



**Committee:** Directly to Council  
**Staff:** Judy Rupp, Clerk of the Council  
**Purpose:** Appointment for BCC vacancies  
**Keywords:** #CouncilAppointments

AGENDA ITEM #5  
December 13, 2022  
**Action**

## SUBJECT

Vote to fill vacancy on the Board of Appeals (BOA) to replace Mr. Pinero (Democrat; term to expire September 2023) and a full-term position for a resident registered to vote as a Republican or unaffiliated with a recognized political party.

## COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION

Two appointments to the Board of Appeals.

## DESCRIPTION/ISSUE

The Montgomery County Council advertised on October 27 and November 9, 2022, to seek applicants to fill the vacancy created due to the resignation of Mr. Pinero, to allow him to serve as a Planning Board Commissioner, and to fill a full vacancy due to the end of the term for Mr. Melnick (unaffiliated). On December 6, 2022, the Council interviewed three candidates for the partial term and one to fill the full term.

By law, no more than three members of the board shall be from the same political party. The partial term vacated by Mr. Pinero must be filled by a Democrat, and the full term due to the end of term for Mr. Melnick can be filled by a registered Republican or unaffiliated resident.

The current members of the Board include Chair John Pentecost (Democrat), Richard Melnick (Unaffiliated), and Caryn Hines (Democrat). Members of County Boards, Committees and Commissions may not serve on more than one such group at a time. Members of the Board currently receive \$16,042.13 annually, with the Chair receiving \$22,671.98. Salaries are adjusted each December to reflect 50 percent of the change in the Washington Area Consumer Price Index.

## SUMMARY OF KEY DISCUSSION POINTS

Not applicable.

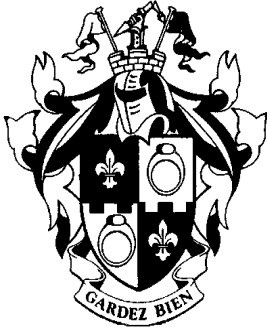
### This report contains:

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- News Release @2-5
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- Resolution - Richard Melnick @7

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## BOARD OF APPEALS

- Created:** Montgomery County Code, Sections 2-108 through Section 2-116.
- Term:** Four years.
- Purpose:** Exercise functions and powers of regional district as such functions and powers are prescribed in the Maryland-Washington Regional District Act (as revised and included in the new Land Use Article) to extent that such functions and powers are not vested in another administrative officer or agency. Hear and decide: all petitions for variances; and administrative appeals, including all appeals taken under the Building Code; all appeals concerning licenses for hospitals, sanitariums, nursing homes and care homes; and all appeals concerning licenses for private educational institutions. Also hear and decide appeals concerning: special exceptions decided by the Hearing Examiner, orders directing removal of diseased trees, orders concerning restaurant permits, licenses for places of amusement and amusement enterprises, the electrical contractors license law, and all other appeals as the Board may be authorized to hear from time to time by law, ordinance, or resolution.
- Membership:** Five members, who must be residents of the County, are appointed by the County Council. No more than three members shall be from the same political party. The Chair is appointed by the Council.
- Financial Disclosure:** Public financial disclosure statements must be filed.
- Compensation:** Chair - \$22,671.98; Member - \$16,042.13 Both receive annual cost-of-living adjustments each December to reflect 50% of the change in the Washington Area Consumer Price Index.
- Meetings:** Weekly hearings all day Wednesday and worksessions every other week, additional days as necessary.
- Current Members:**
- Chair, John Pentecost (Dem)** appointed 1/2013 (partial term), second term expires 9/2024
- Richard Melnick (unaffiliated)** appointed 4/2020 (partial term)
- Caryn Hines (Dem)** appointed 9/2021 (partial term), first full term expires 9/2025
- Laura Seminario-Thornton (Rep)** appointed 11/2022 (partial term), expires 9/2023



# Montgomery County Council

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**For Immediate Release**

**October 27, 2022**

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FOR INFORMATION: [sara.tenenbaum@montgomerycountymd.gov](mailto:sara.tenenbaum@montgomerycountymd.gov)

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## **Montgomery Council Seeks Applicants for two positions on the County Board of Appeals**

*Deadline to Submit an Application is Monday, November 14, at 5 p.m.*

ROCKVILLE, Md., October 27, 2022 - The Montgomery County Council is seeking applicants to fill two vacant positions on the County Board of Appeals.

One position is to fill a partial term, to expire September 2023, due to Mr. Pinero's resignation and appointment as a temporary acting Planning Board Commissioner. This position can be filled by a Democrat.

The second position is vacant is due to the end of the term for Mr. Melnick. This vacancy is for a full term of four years and can be filled by a Republican, a resident affiliated with another political party recognized by the County's Board of Elections, or unaffiliated with a political party. This position cannot be filled by a Democrat. Mr. Melnick has indicated he will reapply for this position.

Applications must be received no later than 5 p.m. on Monday, November 14.

By law, no more than three members of the board shall be from the same political party. The current members of the Board include Chair John Pentecost (Democrat), Richard Melnick (Unaffiliated), and Caryn Hines (Democrat). Members of County Boards, Committees and Commissions may not serve on more than one such group at a time.

Members of the Board currently receive \$16,042.13 annually, with the Chair receiving \$22,671.98. Salaries are adjusted each December to reflect 50 percent of the change in the Washington Area Consumer Price Index.

Duties of the Board of Appeals include hearing and deciding requests for variances from development standards contained in the Zoning Ordinance; hearing appeals from certain administrative decisions rendered by County government agencies; and hearing oral argument on and deciding appeals from decisions of the Hearing Examiner on conditional uses. The Board also considers and decides requests for modifications of special exceptions.

The Board normally holds weekly hearings all day Wednesday and worksessions every other week on Wednesdays. If necessary to accommodate an extended caseload or continued hearings, the Board may schedule hearings on other weekdays. Members are expected to prepare for the hearings by reading the cases to be heard and to share the workload of drafting and editing opinions or to follow-up on investigations on specific cases. Members work approximately 15-25 hours a week.

The principal jurisdiction of the Board of Appeals does not include the municipalities of Brookeville, Poolesville, Laytonsville, Rockville, Barnesville, Gaithersburg, and Washington Grove. The Council is not precluded from appointing someone who resides in one of these municipalities, although the Council may avoid doing so.

**Letters expressing interest, including a resume (no more than 4 pages in length) listing professional and civic experience, political party affiliation, a telephone number to best reach you, your email address, and home mailing address should be sent via email to [sara.tenenbaum@montgomerycountymd.gov](mailto:sara.tenenbaum@montgomerycountymd.gov) addressed to Council President Albornoz, or sent via mail to Council President Albornoz, County Council Office, 100 Maryland Avenue, Rockville, Maryland 20850. Letters of application must be received no later than 5 p.m. on November 14. It is the Council's policy not to consider applications received after the deadline. After the closing date, Councilmembers will review the letters of application and select applicants to interview.**

Letters of application and resumes are maintained in Council records, but will not be made public as part of the appointment process without your permission. However, a redacted resume may be requested to share with the public. Any interviews held are open to the public and will be televised. A financial statement of assets, debts, income, and family property interests will be required of all applicants. Only the appointed candidates will be required to make the financial statement available for public review.

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# Montgomery County Council Seeks Applicants for Two Positions on the County Board of Appeals

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**For Immediate Release: Wednesday, November 9, 2022**

## Deadline to Submit an Application is Monday, November 14 at 5 p.m.

**ROCKVILLE, Md., Nov. 9, 2022** - The Montgomery County Council is seeking applicants to fill two vacant positions on the County Board of Appeals.

One position is to fill a partial term, which is scheduled to expire September 2023, due to Mr. Roberto Pinero's resignation and appointment as a temporary acting Montgomery County Planning Board member. This position can be filled by a Democrat.

The second position is vacant due to the end of the term for Mr. Richard Melnick. This vacancy is for a full term of four years and can be filled by a Republican, a resident affiliated with another political party recognized by the County's Board of Elections, or unaffiliated with a political party. This position cannot be filled by a Democrat. Mr. Melnick has indicated that he will reapply for this position.

Applications must be received no later than 5 p.m. on Monday, November 14.

By law, no more than three members of the Board shall be from the same political party.

The current members of the Board include Chair John Pentecost (Democrat), Richard Melnick (Unaffiliated), and Caryn Hines (Democrat). Members of County boards, committees and commissions may not serve on more than one such group at a time.

Members of the Board currently receive \$16,042.13 annually, with the Chair receiving \$22,671.98. Salaries are adjusted each December to reflect 50 percent of the change in the Washington Area Consumer Price Index.

Duties of the Board of Appeals include hearing and deciding requests for variances from development standards contained in the Montgomery County Zoning Ordinance; hearing appeals from certain administrative decisions rendered by County government agencies; and hearing oral argument on and deciding appeals from decisions of the Hearing Examiner on conditional uses. The Board also considers and decides requests for modifications of special exceptions.

The Board normally holds weekly hearings all day Wednesday and worksessions every other week on Wednesdays. If necessary to accommodate an extended caseload or continued hearings, the Board may schedule hearings on other weekdays. Members are expected to prepare for the hearings by reading the cases to be heard and to share the workload of drafting and editing opinions or to follow-up on investigations on specific cases. Members work approximately 15 to 25 hours a week.

The principal jurisdiction of the Board of Appeals does not include the municipalities of Brookeville, Poolesville, Laytonsville, Rockville, Barnesville, Gaithersburg, and Washington Grove. The Council is not precluded from appointing someone who resides in one of these municipalities, although the Council may avoid doing so.

Letters expressing interest, including a resume (no more than four pages in length) listing professional and civic experience, political party affiliation, a telephone number to best reach you, your email address, and home mailing address should be sent via email to [sara.tenenbaum@montgomerycountymd.gov](mailto:sara.tenenbaum@montgomerycountymd.gov) addressed to Council President Albornoz, or sent via mail to Council President Albornoz, County Council Office, 100 Maryland Avenue, Rockville, Maryland 20850. Letters of application must be received no later than 5 p.m. on November 14. It is the Council's policy not to consider applications received after the deadline. After the closing date, Councilmembers will review the letters of application and select applicants to interview.

Letters of application and resumes are maintained in Council records, but will not be made public as part of the appointment process without the applicant's permission. However, a redacted resume may be requested to share with the public. Any interviews held are open to the public and will be televised. A financial statement of assets, debts, income, and family property interests will be required of all applicants. Only the appointed candidates will be required to make the financial statement available for public review.

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*Release ID: 22-383*

*Media Contact: [Sara Tenenbaum](#)*

Resolution No.: \_\_\_\_\_  
Introduced: December 13, 2022  
Adopted: \_\_\_\_\_

**COUNTY COUNCIL  
FOR MONTGOMERY COUNTY, MARYLAND**

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Lead Sponsor: County Council

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**SUBJECT:** Appointment of member to Board of Appeals

Background

1. The Montgomery County Code, Sections 2-108 through 2-116, establishes a County Board of Appeals.
2. Roberto Pinero (Democrat) resigned in October 2022 and a member is needed to complete his term, to expire September 2023.
3. The County Code requires that membership shall consist of five members with not more than three of the five members of the Board from the same political party.
4. Current members of the Board include Chair John Pentecost (Democrat), Caryn Hines (Democrat), and Richard Melnick (Unaffiliated).

Action

The County Council for Montgomery County, Maryland, approves the following resolution:

Appointment of Alan Sternstein as a member of the Board of Appeals effective immediately until September 2023, or until a successor has qualified and been appointed.

This is a correct copy of Council action.

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Judy Rupp  
Clerk of the Council

Resolution No.: \_\_\_\_\_  
Introduced: December 13, 2022  
Adopted: \_\_\_\_\_

**COUNTY COUNCIL  
FOR MONTGOMERY COUNTY, MARYLAND**

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Lead Sponsor: County Council

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**SUBJECT:** Appointment of member to Board of Appeals

Background

1. The Montgomery County Code, Sections 2-108 through 2-116, establishes a County Board of Appeals.
2. Mr. Melnick was appointed to the Board of Appeals in April 2020 to complete the term of Jon Cook, who resigned effective January 27, 2020.
3. The County Code requires that membership shall consist of five members with not more than three of the five members of the Board from the same political party.
4. Current members of the Board include Chair John Pentecost (Democrat), Caryn Hines (Democrat), Richard Melnick (unaffiliated), and Alan Sternstein (Democrat).

Action

The County Council for Montgomery County, Maryland, approves the following resolution:

Reappointment of Richard Melnick as a member of the Board of Appeals effective immediately until September 2026, or until a successor has qualified and been appointed.

This is a correct copy of Council action.

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Judy Rupp  
Clerk of the Council