

**COUNCIL OF CHEVY CHASE VIEW**  
**Monthly Meeting**

Date: January 18, 2023  
Place: Meeting was held at Christ Episcopal Church  
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  
Others Present: Katey Prudhomme, 10149 Cedar Lane  
John Strittmatter, 4221 Everett Street

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

**Approval of Minutes of December 12, 2022, Monthly Council Meeting:** Nancy Somerville moved the minutes of the December 12, 2022, Monthly Council Meeting be approved. Tommy George seconded the motion and it passed with a 4-0 vote.

Council member Ed Tarbutton joined the meeting at 7:05 p.m.

**Financial Report for Period December 1, 2022, to December 31, 2022:** Tommy George moved that the financial report for the period December 1, 2022, to December 31, 2022, be accepted. Peter Marks seconded the motion and it passed with a 5-0 vote.

**Council Member Walk:** Peter Marks conducted the monthly Council member walk and the Town Manager will follow up on the reported issues.

**Ratify Town Permits #555-12001 and #557-01001:** Per Town Code, permits for dumpsters, portable storage units and fences are processed by administrative approval. Ed Tarbutton moved that the following approvals for a CCV Town permit be ratified. Tommy George seconded the motion and it passed with a 5-0 vote.

- #555-12001 - Dumpster - 9905 Summit Avenue (Ghatan) - Applied 12/28/22, approved/issued 12/28/22
- #557-01001 - Portable Storage Pod - 4205 Saul Road (Cusani-Visconti) Applied 01/03/23, approved/issued 01/04/23

## **CCV Building Permit Summary for January 2023**

### **Permits Issued after Administrative Approval:**

- #555-12001 - Dumpster - 9905 Summit Avenue (Ghatan) Applied 12/28/22, approved/issued 12/30/22
- #557-01001 - Portable storage unit - 4201 Saul Road (Cusani-Visconti) Applied 01/03/23, approved/issued 01/04/23

### **Active and open permit construction projects:**

- 9819 Connecticut Avenue (Spry)Rear addition including 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
- 4221 Everett Street (Strittmatter) - Pool and paver patio Applied 5/12/22, approved 5/26/22, issued 6/22/22
- 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 projects since the December 2022 Council meeting:**

- #557-01001 - Portable storage unit - 4201 Saul Road (Cusani-Visconti) Applied 01/03/23, approved/issued 01/04/23, closed 01/05/23

**Update on DNR Grant and Memorandum of Understanding:** The Department of Natural Resources (DNR) notified the Town on January 17, 2023, that Town of Chevy Chase View Stormwater Management and Climate Resiliency Study (CBIG Contract #14-23-4011 CBG 9001) has been fully executed. This official notification allows commencement of work as outlined in the

Scope of Work. The term for this project is November 1, 2022 - June 30, 2023. A meeting with Jason Azar of Clark-Azar has been scheduled for January 24, 2023, to review the project and the engineering work is expected to begin in February 2023.

**Introduce Ordinance 93, Resolution 146-11-22 to Regulate Small Wireless Telecommunications Facilities in the Right-of-Way:** As announced at the December 12, 2022, Council meeting, the Council held this public hearing on Ordinance No. 93.

*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 amends 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 reasonably 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.

Nancy Somerville moved that Ordinance 93 be approved. Peter Marks seconded the motion and it passed with a 5-0 vote. Ordinance 93, Resolution 146-11-22 will be effective on February 17, 2023.

Here is the link to the ordinance:  
<https://chevy Chaseviewmd.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. Ed Tarbutton moved that Ordinance 93 be approved. Nancy Somerville seconded the motion and it passed with a 5-0 vote. Here is the link to the Right-of-Way access agreement:

<https://chevyCHASEVIEWMD.GOV/wp-content/uploads/2022/12/Right-of-WayAccessAgreementsmall-cell1110322.pdf>

**Assistant Town Manager Position:** The Council held a public work session on Tuesday, January 10, 2023, for the purpose of setting forth well-defined next steps toward filling the position. The Council finds it has become necessary to hire an additional staff person to support the Town's increasingly complex municipal operations.

The Council is reviewing the draft job description and agreed to conclude the edits no later than Friday, January 20, 2023.

The Council agreed that office space was warranted, as the position will be in-person with the possible option of remote work. The office should be in the nearby proximity of the Town of Kensington commercial district. The Town will engage a commercial leasing broker to identify office rental options. Pete Marks, Paula Fudge and Jana Coe will research appropriate office rental options.

The Council formed a Hiring Committee comprised of Council members Nancy Somerville, Tommy George and Paula Fudge, and Town Manager Jana Coe. The Hiring Committee will be responsible for all aspects of sourcing and evaluating candidates and will conclude with a hiring recommendation to the Council. The Hiring Committee plans to advertise the position with the International City/County Management Association (ICMA) Maryland Municipal League (MML) and via eTown mailing to all Town residents.

**Resident concerns and contributions:** John Strittmatter of 4221 Everett Street shared his concerns regarding recent thefts and related crimes in the Town. He specifically felt that the Town's monthly bulk trash collection invites outsiders in the neighborhood, given that the collection is announced and held on the first Saturday of every month.

Mr. Strittmatter inquired about the possibility/legality of the placing security cameras and tag readers in the Town's right-of-way. The Town Manager will contact MML to determine if it has researched case law to determine the feasibility of these options.

Council member Ed Tarbutton explained the importance of Town residents sharing thefts and related crimes on the Town listserv. The Council asked that our community police officers prepare a comprehensive message to our residents. Mr. Strittmatter agreed with Mr. Tarbutton that residents should strongly be encouraged to join the listserv. The Council thanked Mr. Strittmatter for attending the meeting and sharing his concerns with the Council.

**Report on Holiday Fund Contributions to Ecology Personnel:**

Thank you to everyone who contributed to the Holiday Fund on behalf of our workers at Ecology Services. This year, Town residents contributed a total of \$13,750.00. The crews asked that the Town Manager extend their appreciation to Town residents for their collective kindness and giving spirit during the holiday season.

**Discuss authorization of extension of management agreement with Town's accounting firm, Lindsey and Associates, for term of one year (FY23 audit):**

Under the current management agreement, Lindsey and Associates audited the financial statements of the governmental activities, the business-type activities (if any), each major fund, and the aggregate remaining fund information, which collectively comprise the entity's basic financial statements, of the Town as of and for the years ended June 30, 2019, 2020 and 2021.

The Town has an option under the current management agreement to extend Lindsay and Associates services for conducting the State-mandated audit for FY23 (July 1, 2022 to June 30, 2023) at the cost of \$9,200. Nancy Somerville moved that the Council approve the one-year extension. Peter Marks seconded the motion and it passed with a vote of 5-0.

**Motion to Adjourn:** At 8:10 p.m., in open session, Tommy George made a motion to enter closed session, pursuant to the Open Meetings Act, General Provisions Article, Sec. 3-305(b)(1) to discuss the employment, assignment, compensation and performance evaluation of the Town

Manager, an employee over whom it has jurisdiction. Ed Tarbutton second the motion and it passed unanimously. Present were all Council members. The Council voted unanimously to provide a salary increase and bonus to the Town Manager.

At 8:45 p.m., Tommy George moved to adjourn the closed session. Nancy Somerville 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 its monthly Council meeting on Wednesday, February 15, 2023, at 7:00 pm.

Respectfully submitted,

Jana S. Coe, Town Manager

### **General Interest and Reminders**

#### **Important Reminder When Filing Your 2022 Maryland State Tax Return**

By law, as a municipality, the Town of Chevy Chase View receives a portion of the Maryland state income tax the Town's residents pay each year. This revenue represents the most significant source of the Town's overall income and goes directly toward paying for services that the Town delivers to its residents in lieu of the county-provided services. Town residents DO NOT pay any additional State income taxes to live in Chevy Chase View.

To ensure that the Town of Chevy Chase View receives all State income tax revenues due to the Town, we ask you to please take special care when completing your MD State income tax return.

For tax returns for Tax Year 2022, please be aware that MD Form 502 has been updated to require specific information to identify the return filer as a resident of the Town of Chevy Chase View. **See below a sample of the first page of MD Form 502.** This required information is located in the box directly under your mailing address.

1. Enter number **1617** (the 4-digit political subdivision code assigned to Chevy Chase View). Please see the left red arrow below.
2. Under "Maryland Political Subdivision", include **Chevy Chase View** (if filing electronically there may be a character limit, and if so, use the abbreviation **Ch Ch View**). Please see the right red arrow as well as the note shown below.

**REQUIRED:** Maryland Physical address of taxing area as of December 31, 2019 or last day of the taxable year for fiscal year taxpayers. **See Instruction 6. Part-year residents see Instruction 26.**

1617 Chevy Chase View  
 4 Digit Political Subdivision Code (See Instruction 6) Maryland Political Subdivision (See Instruction 6)

\_\_\_\_\_  
 Maryland Physical Address Line 1 (Street No. and Street Name) (No PO Box)

\_\_\_\_\_  
 Maryland Physical Address Line 2 (Apt No., Suite No., Floor No.) (No PO Box)

\_\_\_\_\_  
 City

MD  
 State

\_\_\_\_\_  
 ZIP Code + 4

\_\_\_\_\_  
 Maryland County

**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.

**Find Your Home's Flood Factor:** Residents can enter their address at the following website [https://riskfactor.com/?utm\\_source=floodfactor](https://riskfactor.com/?utm_source=floodfactor) <https://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, February 3, 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 February 15, 2023, meeting must be submitted to the Town Manager by 5:00 p.m. on February 1, 2023. Please note that the review may take several days, and an application is not considered completed until the Town Permit Administrator-Municipal Engineer, Lance Ball, completes his review. Please contact Jana Coe, Town Manager, at [janacoe@chevyCHASEviewmd.gov](mailto:janacoe@chevyCHASEviewmd.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

**PRESIDING OFFICER'S WRITTEN STATEMENT FOR CLOSING A MEETING ("CLOSING STATEMENT")**  
**UNDER THE OPEN MEETINGS ACT (General Provisions Article § 3-305)**  
*with Instructions*

**Instructions to presiding officer:** To meet in a closed session under the Act, the public body must first meet in open session, after providing proper notice. Make sure that the open session is attended by a member designated to receive open meetings training. If a designated member cannot attend, complete the Compliance Checklist.<sup>1</sup> If the public body has never designated a member for training, it must do so **before closing the session**.

Before closing the session, take two steps: (1) conduct a recorded vote on a motion to close; and (2) make a written "closing" statement. If the public body might return to open session afterwards, be sure to tell the public that. During the closed session, keep the discussion topics within the confines of the closing statement. After the closed session, the events of the closed session must be disclosed in the next open-session minutes.

The top part of this form is a model closing statement. **It has two sides.** Before closing the open session, complete items **1 through 4** on this form or in any writing with the same information. If someone pre-prepared the form for you, make sure it reflects the public body's own intended topics and reasons for closing the meeting. A member of the public may inspect the closing statement at the time of the closing and may object to the decision to close the meeting. Once the meeting is closed, the closing statement sets the agenda and may not be changed.

The bottom part of the form is a worksheet that provides a checklist of the disclosures that must be made in the next open-session minutes. The worksheet is not part of the closing statement.

**1. Recorded vote to close the meeting:** Date: 1/17/23; Time: 8<sup>10</sup> pm; Location: Episcopal Church;  
 Motion to close meeting made by: T. George; Seconded by E. T.;  
 Members in favor: P. Marks, E. Tarbutton, N. Somerville \*; Opposed: 0;  
 Abstaining: 0; Absent: 0

\*  
T. George  
P. Fudge

**2. Statutory authority to close session (check all provisions that apply):**

**This meeting will only be closed under the provision or provisions checked below, all from General Provisions Art. § 3-305(b):**

- (1)  "To discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom this public body has jurisdiction; any other personnel matter that affects one or more specific individuals";
- (2)  "To protect the privacy or reputation of individuals concerning a matter not related to public business";
- (3)  "To consider the acquisition of real property for a public purpose and matters directly related thereto";
- (4)  "To consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State";
- (5)  "To consider the investment of public funds";
- (6)  "To consider the marketing of public securities";
- (7)  "To consult with counsel to obtain legal advice";
- (8)  "To consult with staff, consultants, or other individuals about pending or potential litigation";
- (9)  "To conduct collective bargaining negotiations or consider matters that relate to the negotiations";
- (10)  "To discuss public security, if the public body determines that public discussion would constitute a risk to the public or to public security, including: (i) the deployment of fire and police services and staff; and (ii) the development and implementation of emergency plans";
- (11)  "To prepare, administer, or grade a scholastic, licensing, or qualifying

<sup>1</sup> [http://www.marylandattorneygeneral.gov/OpenGov%20Documents/Openmeetings/COMPLIANCE\\_CHECKLIST%20.pdf](http://www.marylandattorneygeneral.gov/OpenGov%20Documents/Openmeetings/COMPLIANCE_CHECKLIST%20.pdf)

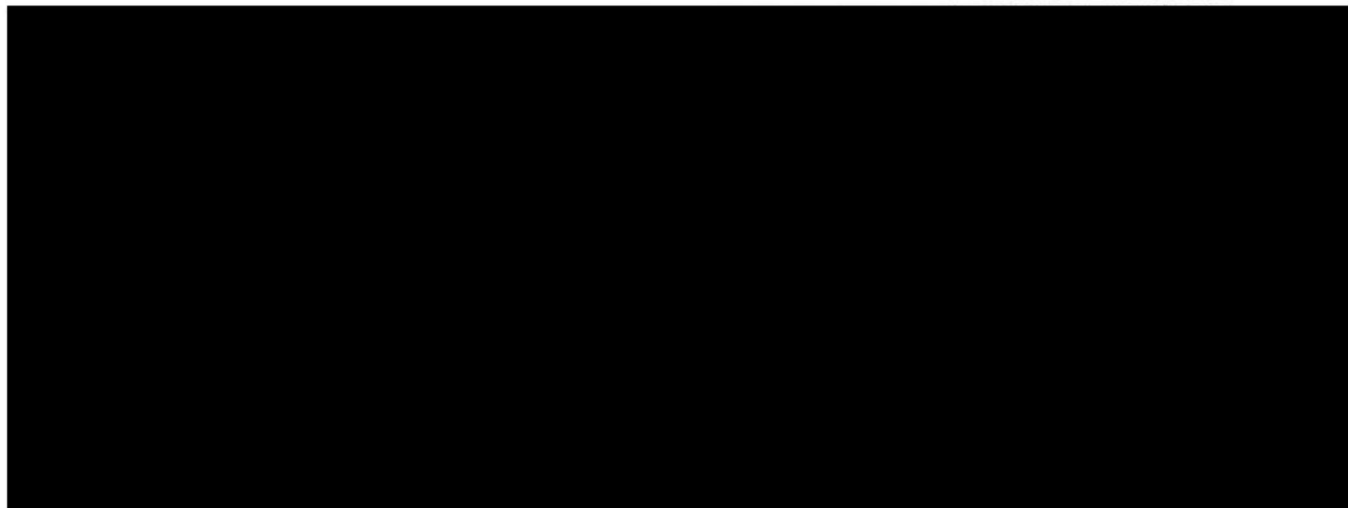
examination”; (12)  “To conduct or discuss an investigative proceeding on actual or possible criminal conduct”; (13)  “To comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter”; (14)  “Before a contract is awarded or bids are opened, to discuss a matter directly related to a negotiating strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process”; (15)  “To discuss cybersecurity, if the public body determines that public discussion would constitute a risk to” (i) “security assessments or deployments relating to information resources technology”; (ii) “network security information,” such as information that is related to passwords, personal ID numbers, access codes, encryption, security devices, or vulnerability assessments or that a governmental entity collects or maintains to prevent, detect, or investigate criminal activity; or (iii) “deployments or implementation of security personnel, critical infrastructure, or security devices.”

3. For each provision checked above, the corresponding topic to be discussed and the public body’s reason for discussing that topic in closed session, in as much detail as possible without disclosing the information that may be discussed behind closed doors:

Citation (insert # from above)	Topic We expect to discuss these matters:	Reason for closed-session discussion of topic - We are closing the meeting to discuss this topic because:
§ 3-305(b) <input checked="" type="checkbox"/>	town manager evaluation	To preserve the confidentiality of the discussion
§ 3-305(b) <input type="checkbox"/>		
§ 3-305(b) <input type="checkbox"/>		
§ 3-305(b) <input type="checkbox"/>		

4. This statement is made by Paula Fudge, Presiding Officer.  
*Paula Fudge, Chair*

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Adjourned 8:45pm (Form rev. 10/1/2018)  
 Tommy George - motion  
 Nancy Somerville - second

