

COUNCIL OF CHEVY CHASE VIEW
Monthly Meeting

Date: May 17, 2023
Place: Meeting was held at Christ Episcopal Church
Present: Paula Fudge, Chair; Tommy George, Nancy Somerville
and Ed Tarbutton, Council members
Jana Coe, Town Manager
Ron Bolt, Legal Counsel for Town

Others Present: Ron Sherrow, 4013 Glenridge Street

Called Meeting to Order: 7:05 p.m. by Paula Fudge, Chair

Welcome Elected Council Members: Paula Fudge reported that Peter Marks, Nancy Somerville and Ed Tarbutton were re-elected, and each will be serving a two-year term.

According to the Town Charter, Sec. 5. Election procedure: Following the election, each newly elected official shall qualify within ten days by taking oath before any officer in Montgomery County authorized by law to administer oaths, to discharge diligently and faithfully all duties of the office. All re-elected candidates met the eligibility requirements, and they took the Oath of Office.

The Council extended its sincere appreciation to the following residents who served on the 2023 **Nominating Committee:** Mike Plantamura (Chair), Stacey Kuzma and Dawn Forsberg, Members

Election of Chairman: Paula Fudge nominated Ed Tarbutton to serve as Chair of the CCV Council. Tommy George seconded the motion, and it passed by a vote of 3-0 with Ed Tarbutton abstaining from the vote.

Election of Officers: The floor was opened for nomination of other Council officers. Ed Tarbutton nominated Paula Fudge to serve as Acting Chair, Nancy Somerville to serve as Treasurer, and Tommy George to serve as Assistant Treasurer. Tommy George seconded the motion and it passed with a 4-0 vote.

Approval of Minutes of April 19, 2023 Annual Budget Hearing and April 19, 2023 Monthly Council Meeting: Tommy George moved the minutes of the April 19, 2023 Annual Budget Hearing and the April 19, 2023 Monthly Council Meeting be approved. Nancy Somerville seconded the motion and it passed with a 4-0 vote.

Financial Report for Period April 1, 2023 to April 30, 2023: Nancy Somerville moved that the financial report for the period April 1, 2023, to April 30, 2023 be accepted. Tommy George seconded the motion and it passed with a 4-0 vote.

Council Member Walk: Paula Fudge conducted the monthly Council member walk and had no follow-up items to report.

Building Permit Application - Add screen porch and deck to back of house - 4028 Franklin Street (Haynos/Moyse) -

David Moyse and Elizabeth Haynos submitted a building permit application for their home at 4028 Franklin Street in the Town of Chevy Chase View. The application complies with all the applicable rules and restrictions of the Chevy Chase View Municipal Code.

Mr. Ball's review is based upon the description of the project on the application, the Special Purpose Survey Property Line Exhibit, prepared by CPJ, dated May 11, 2023, with the proposed features and building restriction lines drawn in red by the architect, Claude Lapp, revised on May 17, 2023. The scope of the project is to provide a screened porch at the rear left of the existing house along with a patio and deck. This application includes the demolition of the existing deck along the rear of the existing house and the demolition of a stone wall at the rear left corner of the house. Mr. Ball recommended that the Town Council approve this building permit application, and the Building Permit Application be amended to include the demolition of the existing stone wall in the rear left of the existing house as shown on the site plan.

The homeowner filed for a building permit with Montgomery County Department of Permitting Services on March 22, 2023, and pending at the time of this approval recommendations. Nancy Somerville moved that the permit application be approved. Tommy George seconded the motion and it passed with a 4-0 vote.

Building Permit Application - Add parking pad to north side of existing driveway- 9910 Kensington Parkway Lucas/Noce):

Elfin Noce and Tiffany Lucas submitted a permit application for their home at 9910 Kensington Parkway in the Town of Chevy Chase View. The application complies with all the applicable rules and restrictions of the Chevy Chase View Municipal Code.

Mr. Ball recommended that the Town Council approve this building permit application pending the issuance of a Montgomery County permit. Mr. Ball's review is based upon the description of the project on the building permit application, the Boundary Survey prepared by Meridian Surveys dated May 13, 2020, with the proposed portion of the driveway drawn and located by the homeowner, and a separate sketch by the homeowner. The scope of the project is to provide a parking pad with appropriate tie-in to the existing driveway apron on Montgomery County property.

As a portion of the proposed driveway expansion will be added to Kensington Parkway right-of-way, a Montgomery County Permit will also be required. The homeowner had a County Right-of-Way permit that was closed out last year. As of the date of this meeting, the homeowner has not filed a new Montgomery County Right-of-Way Permit. Nancy Somerville moved that the permit application be approved pending issuance of a Montgomery County permit. Tommy George seconded the motion and it passed with a 3-0 vote.

Ratify Town Permit #562-05001 - Dumpster - 4008 Everett Street (Breslin): Nancy Somerville moved that Town permit #562-05001 be ratified. Tommy George seconded the motion and it passed with a 4-0 vote.

CCV Building Permit Summary for May 2023

Permits Issued after Administrative Approval:

- 4008 Everett Street - Dumpster - (Breslin) applied 05/03/23, approved/issued 05/05/23

Approved applications awaiting issuance of Town permit:

- 10007 Connecticut Avenue (Hughes) - Driveway removal and replaced with two patios, stairs to second-story screen porch - Applied 02/02/23, approved with conditions 04/19/23

- 4028 Franklin Street (Haynos/Moyse) Screen porch with gas fireplace and deck - Applied 3/16/23, approved 5/17/23
- 9910 Kensington Parkway (Noce/Lucas) - Applied 5/3/23, approved 5/17/23

Stop Work Order for Unpermitted Construction:

- 9807 Connecticut Avenue (Guzman) Second-story addition, rear addition, fence
Town of CCV Stop Work Order Posted - 3/21/23
Montgomery County Stop Work Order Posted - 3/22/23
- 4016 Cleveland Street (Garayta) Shed
Town of CCV Stop Work Order Posted - 5/27/23

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
- 4008 Everett Street - Dumpster - (Breslin) Applied 05/03/23, approved/issued 05/05/23
- 4221 Everett Street (Strittmatter) - Pool and paver patio Applied 5/12/22, approved 5/26/22, issued 6/22/22
- 4020 Franklin Street - Dumpster - (Weisser) Applied 04/15/23, approved/issued 04/19/23
- 4021 Glenridge Street (Matan) Addition - Applied 4/7/21, approved, 4/21/21, issued 6/24/21
- 4109 Glenridge Street (Keenan) Screen porch - Applied 4/10/22, approved 5/18/22, issued 7/15/22

Closed projects since the April 2023 Council meeting:

- None -

Update on Montgomery County Stop Work Order - 9807

Connecticut Avenue: Montgomery County Division of Zoning and Code Compliance has reported that the County Attorney's Office started the court process on April 21, 2023, by issuing a citation for unpermitted construction at 9807 Connecticut Avenue. The Associate County Attorney assigned to this case has been in direct communication with the Town

Manager regarding the status of the citation and when the case will be held in the District Court.

Update on Franklin Street gas line replacement: Washington Gas officials have confirmed that the Franklin Street gas line replacement work between Summit Avenue and Connecticut Avenue will begin in July 2023. The Town manager will be meeting with Washington Gas officials in early June to learn specific details that will need to be shared with residents.

Report finalization of Town office Lease: The Town Council reports that the lease has been finalized and the new Town office will be located at 10401 Connecticut Avenue, Suite 120 (BCTGM Union Building.) Residents will be notified when the full transition to this office has been completed. In the meantime, please continue to contact the Town Manager at her current office.

Town's Centennial Committee: The Town of Chevy Chase View turns 100 in 2024! Paula Fudge reported that David Albright of 4009 Cleveland Street, a former Council member, has offered to serve as the Town's Centennial Committee Chair. Please contact Town Manager Jana Coe if you wish to serve on this committee.

Pepco's streetlight update: The State legislature did not pass the new proposed amendments that would have made it easier for municipalities to own their own streetlights. The measure passed in the House of Delegates, but it never made it out of the Senate committee. A group of municipal officials have been meeting with Pepco officials to iron out the practical details of owning our own lights, such as a sales agreement and a pole attachment agreement. These meetings have been attended by various municipal representatives, Pepco officials, and staff from the Public Service Commission. The results of these multiple meetings, including areas of agreement and disagreement, have been outlined to the Public Service Commission.

Annual Picnic: The Town Council is asking for volunteers to help with the annual picnic. **Mark your calendars for the annual Town picnic that will be held on Sunday, October 1, 2023.**

Assignment of Council Member Responsibilities: The Council members discussed the numerous responsibilities of the Council. The information can be found on the CCV website.

Assignment of Council Member Walk - June 2023 through May

2024: The Council members reviewed the calendar and selected the months in which they would conduct the monthly walks in advance of the Council meeting.

Other New Business:

The District 18 delegates would like the opportunity to meet with the Town of Chevy Chase View Council members to discuss how the team can best support the Council's priorities and our shared constituents. The Council will meet with the District 18 delegates at 6:30 p.m. in advance of the 7:00 p.m. June 20, 2023, Council meeting. Please note this is the third Tuesday of the month.

Motion to Adjourn to Executive Session: At 8:05 p.m., Tommy George moved that the Council enter closed session (1) pursuant to Maryland Code, General Provisions Article, Section 3-305(b) (7) to obtain legal advice regarding an enforcement matter; and (2) pursuant to Maryland Code, General Provisions Article, Section 3-305 (b) (1) concerning one or more employees over whom it has jurisdiction. Ed Tarbutton seconded the motion and it passed with a 4-0 vote.

Motion to Adjourn: At 9:15 p.m., Tommy George moved the executive session be adjourned. Ed Tarbutton seconded the motion and it passed with a 4-0 vote. No formal action was taken.

Time and Place of Next Meeting: The Council will meet next at Christ's Episcopal Church on June 20, 2023, at 7:00 p.m. Please note this is the third Tuesday in June 2023.

Respectfully submitted,
Jana Coe, Manager

Bulk Pick-Up - The next monthly bulk pick-up is scheduled on **Saturday, July 1, 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 June 20, 2023 meeting must be submitted to the Town Manager by 5:00 p.m. on June 7, 2023. Please note that the review may take several days, and an application is not considered perfected until the Town Permit Administrator-Municipal Engineer completes his review. Please contact Jana Coe, Town Manager, at janacoe@chevy Chaseview.org or by calling 301-949-9274.

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/> 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://chevy Chaseviewmd.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.**

***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)**

This form has two sides. *Complete items 1 – 4 before closing the meeting.*

1. **Recorded vote to close the meeting:** Date: 5-17-23; Time: 8:05; Location: Christ Episcopal Church
Motion to close meeting made by: Tommy George Seconded by Ed Tarbutton;
Members in favor: Paula Fudge, Nancy Somerville, Ed Tarbutton, Tommy George; Opposed: None;
Abstaining: None; Absent: Peter Marks.


2. **Statutory authority to close session (check all provisions that apply).**
This meeting will be closed under General Provisions Art. § 3-305(b) only:

(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 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 . . . or (iii) deployments or implementation of security personnel, critical infrastructure, or security devices."

Continued →

3. For each provision checked above, disclosure of the topic to be discussed and the public body's reason for discussing that topic in closed session.

Citation (insert # from above)	Topic	Reason for closed-session discussion of topic
§3-305(b) <input checked="" type="checkbox"/>	Deputy Town Manager position	Council reviewed candidates and discussed next steps No Action Taken
§3-305(b) <input type="checkbox"/>		
§3-305(b) <input type="checkbox"/>		
§3-305(b) <input type="checkbox"/>		
§3-305(b) <input type="checkbox"/>		

4. This statement is made by , Presiding Officer.

