

SECTION 5 OF THE VILLAGE OF CHEVY CHASE
MINUTES OF THE COUNCIL MEETING

Date: March 13, 2007
Time: 7:30 pm
Place: 5906 Connecticut Avenue, Chevy Chase Village Hall
Present: Margy Abbott; Peter Gray; Farooq Hussain; Frances L. Higgins; Ira Rosenbaum; Andrew Smith; 12 Section residents

1. Minutes

Andrew moved that the February 21, 2007, Council meeting minutes be approved as presented; Margy seconded the motion and it passed unanimously.

2. Budget

Margy presented copies of the proposed budget for 2007-08. She said that revenues are up significantly. She believes that this increase is due to the higher incomes of residents and an increase in interest rates on the town's CD's. Some of the expenses for the 2006-07 budget are over budget and some under. She proposed an increase for the trash collection item because of rising fuel costs; this will be an almost 10% increase. She consolidated Lawn & Garden Recycling (Mont. Co. disposal fee) and Leaf Collection and Disposal (Peyton Tree Service) into one category. The town spent more on trees than was budgeted; this increase was due partly to the removal of a large public tree which required a crane.

The town spent \$49,000 more than budgeted on roads; this extra amount was due to the cost of repaving the entire length of Woodbine St. after the major WSSC water main repair project; WSSC will reimburse the town \$27,000 for this repaving. She proposed a slight increase for street lighting. She also proposed increasing professional fees to \$7,000 because of anticipated legal expenses. Money for the website is in the office and printing item. Margy said that she would like to add money to the community activities item and designate this increase for community service. She said she would like to add \$5,000 to the manager's salary because the manager's duties have increased. At one time the job required 20 hours per week but now may require 30 to 40 hours per week. Farooq said he wanted the increase in salary to be associated with the job description prepared from the document provided to the Council by Frances and discussed by the Council in executive session..

Margy proposed adding \$5,000 to manage the website. She said that Farooq had done a stellar job setting up the web site and the town should take it to the next step and employ a professional website master. Margy said that the Village of Chevy Chase has a web manager who would provide website services for Section 5 for \$3,600 per year. Farooq suggested that the service be put out to bid. This was agreed.

Farooq said that the content of the site especially the charter, ordinances, and minutes that are the official record of the Section should be reviewed for accuracy. He believes that someone with professional skill should do this. He expressed concern that the Council does not have plans for 'continuation of business' and 'disaster recovery' and that MML told him that towns should have such plans. This plan would include a

provision for back up and recovery of the electronic and paper record of the Section. Ira asked if other towns have a disaster recovery plan. Ira also said that he has reservations about necessity for the town to have a MML disaster recovery plan.

Farooq expressed his concerns about the possibility of the town's computer crashing. If this happened, valuable information would be lost. Farooq said that he has someone who will provide website services for \$5,000 per year. It was suggested that this service be put out to bid.

Margy proposed adding \$15,000 to the office & printing item for disaster recovery.

The total for the proposed budget is \$312,000. Andrew moved that the budget for 2007-08 be \$302,000; Peter seconded the motion and it passed unanimously.

3. Reward for Assailants of Section 5 Resident

Farooq said that he has contacted the Montgomery County Police about Section 5 offering a reward for arrest and conviction of the assailants who mugged John Higgins, a Section 5 resident. Farooq said that in the past Section 5 had offered a reward of \$25,000 for the arrest and conviction of the people who invaded a house in Section 5. He said he had spoken with the Chairman of Montgomery County Crime Solvers and the Police and that they confirmed to him that Section 5 will not have to pay the reward to those assailants involved in the house invasion. He said the Police told him that they no longer work with Crime Solvers and that if a reward is to be offered it is only helpful in getting tips if done close to the time of the incident. Andrew moved that the Section approve the offer of up to \$10,000 for each assailant that Farooq had discussed and prepared with the Police. Farooq said that because the Council has waited so long to offer a reward for the assailants who mugged John, he recommends that the Council not proceed with offering the reward. The Police told him that when there is a long delay in offering the reward, the prospects of receiving tips leading to arrest are greatly diminished. Margy said that the Council did not approve money to be spent for a reward because it cannot approve the expenditure of funds by email. Andrew agreed said that the Council should drop the matter for this case but consider a policy that will be more responsive if required in the future. Everyone agreed

4. Approval of LGIT Insurance.

Andrew explained that the town has a liability insurance policy with the Local Government Insurance Trust. The town insures itself by means of this trust. There was some discussion. Andrew moved that the Council renew the current LGIT insurance policy at the rates quoted in LGIT's proposal. Ira seconded the motion and it passed unanimously.

5. Approval of Injured Workers Insurance Fund Policy

This insurance policy covers the manager. Andrew moved that the Council renew the injured workers insurance policy at the rate given in the proposal; Margy seconded the motion and it passed unanimously.

6. Citizens' Concerns and Suggestions to the Council

Andrew said that the Council has received a letter from David Podolsky which David Brown wrote concerning the building project on the property at 3704 Thornapple St. A Thornapple St. resident said that he and other residents on Thornapple St have concerns about the building project at 3704 Thornapple St. He then introduced David

Brown as the neighbors' lawyer. Mr. Brown said that in his letter to David Podolsky he is asking the Council to be certain that Section 5 enforces its rules regarding building projects in the town. Peter asked Mr. Brown whether an appeal to the decision of the Circuit Court was being considered. Mr. Brown said a decision to appeal was up to his clients.

The owner of the property at 3704 Thornapple gave some background information concerning the problems which he has experienced with his building projects. He said that he believes that he has been unfairly treated by his Thornapple Street neighbors. He then introduced his attorney, Michele Rosenfeld, and she provided copies of the two orders from the County Circuit Court concerning the 3704 Thornapple St. owners' law suit against the County. Ms. Rosenfeld said that the County Circuit Court has ruled that the 3704 Thornapple St. owners may proceed with their construction projects and that the County building permits which were issued initially are valid.

The 3704 Thornapple St. owner thanked the Council for allowing him to speak. He said that the neighbors were not involved in his court suit between him and the County. Ms. Rosenfeld said that after the judge issued his ruling, the neighbors asked to have his decision set aside and the judge did not honor this request. Ms. Rosenfeld asked the Council to deny the neighbors' request.

Andrew said that the town has employed a lawyer and after consultation with the lawyer will respond to David Brown's request.

7. Process for Approving the Minutes

Andrew said that the Council has had a continuing problem with the process of approving Council minutes. He said that when Stuart Rudikoff was on the Council there was a schedule for approving minutes; members would access the minutes as presented by email and post their revisions and then approve them at the next meeting. When the minutes were approved at the next meeting, they were then placed on the website. Margy said that she has contacted other towns about their procedure for approving minutes; some towns put draft minutes on their websites. Margy said that she believes the problem in Section is that some Council members do not access their emails regularly and don't respond when it is their turn to edit the minutes.

Ira said that in the past residents have expressed concern about the minutes because they were posted months in arrears. Margy said that there should be a process by which Council members can make corrections on only one document. Farooq said that draft minutes could be placed on the list serve.

A resident said that she would like to have the opportunity to read the minutes prior to them being approved at a meeting so that she may learn about matters which may be of some concern for her at the next Council meeting. Placing them on the listserv would assist residents in having access to the minutes prior to Council meetings. Ira suggested that the Council agree on changes on minutes at least a week before the next meeting. Farooq said that Council members should reply to the draft minutes even if he/she has no corrections or additions. Andrew said that within 2 weeks members should add their revisions or pass on their turn; Margy said that after 2 weeks minutes should be posted on the listserv and to the website after they have been approved as final.

Andrew said that members will have 2 weeks from the date on which the manager sends the minutes to the Council to respond with their revisions. When the revisions have been made, the manager will send the draft minutes to the web master to be posted.

8. Refurbishing of Public Strips

Margy said that a resident has emailed the Council about refurbishing the public strip in front of his house on Glendale Rd. There was some discussion about how much money the town should spend on refurbishing public strips. It was suggested that \$10,000 be added to the tree budget for refurbishing public strips and that no more than \$15,000 be spent on this item in one year. Margy moved that \$10,000 be added to the tree budget for the 2007-08 adopted budget; Peter seconded the motion and it passed unanimously. This increased the expenses for the FY 2008 budget to \$312,000.

9. Website Management

There was some discussion about spending \$30 per hours for students from B-CC High School to maintain the website. Farooq said that he previously requested and had received the go ahead to use students. Andrew said that funding for website management by Farooq and B-CC students until the end of the fiscal year 2007 (June 30, 2007) should be approved. Ira said that he has no problem with the amount. The Council agreed that money will be spent to manage the website.

9. Conflict of Interest

Andrew said that Farooq has expressed some concerns about a conflict of interest between Alan Beal and the town because Alan performs house inspections for private citizens and also reviews building permit applications for the town. Farooq said that he believes the Council should look to having a no conflict of interest agreement with Alan as the building inspector. He said that the Section's ordinances detail this requirement Sec. 2-429 and that such agreements are widely used to assure impartiality. Alan explained that a conflict of interest would only be if a resident paid him to work around the town's building regulations while working for the town to enforce their building regulations. He further explained that inspecting a resident's water heater and representing the town's building codes is not a conflict of interest. That said, Alan said that he would not object to looking into the matter of his employment with Section 5 and signing a conflict of interest agreement as a building inspector. Peter asked Alan if other towns have expressed a concern because he performs home inspections in their towns and also reviews building permit applications. and that he does not have a conflict of interest agreemtn with any of them. He also agreed that the dispute regarding the house on Thornapple stree was extremely rare in his experience.

10. Traffic Study

Andrew said that the results of the traffic study have been sent to the Council. Ira said that the data showed that there had been no significant change in traffic patterns since the last traffic study and that furthermore in a 1989 study a similar level of traffic was characterized as showing no pattern of through traffic. Ira then stated that since we already had the data, there was no need to send out a new survey. The Council agreed that the data did not warrant either the installation of speed humps or limiting access to town streets. Peter asked if there would be any harm in sending a summary of the traffic study to the residents.

Margy moved that the summary of the traffic study be sent to the residents along with Andrew's letter about the traffic study but not a copy of the proposed survey.

Andrew seconded the motion and it passed unanimously. The letter and the summary will be sent with the next newsletter. Andrew would like to send a copy of the summary to Mr. Dunn.

11. Manager's Report

The Council denied the request of the resident at 6 Leland Ct. to widen his driveway. She sent a letter stating this decision to the resident and had a return receipt sent to the town to guarantee that the resident received the letter.

No candidates declared for the 2007 town election; thus there will be no election. Margy Abbott, Ira Rosenbaum and Andrew Smith will be elected without opposition at the Annual Meeting.

Andrew moved that the meeting be adjourned and the motion passed unanimously.

The next meeting will be the Annual Meeting, April 10, 2007, at the Village Hall, 5906 Connecticut Ave. at 7:30pm. There will be no election because there were only three seats and three candidates.