. The Council anticipates increased costs in municipal engineering services, legal fees, and professional/consulting services necessary for the development and oversight of increased building and stormwater management regulations, as well as implementation of green/grey infrastructure improvements. The Council proposes \$20,000 for community activities, assuming the annual picnic will be resumed in the Fall. Also included in this FY23 budget is an increase for the continuation of modernizing the Town's digital infrastructure and processes, as well as equipment.

The Council will hold a public work session on Thursday, January 10, 2023, at 7:00 p.m. with the purpose of setting forth well-defined next steps toward filling the position.

Motion to Adjourn: At 7:45 p.m., in open session, Tommy George made a motion to enter closed session, pursuant to the Open Meetings Act, General Provisions Article, Section 3-305(b)(7) to consult with counsel to obtain legal advice regarding building code enforcement. Nancy Somerville seconded the motion and it passed with a 5-0 vote.

Present were all Council members, the Town Manager, and Town Attorney. The Council discussed a code enforcement matter. The Council directed the Town Attorney to prepare a letter thanking Town agents for the role in abating a code violation.

At 8:40 p.m., Tommy George moved to adjourn the closed session. Peter Marks seconded the motion and it passed with a 5-0 vote.

Time and Place of Next Meeting: The Council will meet next at Christ Episcopal Church for the work session on January 10, 2023, at 7:00 pm. The next monthly Council meeting will be held on Wednesday, January 19, 2023, at 7:00 pm.

General Interest and Reminders

Recycling of Cardboard Boxes: Ecology Services, the Town's recycling contractor, has again asked us to remind **residents to break down cardboard boxes and place them in a pile next to your recycling Toter on Tuesdays.** If residents can take the time to break these boxes down, there is more capacity for collection and the crew members do not need to spend extra minutes in front of a home chucking boxes into the back of recycling truck. Thank you.

Leaf Removal Began October 1, 2022: Hughes Landscaping, Inc. will remove all leaves on a weekly basis, weather permitting, until December 31, 2022. **Please do not mix your grass clippings with the leaves at the curb.**

Leaves are to be placed at curbside and made accessible for truck pickup. Sticks, trash, rocks, and other rubbish will not be collected and should be bagged for normal trash pickup. Leaves should not be shredded or bagged. For the residents on Connecticut Avenue, Cedar Lane, Kensington Parkway and Saul Road, your leaves also will be picked up weekly. For liability reasons, do not place leaves on our sidewalks. If you do not have a sidewalk, please rake your leaves as close to the street as possible.

Find Your Home's Flood Factor: Residents can enter their address at the following website https://riskfactor.com/?utm_source=floodfactorttps://floodfactor.com to ascertain the address's susceptibility to flooding based on past floods, current risks, and future projections. Please note that this data does not incorporate individual property drainage systems but looks at the broader geographical area's susceptibility to flooding. More information can be found at <https://chevyCHASEviewmd.gov/2022/09/23/montgomery-county-has-a-new-flood-website/>.

Unleashed Dogs: Many residents are expressing increasing concern about unleashed dogs in the Town. Dog owners are reminded of the following provisions in the Montgomery County Code, Chapter 5, related to Animals and Public Nuisance:

Animal Trespass (Montgomery County Code, Sec. 5-203(a)(3)) - "An owner must not allow an animal to enter private property without the property owner's permission. (\$100 fine). Any dog is at large if it is outside the owner's premises and not

leashed, unless it is a service dog, is in a dog exercise area designated by the Maryland National Capital Park and Planning Commission or is participating in an approved activity." (\$100 fine for first offense; \$500 fine for each subsequent violation).

Unwanted Contact - "The pet owner must prevent unwelcome or unsolicited threatening physical contact or close proximity to a person or a domestic animal that occurs outside the owner's property that may cause alarm in a reasonable person, such as biting, chasing, tracking, inhibiting movement, or jumping." (\$500 fine). **You are reminded to clean up after your dog and place the bag in your own trash container for disposal by Ecology Services' crew.**

Bulk Pick-Up - The next monthly bulk pick-up is scheduled on **Saturday, January 7, 2023**. 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.

Application for Building Permit - Building Permit Applications for consideration at the January 18, 2023 meeting must be submitted to the Town Manager by 5:00 p.m. on January 4, 2023. Please note that the review may take several days, and an application is not considered perfected until the Town Permit Administrator-Municipal Engineer, Lance Ball, completes his review. Please contact Jana Coe, Town Manager, at janacoe@chevy Chaseviewmd.gov or by calling 301-949-9274.

***PLEASE TAKE ADVANTAGE OF THE FOLLOWING THREE COMMUNICATION
OPTIONS FOR TOWN RESIDENTS ONLY***

1. Sign Up for eTown Mailings: You can 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 click "For Residents" - choose the box that says "e-Town Mailings". Add your address in the space at the bottom of the page and click "Go." This will take you to the website of our partner, Constant Contact. Follow the directions on the screen to complete your registration.

After you have completed these steps, you will receive an email confirming your registration.

You can register as many email addresses as you like for your household, but you must use the link on the website page and enter each recipient individually.

2. Town Directory and Members Only Access: The Town publishes a Resident Directory in early Fall each year. In addition, this Resident Directory is available online, when you sign up for "Members Only" access to the Resident Directory. Go to <https://chevychaseviewmd.gov/registration/> to sign up. When you register for access, the online Resident Directory will be updated to include the information you provide. If you are new to the Town, we would like to add you to the Town's online Resident Directory. Then, when the annual directory is reprinted in the Fall, your information will be included in the printed version as well. The Town Manager administers online access accounts and formally activates residents' accounts. You will receive an email with instructions once approved. We take your privacy seriously and have done everything possible to bring this useful content to you in a secure manner.

3. Listserv - Please consider becoming a member of the CCV listserv by emailing ChevyChaseViewNet+subscribe@groups.io