

**Approved Minutes  
Noise Control Board Meeting  
Thursday, June 4, 2015  
Council Chambers  
6:00 p.m.**

<u>Members</u>	<u>Present</u>	<u>Absent</u>
Irene Bellamy	<u>  X  </u>	<u>      </u>
Adele Ellis	<u>  X  </u>	<u>      </u>
Bobbie Pinkett-Solomon	<u>  X  </u>	<u>      </u>
Harry Pitt	<u>  X  </u>	<u>      </u>
Mark Shroder	<u>  X  </u>	<u>      </u>
Alan Stillwell	<u>  X  </u>	<u>      </u>
Larry Wenzel	<u>  X  </u>	<u>      </u>

**Also Present:**

**Bob Ryan, *Public Services Director*; Julie Beavers, *Recording Secretary***

**I. Call to Order**

The meeting was called to order at 6:00 p.m.

**II. Agenda Approval**

Ms. Bellamy moved to approve the agenda. Ms. Ellis seconded the motion.

All were in favor. **The motion passed 7-0-0**

**III. Approval of Minutes – 03/24/2014**

Correction to the minutes: On page 8, Point number 3 should state: REDUCE THE FINE GIVEN THE TENANTS DID APOLOGIZE DURING THE HEARING.

Ms. Bellamy motioned to approve the minutes with amendment. Mr. Pitt seconded the motion.

All were in favor. **The motion passed 6-0-1.** Mr. Shroder abstained

**IV. Hearing – 6908 Wake Forest Drive**

**a. Property Owner: Goldstein, Ralphine**

**Agent: Teasa Starke**

**b. Complainants: Elizabeth Bukoski, William Bukoski, Dianne Bukoski,**

Chairman Stillwell described the hearing process.

Chairman Stillwell read § 138-5: Prohibited acts of the Noise Ordinance and § 138-6: Violations and Penalties of the Noise Ordinance

Chairman Stillwell read the letter of complaint dated May 23, 2015- May 24, 2015. The correspondence described the loud party at 6908 Wake Forest Drive on Saturday, May 23, 2015 into Sunday, May 24, 2015 and the actions of the complainants. The Committee observed a video of the incident at 6908 Wake Forest Drive. Chairman Stillwell stated a letter from Catherine Keesling and Eran Lupu of 6910 Wake Forest Drive arrived late and since the residents were unable to attend the hearing the letter would not be read. The respondents received the letter as well.

The complainants approached the table.

Elizabeth Bukoski's Testimony:

*SO As per my letter that I ALREADY- YOU ALREADY READ THOSE ARE- THAT was my experience on that night. I was trying to go to bed and then there was excessive noise coming from all over the street. There was people coming and going. One of the videos showed a large group of people. That was consistent. It was talking, yelling. It was definitely above the 55 decibel range scenario. It was the type of noise that is obnoxious. You're trying to sleep and it's just going on and on until three in the morning.*

Mr. Wenzel asked if there was music. Ms. Bukoski responded there had been music earlier in the day but that had been turned off. *There wasn't a lot of music. It was a lot of street noise with cars coming and going out in the front of the property. There were people out smoking cigarettes in the street. It wasn't really a controlled atmosphere that was presented as a forty person birthday party. It just seemed extremely inappropriate.*

Chairman Stillwell asked for Ms. Bukoski to explain what happened when she called the Code Enforcement Hotline. Ms. Bukoski stated she contacted the code enforcement hotline because she wasn't sure who the tenants were at the house since the property manager, Teasa Starke, never gave her their names.

Chairman Stillwell asked if the complainants contacted the landlord. Ms. Bukoski responded that the tenants of 6908 Wake Forest had already been before the Noise Control Board two years ago for a complaint and speaking with the landlord didn't seem as effective. In a previous conversation with Council member Stullich this was suggested as a way to have an effective response and ways to address the noise in an appropriate manor.

Chairman Stillwell asked for Ms. Bukoski to explain how the process of the evening went. She continued her testimony. *It was a constant flow of noise. There were large groups of people and lots of I don't know how old the people are, I can't tell you. I didn't count how many people there are. I'm taking video on a camera phone, it's not high*

*tech resolution or anything like that I'm just a person WHO LIVES in this community and it's enough to keep you up at night. I think its inappropriate behavior.*

Chairman Stillwell asked if she only called the Noise Hotline. Ms. Bukoski stated she only called the hotline and a police officer arrived with the Code Enforcement Officer. Mr. Ryan confirmed the officer who was present was a Prince Georges County Police Officer in an unmarked police car.

Ms. Bukoski added to her testimony:

*This whole experience is very stressful. It just ruins any solace that you have when you come home from a long busy day. I work at a long term care facility helping elderly people and when I come home and I have to deal with the next door neighbors that just conduct themselves inappropriately and there doesn't seem to be repercussions I feel put out. It's just not appropriate. My family doesn't need to be put up with that in their time of life or in any kind of health condition. You can be perfectly healthy and not have to go through this. Then as you're getting older you're trying to age in place and then you can't because it just doesn't seem like. Let's just say I don't appreciate it and it's very stressful and it's affecting my health.*

Diane Bukoski's Testimony:

*43 years I've lived there. The young men came over as it is indicated in here and told us they were having a party and they had every intention to keep this party inside. We told them what the rules were and mentioned the fact that if there was all the behavior. You know the screaming and hollering in the street and liquor bottles being thrown in yards and peeing in the street that would be enough to have us call the Noise Control Board. We've been through this before and we're sick and tired of it. Having to put up with this kind of behavior is unacceptable. The boys assured us they were going to control the party and they had every good intention to do so. I told them even though they had good intentions that sometimes their friends can exhibit behaviors which they cannot control.*

Chairman Stillwell asked Mrs. Bukoski to explain more about the party. She stated she tried to go to sleep and woke up at 12:30 a.m. with the noise in the street.

Ms. Pinkett-Solomon asked if the tenants apologized. Mr. Bukoski replied they hadn't nor has there been any contact with them since that day.

William Bukoski's Testimony:

*I bought the house in 1972. We've enjoyed our living in College Park until recently. The last two (2) years when properties have been turned over by managers of those properties to students. Student residents have not shown respect to our home and our residence. I'm really disgusted. This happened a year and a half ago with another group of people who lived in the same facility. They woke us up, same disturbance in the street. Noise. For me it was very unsafe. I was woken probably three (3) or four (4)*

*times same evening as this groups party. It's totally disrespectful to the people living in our community. They have to put up with the noise and the unsafe driving patterns of these individuals. Most of whom don't live in that house. I don't know how I can express to you the anger I have towards groups of people. These are not individuals. These are groups of people who stand out in front of my house and throw liquor bottles at my property.*

Chairman Stillwell asked how many people were standing in the street. Mr. Bukoski replied there were six (6) or seven (7). It was the fear of people standing on the neighbor's lawn throwing liquor bottles. He did not feel he was comfortable confronting these individuals still needing to protect his family. The City has to stand firm against these rental properties and the people occupying these properties and using them for their own parties.

Ms. Pinkett-Solomon asked what Mr. Bukoski's viewpoint is on the steps the landlord should take. Mr. Bukoski replied that Ms. Bukoski explained the noise ordinance to the tenants. He added he felt it should be the responsibility of the landlord and property manager to explain the rules. Ms. Bukoski added there should be included in the lease a no party clause and a number of visitors to be allowed. This would help give guidelines for the tenants to follow.

Mr. Ryan stated the code does require the landlord to give tenants information from the City Webpage called Your Rights and Responsibilities Living in College Park. Parties are not prohibited. The county zoning regulations limit the number of unrelated people in a single family home to five (5).

Mr. Shroder referred back to page two (2) of Ms. Bukoski's letter asking if she reported the incident to the University of Maryland Student Code of Conduct (OSC) and what was the response. Ms. Bukoski explained that she completed the online form and has since learned OSC does not give a follow-up as to what their response is. She will contact the OSC after the hearing to learn what they have chosen to do. Mr. Ryan stated a representative of the OSC is present at the hearing and all questions regarding how they process a complaint can be addressed after the hearing.

Mr. Shroder then asked Mr. Bukoski if the noise problems he has experienced in the past are from the same tenants. Mr. Bukoski stated it is the same landlord and there is always transition with the individuals living in the house and a few will stay on while others leave and it's difficult to know.

**MR. RYAN PRESENTED THE History OF THIS PROPERTY:**

November 11, 2012. Complaint of a loud party with a warning issued  
Dec 31, 2012 – January 1, 2013 Loud New Years Eve party which resulted in a Noise Control Hearing and a \$250.00 fine for the tenants (divided five ways) and a \$250.00 to the landlord  
April 22, 2013. Noise complaint for a large gathering at 6:15p.m. No fine was given  
October 12, 2013 for loud music at 12:40 p.m. a warning is given

April 24, 2014 for loud yelling at 11:30 p.m. a noise reading was taken and did not exceed 55 decibels

May 10, 2014 for loud music at 10:15 p.m. the noise reading was below the 55 decibels

Sept 18, 2014 the fire department responded to illegal fireworks being discharged

April 24, 2014 11:30 p.m. police responded to a loud party and shut it down.

Mr. Shroder asked if the noise from the street was of people coming or leaving. Ms. Bukoski stated the party was contained within the house but wasn't sure about the street noise. Mrs. Bukoski stated she witnessed two individuals having a difficult time walking up the street and one pushed the other into their car and the police did follow up with them. The car did not leave until the next morning.

Code Enforcement Officer Mark Russo's testimony:

*At 12:09 a.m. I received a call on Code Enforcement Hotline complaining of loud people in front of 6908 Wake Forest. The caller stated there was no music, it wasn't very loud but there were people talking on the front steps, coming and going from the house and talking to the people in the cars on the street. I contacted Corporal Flemming a contract police officer at 12:12 a.m. and agreed to meet him at Guilford Road and Wake Forest Drive to coordinate our arrival. We do that sometimes because precisely what Mr. Ryan alluded to. A lot of times the police get there first or see you coming and turn the music down and not hearing what's really going on. So we arrived together around the corner and went in together. I went in first. At that first call we arrived at 12:32 a.m. a few minutes later Lieutenant Hendershot arrived as well. When we arrived we saw three (3) or four (4) people talking at the top of the front steps and this property has almost a full flight of stairs up to the front lawn. It wasn't particularly loud. We didn't hear any music. I took a sound meter reading at the front property line, which is our standard procedure, was 48 decibels. As you know the limit after 8:00 p.m. and before 7:00 a.m. is 55 decibels so it was not a violation. Upon ascending the steps when we got to the front door you could hear some music and it wasn't very loud. We don't take readings on the property. At that point Corporal Flemming and I encountered three (3) individuals we asked if there was a tenant there. The tenant, Arthur Moy presented and advised he was a tenant. He told us he was having a birthday party for a friend. We told him we had received a complaint. We went over the noise ordinance, we indicated at that time they were not in a violation, they should keep the door closed because when someone came and went we could hear it more clearly. We also told him there was a complaint of people talking out on the street and in the cars. The best bet to avoid a fine would be to keep it in the house and to keep the music down and refrain from being out on the street. One thing I wanted to clarify about the letter. On page three (3), fifth paragraph it says when the caller called "we couldn't do anything about the public urination." That is not what I said. What I said was it was not an issue of the code. It may be a criminal violation and we routinely- always respond with the police and the police would address that if in fact there was an issue. So again, we gave them that advice. They were cooperative and not out of control. There were a couple of people who stayed on the*

*street. We suggested they take it inside. They agreed to do that. So we left the scene at 12:42 a.m. At 1:47 a.m. I received another call from the caller stating that people were back outside and there were people urinating in the bushes. I contacted the contract officers on duty that evening and I knew they were on another call; a 911 hang up at 7400 block of Baltimore Avenue. I advised the caller that as soon as someone was free someone would be out there. Lieutenant Hendershot advised he would take the call and he arrived at 2:21 a.m. and he'll tell you what he observed but again it sounds like pretty much what I observed the first time. Corporal Flemming was in a county police car marked, blue and gray ~~car~~. Lieutenant Hendershot was the unmarked car.*

Mr. Pitt asked if Mr. Russo took another decibel reading at that time. Mr. Russo stated that he did not go out the second time.

County Police Officer Lieutenant Hendershot's testimony:

*I will only speak about the second call. I don't have anything to add to the code enforcement officers observations of the first call. They were pretty much finished when I got to that one. When I arrived at the location about 2:00 a.m. in the morning. There was nobody outside and I couldn't hear anything from the street level. I spoke briefly with the complainant and she relayed her concerns to me about people urinating outside and she pointed out to me a liquor bottle in her yard. At that point I made the decision to direct anyone who was still lingering at the house to leave. So I knocked on the door and made contact with the resident and informed him of the concerns that his neighbor had and instructed him that he needed to shut down the party. I went out to my car and I really didn't hear anything from the street. I didn't hear anything until I got right up to the door. At that point I could hear people speaking inside and laughing and things like that. I went back to my car and turned my emergency equipment on so they could see as they were exiting the house so that there wouldn't be anymore problems in the street. As they were exiting about 10 to 15 people left. I heard a lot of people leaving through the backyard. I didn't go into the backyard to check on them. I'm assuming my presence there was making them do that. There were some people who left out of the front and I didn't want anybody damaging property or urinating or anything of that nature. There were some people intoxicated who left and there was a couple of shouting back and forth. I ordered everyone to leave the area and I stayed in the area another half hour 45 minutes driving up and down the street and around the neighborhood.*

Chairman Stillwell asked Lt. Hendershot if people were shouting as they were leaving. Lt. Hendershot confirmed that people were speaking loudly and some people fooling around. After about ten minutes of people dispersing he went back and addressed the tenant to confirm that everyone had left. The tenant said there was a handful of people who were too intoxicated to leave and they would be spending the night. He did not receive any other calls to return to that area.

The respondents approached the table.

Ralphine Goldstein's testimony:

*I am the property owner. We've owned the property since 2010. We have been buying properties in College Park for a long time. My husband had a law practice in College Park. He always said that he was going to invest he wanted to see his investment. So we were very active in managing our properties up until the time that we couldn't anymore. So the idea that we don't care about College Park, we lived on Drexel Road for eight (8) years. We know the Bukoskis. We have sons that around the same age as their sons. We are not cold hearted, money grubbing people who want to make money.*

Chairman Stillwell asked what Mrs. Goldstein does to inform her tenants about the noise ordinance since there is a long history at this property. Mrs. Goldstein stated that her property manager, Teasa Stark, is an excellent manager and explains all the rules to the tenants.

Teasa Stark's Testimony:

*In regards to former history at 6908 Wake Forest it was equally grueling for me renting to that group that was there for two (2) of these terms. I know it appeared to the neighbors that I was not responsive. A lot of it became combative. Emails and phone calls to me, even though I responded nicely, professionally it got to a point where I would let voicemail to catch it or email to go because I didn't want to get involved in confrontation. But that with being said, I would still address the issues with a phone call, visit to the house, text messages. However I could contact them. That previous group was difficult. I even used the Office Code of Conduct. They started late August 2012 and left mid August 2014. After that point, even before that I always tried to be conscientious of who I put in the Calvert Hills neighborhood. Because I realized it's an established neighborhood of working people, retired people. When it was time to rent it again, Beth even called me, to say the sign had been in the yard for quite some time. She was absolutely correct because I was trying to vet people the best I could without being prejudice. So when I came across this group, we found one another, it was a mix of male and female. The parents are very involved. That is a sense of comfort for me when dealing a lot with the parents. The parents will be visiting the parents will be involved. I also, as Robi said, I give them a yellow folder. In the yellow folder is a copy of their signed lease, living in College Park brochure. I also stood in the kitchen with them- it was Becca's mom was there and Lauren's dad was there as well. I explained to the parents that that area has zero tolerance for college students.*

Ms. Ellis interjected that the neighborhood has zero tolerance for disruption in the middle of the night.

Ms. Stark continued:

*They have zero tolerance for college students and their parties. So you know if they want to have a party, I advise against it. You know because anytime you have a gathering, a handful of people like I experienced with the New Years Eve party with the previous group, it turns into a full fledged out of control situation. So when I received the*

*complaint that they did have a party I immediately sent a text to them asking what is this about. Could someone please explain to me who was there and what this is about. Becca called me to say she was out of town and didn't know what was going on. Arthur did respond via text with everyone and stated that he was the one and he was going to take full responsibility. He proceeded to tell me about the events that took place in the evening. At that point he was extremely apologetic.*

Rebecca Millner's testimony:

*I personally have a family that knows a thing or two about law and we're advised that once a complaint was brought against us that no contact was the most advisable solution.*

Chairman Stillwell referred to the Noise Ordinance stating to work with your neighbors afterwards. Ms. Millner said they decided to wait until the hearing to have any contact with them.

Arthur Moy's testimony:

*I would like to say that once the complaint was sent in. Since my roommates have such a tumultuous relationship with our neighbors I didn't see any point in going over there because I knew this hearing was going to happen regardless.*

Chairman Stillwell asked if Mr. Moy was the tenant who went to speak with each neighbor beforehand. He confirmed.

Mr. Moy read his written statement (ATTACHED) and submitted to the Recording Secretary.

Chairman Stillwell asked if the gentleman who was urinating in the video was part of the party. Mr. Moy stated he was not. He added he thought there were not as many people as he would have liked at the party noting that everyone could fit in the living room.

Chairman Stillwell asked if Mr. Moy knew who else was having a party. He stated he didn't. Mr. Moy continued to read his written statement.

Statement from Diane Herz's submitted (ATTACHED) to the Recording Secretary.

Statement from Fredelito Domingo, weekend caretaker for Ann Adelson, submitted (ATTACHED) to the Recording Secretary.

Jabari Goulbourne's testimony:

*I would like to explain my experience with Ms. Bukoski before the incident at the party. Well when I usually go to Arthur's house to have band practice and sometimes we can't go in the daytime so we go in the nighttime because he works in the same exact job as I do. Relative to hearing car doors closing or on other nights we get there around twelve I see other people from other houses getting home from work at that time so that would explain the noise from that at night time. It's understandable because people have jobs*

*to go to and they get back and they are tired. Well when I first had an encounter with her I actually was going into Arthur's house and she was gardening outside. We loaded our acoustic guitars into the house and I was offered to smoke a cigarette out back and when I first came there I felt as if I was being followed 'cause she was watching me in a certain way. Like she was watching me in a certain way. Well I went into the back and she came over and I wasn't approached immediately, it was like we were being spied on. So I sat there talking to Laura. Ms. Bukoski came over and said I don't appreciate you guys smoking your cigarettes. Are you guys smokers? We said yes, we smoke cigarettes and she asked if we smoke cigarettes inside the house. I told her yeah, we have been smoking cigarettes inside. She told us we need to close our windows because the smoke is going outside the window and traveling to the windows at her house. Now keep in mind that while she is talking to me I have a cigarette in my hand and I can see that the smoke doesn't even reach past my arm. She's talking to me and she's not inhaling any of the smoke. There's nothing wrong, she has no problem but she's telling us, I feel, how to live our lives. She then started to talk about how she felt how everybody in there is a monstrosity and she did not appreciate these kinds of people being in the neighborhood. I told her that I was completely respecting her opinion but I would like to share mine. I shared my opinion, I didn't raise my voice, did not yell and I told her exactly how I felt about it and I said 'that I'm sorry that you feel that way but these people live here and none of the other residents around here have a problem with us smoking cigarettes. I've talked to other residents of the community and they all have no problem. They are completely fine with me, completely fine with Arthur and the residents of 6908. When I told her that she then continued to....*

Chairman Stillwell explained there is another meeting following the hearing and need to move on. Mr. Goulbourne briefly stated about the night of May 23, 2015. *When I was outside waiting for people to come I stood at the front door letting people in. I let everybody know that we were trying to respect their privacy and everybody understood and said they could do it. Everybody went inside. Me and Arthur went to Ms. Bukoski's and let them know we would respect their privacy and we didn't want to violate anything from them. And while I was saying that Ms. Bukoski cut me off saying 'we're not talking to you. We don't want to talk to you.' That made me feel like I couldn't exactly make an agreement; you know when we were trying. When we went to the other houses everybody was okay they said to keep the noise down and it was fine. The next day we saw them and they said we didn't hear a thing and we all got to sleep. The next day a neighbor came and said everything was fine, he didn't hear a thing and everything was under control.*

Mr. Shroder asked about the September 14, 2015 incident where the fire department was called because of fireworks. Ms. Millner explained that she and her roommate are into 'spinning poi' which is a small ball attached to a string. Another friend who is experienced in the art of 'fire poi' supervised the roommates in the driveway experimenting with that. The fire poi is not fireworks or explosives and Ms. Milner has been in touch with the fire marshal and police and there have not been any other problems since then.

The Complainants returned to the table:

Ms. Bukoski made a few points from Mr. Moy's letter. Mr. Moy stated he was the only tenant at the party but Ms. Bukoski noticed one roommate and his girlfriend at the party so when he stated he was the sole tenant at the party that was untrue. The throwing the bottle video shows the people at the end of the video walk onto the property so this is evidence that these people were a part of that party. They brought in extra evidence from local residents and Ms. Bukoski questioned why she was not allowed to add the letter from Mr. Lupu and Ms. Keesling saying that this house is 'second best rental' we're talking in relativity. This house is a monstrosity.

Mr. Bukoski spoke about Mr. Lupu's letter. They live at 6910 Wake Forest Drive which is adjacent to the house in question. They stated in their letter that they were disturbed by the noise that evening and it refutes the 'good neighbor' responses Mr. Moy presented to the Board.

The respondents returned to the table:

Jonathan Cordall's testimony:

*Myself and my girlfriend were both at the house on the night of the party but we left before it started because I wanted to avoid the party for that exact reason. I know we have a bad relationship with the neighbors and I didn't feel comfortable being in that sort of situation. Me and my girlfriend left and went to our friend's house for the night.*

Arthur Moy's testimony:

*So they said that we misquoted Eran Lupu's and Catherine Keesling's statement. However they have been living there for ten (10) years for the record. And so second best, even though it doesn't seem that bad- that good I would say that's something. Every time they have had a problem they called Becca Millner and the problems were squashed. And they claim they get more of the noise and more of the nuisance but clearly, likely I said, this is our next door neighbor. Diane is our front neighbor, they are on our side. I don't think there is any sort of bias in terms of way noise regularly goes outward.*

Ms. Millner's testimony:

*While the Bukoski's have said multiple times that they do not know us and they do not have any experience in what they are dealing with. I would like to say I have spoken to them on three (3) separate occasions. All three (3) times I have been so comfortable speaking with them that they have invited me into their home. I and Jonathan, actually, also after we found out about the problems of the tenants that have lived in the house previously we went to go and to speak to these people, all three of our neighbors that are close to us and express that we are not like them and we are interested in a peaceful relationship where everyone feels respected and if we all go about our business privately maybe as college students we are more social than maybe some of the elderly people living in College Park that as long as we are all open and respectful of each other's*

*property and right to peace that there should be no problems and extend to them at this time my cell phone number personally so that in case something happened we could help them out very quickly and there should be no problems. The second two (2) times we were going to have a gathering of about twenty (20) people and I extended this courtesy that letting them know a week or two both times and there were no problems. Since that happened there have been a few incidents where some of my roommates who do smoke have taken a liking to this nice weather to smoking outside.*

Chairman Stillwell stated that the Board was not interested in the issues regarding smoking and asked if Ms. Millner was finished with her statement. She responded that she was.

Ms. Goldstein stated that when she and her husband were purchasing properties they made a promise to never buy a property in Calvert Hills because they didn't want to bother anyone. The last ten (10) years was not all the Goldstein's tenants.

Mr. Moy restated that the gentleman who threw the liquor bottle did not go into his house and confirmed that he did not know that man.

The Board recessed at 7:31 p.m.

Chairman Stillwell reconvened the hearing at 7:41 p.m.

Chairman Stillwell stated the Board found there had been a violation of the Noise Ordinance but the violation was not very egregious and therefore will set aside the fine. If there is another violation within six (6) months then there will be a \$1,000.00 fine.

Mr. Shroder motioned to set aside the fine. Ms. Bellamy seconded the motion. Ms. Ellis opposed.

**The motion passed 6-1-0**

Concerning the owner:

Chairman Stillwell spoke to Mrs. Goldstein explaining that since there is a history that goes with the house and the history is continuing she will need to work with Ms. Stark and the tenants to ensure that this does not continue so that the neighbors can live and conduct their lives in peace. Mrs. Goldstein stated that she understood.

**V. New Business**

There is no new business

**VI. Other Business**

There is no other business

**VII. Adjournment**

Ms. Ellis motioned to adjourn. Ms. Bellamy seconded the motion.

All were in favor. **The motion passed 7-0-0**

**The meeting adjourned at 7:43 p.m.**

**Meeting minutes prepared by Julie Beavers, Contract Secretary**