

COMMISSIONERS OF POOLESVILLE  
MEETING OF MARCH 22, 2010

**PRESENT:** LINK HOEWING, JIM BROWN, LORI GRUBER, JERRY KLOBUKOWSKI, AND EDDIE KUHLMAN. ALSO PRESENT WAS TOWN MANAGER, WADE YOST.

**Call to Order**

Mr. Kuhlman: Good evening ladies and gentlemen we will call the March 22, 2010 Commissioners Meeting to order. Let the record reflect that all Commissioners are present as well as Town Manager, Wade Yost. First order of business will be the Pledge of Allegiance, please rise, Jerry.

**Pledge of Allegiance**

All: I pledge allegiance to the flag of the United States of America and to the republic for which it stands, one nation under God, indivisible with liberty and justice for all.

**Public Hearings**

Mr. Kuhlman: All right thank you. We have three Public Hearings tonight. Speakers will be allowed three minutes to speak and Mr. Yost will be timing you. The first will be on Resolution 002-10. The purpose of this public hearing is for the Commissioners of Poolesville to introduce and hear public comment on the proposed budget for the next fiscal year, July 1, 2010 to June 30, 2011 and to maintain the 2010 Constant Yield tax rate of .159 cents. The file for this public hearing contains the following exhibits: proposed Resolution No. 002-10, notice of public hearing and copies of the March 10 and March 17, 2010 issues of the Poolesville Gazette containing the notice of Public Hearing. Anybody may now give testimony or ask questions after giving your name and address and the speakers I have signed up are Mr. Pierce first.

Mr. Pierce: Good evening Sean S. Pierce testifying on behalf of Robert Joseph Pierce, 20300 Westerly Road, Poolesville, MD. I have to miss this meeting due to business travel. Please accept my comments in absentia and enter them into the official record for this hearing. Unlike the Alternative Energy Ordinance, I am totally opposed to the proposed 2011 budget and the proposed tax rate. I have for many years been critical of the inappropriate handling of water and wastewater funding in the Town. I am a broken record, but actions need to be taken. Once again more than 50% of the total proposed 2011 budget is related to water and wastewater operating expenses, debt service, and capital improvements. Once again, the Commissioners are leveling that burden on property tax holders and not requiring the property tax exempt entities to pay their fair share. Montgomery County is the largest tax-exempt entity in Poolesville. Water and wastewater should be run as true enterprise operations. This is not simply my opinion, but was the recommendation of the Maryland Center for Environmental Training of the College of Southern Maryland, La Plata. In a May 2004 report prepared at the request of the Commissioners of Poolesville, researchers recommended the Town should take necessary steps to make the sewer operating fund financially self-sufficient and most jurisdictions attempt to treat the sewer fund as a true enterprise so that user fees and charges are sufficient to pay all operating and capital costs of the sewer system. The

same concept holds for the water system. Everyone in Poolesville who pays property taxes is paying for the water/sewer service at every school, pool and municipal building in the entire County. As it currently stands each property owner in Poolesville pays for the water that they personally use based upon an artificially depressed rate schedule. We pay for the full cost of water used in all municipal buildings, public schools, pools, etc throughout the County (except Poolesville's schools and pools) as part of our annual County property tax payments. We pay for the hidden costs of water/sewer in Poolesville for all non-property taxpayers (the largest of which is Montgomery County) through our property taxes. We also pay through property tax grants for the built in short fall that occurs every year on water/sewer revenues, projected to be \$129,000.00 and actually \$226,700.00 for FY2009. It is time that the Commissioners distribute all costs of water/sewer utilities to all users based upon an actual, total cost rate schedule. The water and wastewater budget should be set as an enterprise and independent of the General Fund Budget. Property tax rates can be cut roughly in half and water and wastewater rates can be adjusted to include all expenses including debt service and capital improvements. Most importantly, the Commissioners can then start charging Montgomery County a full, fair rate that does not penalize Poolesville property owners.

Mr. Kuhlman: Thank you Sir. Conrad Potemra.

Mr. Potemra: Good evening my name is Conrad Potemra, Spurrier Avenue. I am here to testify on the Poolesville Budget. As always President Kuhlman has said this is the tightest budget he has ever made, this is a yearly statement such that the taxpayer doesn't know was he lying to us before or is he lying to us now, which is it Eddie? In your statement you said we could ask questions, we just don't get answers?

Mr. Kuhlman: This is the tightest budget yet.

Mr. Potemra: So the other time you were lying to us but this time it is tight.

Mr. Kuhlman: Every year is a new one.

Mr. Potemra: Two generic items in the budget have gotten my attention and I would like to address them first. First I see there is no raises for Town employees yet I see the yearly --- down to Atlantic City for free food and drinks for the Commissioners is still in the budget, it should be noted that everyone you could possibly talk to is available via toll free 800 number, I use them all the time. I feel strongly that anyone that goes to this free feed has no credibility when it comes to claiming that they have the best employees, it should be noted that there is not a regular report on items actually implemented from going to the meeting, lots of feel good reports of what was allegedly learned, very few reports of actual implementation, if you really believe we have good employees this is the first place you should look to find fair compensation, unless you believe this --- and your personal pleasure is more important than your employees. Second I am very concerned about the money being spent on the wells, the obvious first concern is that it violates a Resolution that the Commissioners past to return this money to taxpayers, three issues come to mind quickly, first the impact fee should be recalculated to determine how many wells the Town feels it needs to meet its requirements then build the new wells on its impact fees or the developers choice to do the rehab, second alternative is review the production of Pat Hammond under the guidelines that the wells out of service will stay out of service and see if any newer wells can have any of their withdrawals changed. This is a cost free alternative plus it will tell you if you are within Maryland Guidelines. Third alternative is to only use the wells out of service for emergency drought conditions

that may happen every 10 or 20 years even after complete build off. Most importantly it should be know that the Town is within federal guidelines for the quality of water, I feel the Town is setting a very dangerous precedent when it spends taxpayer dollars for something that is not recognized as a federal problem. There are more problems that are not within federal guidelines in particular I point to your hallowed wastewater treatment plant, I feel rather strongly that these items should be addressed properly in your budget by returning the money to taxpayers for which you passed a Resolution giving the --- hand giving the --- money to the hardworking employees. And I would like to go through it line by line if I could Sir. Page 10, item 525 I suggest the Town move the summarized minutes to give an overview if someone needs specifics then offer a copy and they pay for the meeting of the requester, only after all these options fail will there be a need to go a full transcribe of the minutes. I would be surprised if this happens more than a couple times a year for all meetings. Even if more it will certainly reduce the expense of this budget item. Page 10 I cannot find the cost of mowing lawns in Town, previous Town Manager said that he could mow all the lawns for 10 grand a year including all employee cost, overhead equipment, repairs, depreciation and storage buildings, has this been slushed into some other secret area, no questions huh, page 12 960 two points, first how many hammers and screwdrivers are bought out of this item in an average year, second and most important the sacred small tools budget was intact while employee salaries are frozen, is this what you mean by a tight budget? Page 13, item 1070, more explanation is needed, it is not clear if this includes labor, depreciation on the storage building and depreciation on trucks. Page 14, item 1025, why are these expenses not charged to the project in question, the description makes it sound like it is another slush fund. Page 20 it is not clear which of these projects will be paid for by the speed camera funding, would you please elaborate. Page 27, item 709, two points, first how many hammers and screwdrivers are bought out of this item in an average year, you know maybe you can average that over 10 years again another sacred budget item that appears to be more important than employee salaries. Page 28 item 809, two points again how many hammers and screwdrivers are bought out of this item each year on an average year? Another sacred budget item that appears to be more sacred than employee salaries. Lastly I feel that there is one area that the Commissioners should be complimented on, if I'm out of time I can always cut this one, the local newspaper seems to get a kick to condemn you on your spending while as stated above I feel there is some validation you are reckless spending there is some good in at least stating it upfront, in particular I must say that I approve of your projections of future projects, to me it seems clear that this is future projects, while I am in no way condoning any of these projects at least the taxpayer is being told of your plans and that is positive, I can speak from experience that many people were willing to wait on the sidewalk work and not willing to testify, I was the one that told them they were dropping the futures list they quickly came up here and you saw them and they wanted a change, so I guess the thing is we can ask questions but we can't get answers. When you put the announcement out you may want to add that, that people can ask questions but no answers are given. I guess I also unfortunately have to agree with Pierce again on the water. I'm scared that that has been happening a lot lately but I think it is a valid point.

Mr. Kuhlman: Thank you Sir. Mr. McKenney.

Mr. McKenney: Doug McKenney, 117 Tom Fox Avenue. I am here representing as Chairman of the Parks Board. During a recent discussion and in fact in our last Parks Board meeting it was discussed that the Commissioners in the budget had determined to eliminate transcribed minutes for the Parks Board. We pursued this a little bit further and it is my understanding that the savings would be about \$2000.00. Now while I am going to read from the email that I sent to the other Parks Board members all of whom responded positively that they agree with my request, there is one person that I have not been able to speak with just to let you know but, while I am quick to jump on the fiscal responsibility bandwagon and in fact if you read the minutes you would know that, not that you need to but what I am saying is they are important to see what people say and what they think and how things are being done, while I am quick to jump on the fiscal responsibility bandwagon I think this decision is not in the best interest of the Parks Board or moreover the Town. In that regard I know that often members of the Board, Commissioners, Town Staff refer to minutes to refresh their memory or to ensure that decisions are being properly implemented, often part of the implementation is an understanding of the Parks Board intent behind the decision. Written minutes in the form of handwritten notes will not contain any of the dialog, which reveals the discussions intent and or rationale behind the final decision. We had a recent discussion with a Town resident who wanted to build on his property and as part of that conversation there was some discussion with respect to a sidewalk easement. It was significant discussion and that led to a final recommendation that in fact deviated from the strict reading of our Code, it was good reason to deviate from the Code but none of that reasoning would have been recorded or clear if handwritten notes were used as minutes. Similarly all the discussions related to the idea of a dog park and its placement would be non-existent without transcribed minutes. Moreover the lack of transcribed minutes will certainly allow members of the community or press to fill the information gap with speculation based on their own viewpoint or agenda, we all know how that works and the misinformation and other problems that it creates. So I request as Parks Board Chairman as well as an individual resident that the Commissioners reconsider eliminating the transcribed minutes for the Parks Board, I think it would be a penny wise pound foolish decision. Thank you.

Mr. Kuhlman: Thank you Sir. That is all the speakers we have signed up. Is there anybody else that wants to say anything on the tax rate? Seeing no hands we will close that public hearing and the record will be held open until this Friday close of business 4:00 in Town Hall. Our second Public Hearing tonight is on proposed Ordinance 178. The proposed Ordinance is to add provisions regulating alternative energy systems, including wind, solar and geothermal, require use permits for alternative energy systems by amending the "Use Chart", "Development Standards Chart", "Definitions", and adding a new Section 7.A – Alternative Energy Systems to Appendix B, "Zoning" of the Poolesville Code. The file for this Public Hearing contains the following exhibits: proposed Ordinance No. 178, Notice of Public Hearing, copies of the March 10 and March 17, 2010 issues of the Poolesville Gazette containing the notice of public hearing. Anybody wishing to do so may now give testimony after giving your name and address. I have Mr. Bachman first.

Mr. Bachman: My name is Bob Bachman, 17900 Hickman Street. I currently serve on the Poolesville Planning Commission, we were tasked by the Town Commissioners with

drafting the Alternative Energy Ordinance that is the subject of tonight's public hearing. The full Planning Commission was not notified that the Poolesville Commissioners were taking over the completion of this Ordinance, which they accomplished at their regular meeting in February and at a Saturday work session in February. So I am here tonight to offer my recommendations for improving this Ordinance. My first recommendation is that at a minimum this Ordinance be revised so that applicants for permits for any alternative energy system, geothermal, solar or wind, in all zones of Poolesville, including historic CBD be required to meet the four specific standards that this Ordinance as currently published only requires for applicants for solar energy systems in the CBD district or commercial district only specifically I recommend that the Poolesville Alternative Energy Ordinance be revised as follows: No permit shall be issued for the construction or erection of any solar, geothermal and wind energy system in any zone except in accordance with an approved site plan. The site plan for all solar, geothermal, and wind energy systems in all zones should be filed with the Planning Commission for review or approval, for review and approval, strike that or. The site plan for these alternative energy systems shall ensure the homeowners relationship established in the Master Plan for architectural building elements and the overall Streetscape Plan, and solar, geothermal and wind energy systems must be compatible with the aesthetics of the building design and neighboring structures in the Central Business District, Commercial District, and all of the relevant zones in Town. The rationale for this recommendation is that the installation of a standard residential or business geothermal solar or wind energy system in Poolesville is a major construction project that is entirely new to our Town both as residents and Town Government and therefore the applicants for permits can benefit from the process of a thorough review and approval of their project by the Planning Commission before it is approved for construction. The Town of Poolesville and it's citizens need to know that these systems are not just being signed off on by an employee at Town Hall or one volunteer official as though it were a permit for a shed. My second recommendation is that this Ordinance be revised so that all applicants for permits for all alternative energy systems be required to submit a professional estimate from their contractor of the annual electricity their proposed alternative energy systems will produce, and an estimate from their contractor of whether this system will pay for itself over the life of the estimated life of that system, in other words will they get a return, will they get their money back before the system is worn out, in the case of wind because Poolesville is currently identified by the National Renewable Energy Laboratory as a Class 1 or zero poor wind resource area, as is half the United States by the way, we are not the only one, I recommend that all applicants for wind energy systems be required to submit a virtual wind estimate, this is a computer generated estimate of the wind for your specific address where you want to place the system and its currently everybody doing the wind system in the United States can produce a virtual wind estimate using available computer information and data from the National Renewable Energy Laboratory. The purpose of that is the requiring of estimates for all these systems will give local citizens and businesses the chance to avoid a bad investment in alternative energy and it will educate the Town Government on which alternative energy systems work best given the availability of geothermal, sun and wind resources in Poolesville. Currently Poolesville has either a cold earth or a warm earth 365 days of the year, geothermal is a perfect place. Currently we have 208 days of sunlight in Poolesville,

solar has a chance to operate, but currently unless you guys have some magic I don't know about Poolesville has no or poor wind resources and therefore an investment of between \$15,000.00 and \$40,000.00 for an alternative wind estimate needs to be very carefully evaluated if approved at all. Thank you.

Mr. Brown: Bob I have one question if you don't mind. On your proposal would you suggest or would you as part of these guidelines I would imagine you would have to come up with a minimum level of return in order for the system to be approved, so would you say I mean would part of your guidelines if you are asking for quantification of the amount of return that it would get are you suggesting that you would come up with an arbitrary number to say that that would be a working number and not if it was \$20.00 a month, if it was \$50.00 a month who would decide that?

Mr. Bachman: That is not the way energy productivity estimates are done, the estimate is done, you can get two things, it can tell you how much electricity your system will produce...

Mr. Brown: Which is the quantified number.

Mr. Bachman: The quantified number total, it will also tell you whether that amount of energy produced in that year and every year thereafter will allow you to break even on the investment in the energy system, so are you going to get your money back, what it doesn't take into account is that if I want a \$40,000.00 alternative energy system I am going to go to the State of Maryland and try to get them to give me up to \$20,000.00 in cash depending on which system it is and hopefully I will get it but I am definitely going to go to the Federal Government and ask for my absolutely no questions asked federal tax credit of up to \$20,000.00 for my system. And it kind of bothers me that we may be involved in wasting taxpayers money for some alternative energy systems will have no benefit to the citizen's of this country who are putting their money into the tax, you know the Federal Tax Credit or into these State based tax grants, if it works great, if it doesn't if the virtual wind analysis says there is no wind you are not going to get any energy or the solar analysis says no sun then I don't understand why we would approve an inefficient alternative energy system, that is not what Congress had in mind when they passed all these grants and financial supports.

Mr. Brown: Thank you Bob you answered my question.

Mr. Klobukowski: Can I ask one other question? Do you know if the County and State currently is able to pay somebody or give them tax credits immediately, because my understanding Montgomery County has like a 2 year waiting list for people who are applying for these alternative energy grants that it is not immediate and it is like a waiting list you sign up...

Mr. Bachman: Well Montgomery County is currently not is only encouraging solar, they are not doing much on geothermal, they are doing absolutely nothing on wind because they are well aware there is not much wind. But you are right their grants are exhausted. The State of Maryland has a program called Windswept, where they will provide grants for wind power, they also have one for geothermal and they have one for solar, they provide different amounts of money for each one depending on the amount of electricity you are going to generate, they do evaluate them, my hunch is geothermal and solar will pass and you won't get State funds for wind unless it is a good system. So the money is there at that State level and the Federal Tax Credits are there permanently at least for 4 or 5 years and they can be up to \$20,000.00. I think it is a great thing when applied properly

to encourage alternative energy systems but I don't like the idea of my portion of the \$20,000.00 going for a system that isn't going to produce 1% or 10% of the energy needed to run that business or that residence, so thank you very much.

Mr. Kuhlman: Thank you Sir. Next speaker is Kevin Clair or I am sorry Steve Kelly I skipped one.

Mr. Kelly: My name is Steve Kelly, 17908 Elgin Road. I pulled your proposed Ordinance 178 off the website and took a look at I guess page 2 about the 7 different zoning categories located within the Town of Poolesville and just taking a quick glance at that first chart I am thinking oh my God they are going to allow alternative wind power in basically every single piece of property in the Town of Poolesville and my first view of that is looking across Poolesville and seeing a sea of wind turbines either on a roof or in somebody's back yard granted they can meet the setback requirements. In talking about solar I have no problem with the solar as Bob says it makes a lot of sense I like the way the Ordinance is written for solar, geothermal the same thing, granted I am not an engineer I am not quite sure how you fit a horizontal loop closed geothermal system onto a 1/3 acre but I am not the engineer and I guess that is where the permitting process comes into play, determining if that can be done. When we come to the section on wind I have some problems with that and I will make my point. Point 1 I think Bob just hit on this the Department of Energy, Energy Information Administration put Poolesville in a Class 1 of 7 classes for generating wind. Now if we were outside Manhattan, Kansas we were in a wind class of 6 so I could understand maybe allowing wind turbines on every house etc., etc., etc, it might make sense, but we are not in that category and I can only envision 150, 200 ground mounted 50 foot tall wind turbines spread out around Poolesville. But that leads into my 2<sup>nd</sup> point which has to do with aesthetics, part of the proposed Ordinance calls for an approved site plan ensuring harmonious relationships established in the Master Plan, to my knowledge I don't know of any small town that has ever been riddled for lack of a different term with a whole series of ground mounted wind turbines all over the place and granted again if they can meet the setback requirements. Thirdly is more of a safety issue for me before moving to Poolesville 5 years ago I lived in Dickerson on 71 acres I had a ground mounted wind turbine used to produce water well for livestock, there are some hazards in that of course I did not have one of the newfangled three blade type I had one of the old style and it does make some noise, I found it kind of charming I kind of liked it but there are some dangerous issues there when you have some large wind gusts being there are a lot of moving parts on this thing and things do fly off I found blades and parts of blades I would guess 150, 200, 300 feet from the windmill itself and then I'd harkin back to my concepts of 150 windmills around Town and we get into one of these semi hurricanes that we get every 2 years and pieces of fan blades flying through town I mean that is very dramatic and probably not likely but that is one of the things I think about. So in looking at all that I would say I clearly understand allowing ground mounted turbines in RDT zoning, makes perfect sense, put them in a high spot give them a chance to work away from people they work well, I could also maybe see from what I have read about the roof mounted, allowing the roof mounted it gives everybody in Town a chance to engage in alternative energy, I cannot see the use of ground mounted turbines in the Town, not all over the place, RDT yes the rest of it I don't see it, those are my sort of bland but candid comments, thank you.

Mr. Kuhlman: Thank you Sir. Mr. Clair.

Mr. Clair: Kevin Clair, 17023 Hersperger Lane, Poolesville, and I am speaking this evening in opposition primarily to the tall monopole wind systems. In looking at the mural behind you I think about the core theoretical tenet of zoning ordinances which is that the primary purpose of zoning is to segregate uses that are incompatible with one another and I can't imagine what a ground mounted wind turbine 50 feet in the air would look like next to our historic buildings it just doesn't make sense to me from an aesthetic point of view. On the matter of our Master Plan, the Master Plan requires that for new construction in the Poolesville Commercial Zone quotes specific design elements which if repeated or echoed a sufficient number of times will assure the maintenance and preservation of the architectural and historic charter of Poolesville. These ground mounted wind turbines will not provide that, in fact the Town of Poolesville own consultant, Huron Consulting in a letter dated February 13, 2009 to the Town of Poolesville determined upon its professional review of the matter that "the monopole wind driven generator would not meet the intent of the new construction guidelines of the Town of Poolesville". On the matter of the potentially catastrophic negative financial impact that a repeated tall monopole or other visually disturbing wind systems will have on property values in Poolesville my understanding is we have approximately 1630 housing units based on the 2000 Census in Poolesville and with a conservative value of \$250,000.00 per unit there is more than 400 million dollars of housing unit value in Poolesville, the visual impact if repeated installation of tall wind poles could reduce those property values by 10% or more resulting in an aggregate loss of property value of 40 million dollars in Poolesville based on some surveys I did with realtors this week. And lastly on the matter of a possible mitigation of visual impact of tall monopole wind systems I surveyed landscape and realtors also landscapers and realtors also professionals and they said its simply not possible in their opinion to mitigate the visual impact of tall wind poles on the residential lots of the size home in Poolesville thereby feeding back into my prior comment on the economic impact. And lastly since we live in such a charming and historic area there is the basic tenet of zoning and urban planning called "Balance with Tradition" and I would bring that to our attention. The urban planning principle of Balance with Tradition demands respect for the cultural heritage of a place and it calls for orienting attention towards historic and natural vistas, I can't imagine myself standing out just a couple hundred yards from here on the sacred grounds of the old Poolesville Methodist Church cemetery which contains the remains of 20 soldiers who lost their lives in the Battle of Balls Bluff or standing on the steps of our historic Town Hall and looking at a series one after another of 50 foot or higher monopole wind turbines, it seems entirely inconsistent with the character of the area. That concludes my remarks.

Mr. Kuhlman: Thank you very much.

Mr. Hoewing: Just one clarification for everybody in the audience. The proposed Ordinance in the CBD which is the historic district does not allow monopoles, it only allows what I would call historic types of old windmills like the farm windmills that is all it allows.

Mr. Yost: It allows them in residential areas.

Mr. Hoewing: Yes but it doesn't allow monopoles in the historic business district.

Mr. Clair: Can I ask one question is there a and I believe I have it in front of me but I haven't memorized it, I can flip to it, is the height restriction on the non monopole ones in the Central Business District is?

Mr. Klobukowski: 50 feet.

Mr. Clair: So it is the same height different design.

Mr. Kuhlman: Just a different look. All right Sir thank you. Mr. Sneed.

Mr. Sneed: Good evening, Cal Sneed, 5 Haller Court. Some of you may be aware that at our regular Planning Commission meeting on March 10 I spent a few minutes trying to clarify some remarks that were made at your February 16 meeting relative to alternative energy sources and if you will bear with me for a moment I would like to state those briefly for the record. First the Commissioners were operating under the premise that the Planning Commission had not reached a consensus on the Alternative Energy Ordinance, which is not accurate. The Use Chart you received from the Planning Commission reflects the general agreement and the consensus reached by the Planning Commission and I would add that reaching consensus on the Use Chart virtually every vote registered by Planning Commission members over a period of about 10 months was unanimous. Second the Commissioners were operating under the premise that the Planning Commission had passed the buck on wind energy, surrendered the issues to the Commissioners and could no longer make any decisions relative to wind energy, which I believe is also inaccurate. The reason the Planning Commission ceased any further actions specifically related to wind energy was that we received signals from the Commissioners that the Commissioners were disinclined to allow wind energy systems in Town so that it was not necessary for the Planning Commission to extend its review of wind energy. These two things unfortunately reflect a breakdown in communication between our two Bodies. There is further evidence of a breakdown at the Commissioners February 16 meeting relative to only allowing a wind tower in parcels over 1 acre. The reason for that specific language can be found in the hours of deliberation that took place at Planning Commission meetings over the past 12 months. Our research shows that in order to operate a wind tower effectively it was recommended that you had at least 1 acre of open space. Third the Commissioners were operating under the premise that the Planning Commissions only request for not recommending the use of wind towers in every zone in Town was aesthetics, which is also not accurate, aesthetics was a contributing factor in the Planning Commission recommendation since the first bit of testimony the Planning Commission received regarding wind energy towers came from the Town Engineer who quoted the Town's Code and Master Plan as reasons the Planning Commission should consider not allowing them in the CBD, but aesthetics were only part of the discussion, there were real issues with safety to people and wildlife, noise, fire hazards in confined and cluttered spaces and the possibility of diminishing property values, since these issues were omitted from your discussions on February 16<sup>th</sup> I asked the Planning Commission on March 10 to request that the Ordinance be returned to the Planning Commission so that we might craft a comprehensive written report for your use in further evaluating the Ordinance, since we did not reach a consensus on that request I brought and would like to leave with you tonight an information sheet for your use as a resource in your continuing deliberations. I leave you with two final thoughts, which I offer as a Town resident not as a member of the Planning Commission, one I believe that the potential for negative impact to property values in Poolesville as a result

of the Use Chart and Ordinance as currently written is real, that can happen very easily in my view if we are seen as having fallen flat on this effort and we become a punch line for what not to do when establishing alternative energy sources legislation, and two comments made at your February 16 meeting could be interpreted as the Commissioners meaning primarily to satisfy the desire of just one of our very fine local businesses above the needs of the community as a whole, while I appreciate the sentiment I have to say that that is not why I cast my vote for you to represent my interest as you govern the Town, I registered my vote for you to represent everyone in the community evenly and I hope you will take that under advisement as you complete your work on the important Alternative Energy Ordinance as well as all other Town business in the future, thank you for your time.

Mr. Kuhlman: Thank you Sir. Jan Maloney.

Ms. Maloney: Hi my name is Jan Maloney, 17024 Hersperger Lane. What I have to say I have two comments and they have already been said more eloquently than I will but when I first heard this my first thought was property values, I can't imagine three of my neighbors having windmills on their property, it would look ridiculous besides the fact that it is not going to be energy efficient based on the fact that we live in a Zone 1 area. My 2<sup>nd</sup> concern is I feel strongly that our Federal Government wastes a lot of money and giving federal tax credits \$20,000.00 for a scheme that isn't even going to work because we live in such a low wind area makes no sense, so I don't want any more of my money wasted on this, so definitely not in the residential areas I think that would be ridiculous and I don't think anywhere except maybe in the rural areas where they can be higher as opposed to 50 feet you are not catching any wind at 50 feet, thank you.

Mr. Kuhlman: Thank you Ma'am. Larry Maloney.

Mr. Maloney: My name is Larry Maloney, 17024 Hersperger Lane. I agree with what has been said so far about the visual impacts and the economics, in my job I work we build power plants, we build coal plants, nuclear plants, solar energy fields and things like that, you guys have all heard of the cash for clunkers program I don't know how many golfers are here but there is an article in the Wall Street Journal in October of last year that you can get a free golf cart because the federal government was giving out 4 to 5000 for the purchase of an electrical vehicle and when you combine that subsidy with some other tax rebates it was a big joke that these people were going out and getting free golf carts and you can look it up its in there are articles in the Wall Street Journal about it. These wind towers are not economical on an individual basis I mean without these subsidies you would never be able to put any of them up so like my wife said and other people we are wasting the taxpayers money, can you do it, yes, can you get a free golf cart, yes you can, but are we proud of ourselves in doing this I don't think so. But what I would like to do is maybe leave you with an idea, I mean going green is good and I think that these alternate energy sources are good, if Poolesville is really interested in it what they should do is get a pool of citizens who are interested in these wind towers or solar and find an area that has the best wind capability in Poolesville and get multiple investors to go into this and put up some bigger wind towers that are a lot more efficient and you are going to get a lot more economic return from it, so lets not make this about any individual but if we want to do something really for the Town and really be green you know if you did it on a bigger scale you'd really make an impact, that is what I want to say.

Mr. Kuhlman: Thank you Sir. Joyce Breiner.

Ms. Breiner: Hi I am Joyce Breiner I live at 2 Hackett Court. First of all I would like to thank the Commissioners and Planning Commission for their efforts over the past year in drafting the Alternative Energy Ordinance. Overall the present Ordinance is a more mature document than was originally proposed in September of 2009 that looks to address the needs of Poolesville citizens in the 21<sup>st</sup> Century. I support the Ordinance with the following comments and suggested changes: Page 6, item D, Geothermal Standards, I still believe this section is overly restrictive, my opinion is based on independent research and informal discussions with geothermal and well drilling professionals, therefore I have some questions. Why is it believed there is a concern regarding geothermal boreholes and pet waste, is there similar concern regarding properly abandoned wells sealed with bentonite clay? In the process of excluding vertical closed loop systems, was the fact that boreholes are grouted with bentonite taken into account? How does the pet waste get into the aquifer if an abandoned well is filled with bentonite? It is also my understanding that if a borehole cannot be sealed with bentonite, then a vertical geothermal system cannot be installed. Why can't the Ordinance take that into consideration and allow vertical systems with appropriately sealed boreholes? It was stated at a previous Town meeting that a vertical geothermal system would require 10 boreholes. Where did this number come from? The number of boreholes relates to the size of the system required and equates approximately to one borehole per ton of conditioned air. How many homes in Poolesville typically require a 10-ton air conditioner? The US Department of Energy website states that a 3 ton unit is a typical residential size. My 3500 square foot home has a 5-ton air conditioner. This would infer that the typical Poolesville home would require 3 to 5 boreholes with a system, not 10. Where is the disconnect between the Planning Commission's information and that of the US Department of Energy. On March 2, 2010 the Washington Post ran a couple of articles on residential geothermal. I have included a copy with this testimony. The second article stated that the processes of getting educated and getting bids were "not unconnected" and went on to explain the homeowner's reasons for choosing a vertical system over a horizontal one. To move the Alternative Energy Ordinance forward and allow more time to fully investigate modern geothermal borehole drilling technology, I suggest removing Item D and enacting the rest of the Ordinance so as not to further delay those members of the community looking to move forward with solar or wind energy installations. I also want to thank the Poolesville Commissioners for showing leadership in designating Poolesville as a participant in Earth Hour 2010 on March 27<sup>th</sup> at 8:30 pm, thank you.

Mr. Kuhlman: Thank you. Mr. Pierce.

Mr. Whitehouse: He is not here but he asked me to read this.

Mr. Kuhlman: Ok.

Mr. Whitehouse: My name is Tim Whitehouse I live at Lightfoot Drive but I will be reading the comments of Robert J. Pierce of 20300 Westerly Road, he is on travel and could not come. He says I have to miss this meeting due to business travel. Please accept my comments in absentia and enter them in the official record for this hearing. I wish to congratulate the Commission on proposing an ordinance that empowers the populace both figuratively and literally and embraces the future. I support the Ordinance with two suggested changes. The first change on page 5 item C3 it states residential zones are allowed roof mounted and monopole construction. There are a number of

properties in the Town that are old farmsteads. Some of those old farmsteads have traditional 4-legged wind towers remaining on the premises. Our current zoning may be residential. This Ordinance should specifically allow the use of traditional towers on residentially zoned properties that retain their historical and cultural ties to our farming heritage. While one could simply say that existing towers are grandfathered in, that may not always cover existing conditions. We have a traditional wind tower on our property located near the residence. Over the decades of nonuse, trees have been allowed to grow around the tower and in fact now exceed the height of the tower. Our intent would be to have the tower relocated closer to our barn where the landscape is open, have new foundation piers poured and install a traditional styled wind turbine. It appears to me that as currently worded, a special exception with all of the associated costs would be required for ourselves, and others with similar situations to comply with Town Code. Changing Item C.3 on page 5 to read as follows would correct the problem: 3) Residential Zones are allowed roof mounted and monopole construction except that historic and or current farmsteads may elect to use a traditional style. His second point, my suggested second change is to the geothermal standards. When the discussion of an alternative energy ordinance arose in Town, I expressed concerns about the potential effect on the aquifer of geothermal installation. Since that time I have researched geothermal technology and believe that the Ordinance as currently drafted is over protective. Specifically, I recommend that Item D.1 be altered to allow horizontal, vertical or diagonal systems be allowed in any zone as long as items D.2 and D.3 as modified be required through a Town permitting process. Modern technology is such that geothermal can be constructed safely and coexist with potable ground water supplies. This is especially true in our fractured-rock geological formation where drilling often will hit few if any fractures and even if they are hit, the well bore can be sealed effectively with bentonite clay as is done when a well is abandoned. While I believe that geothermal drilling is acceptable in any location in Town, at a minimum it should be allowed in any areas beyond wellhead protection zones. Regarding Item D.3 I suggest that the word liquid be removed from the requirements. Nontoxic food grade chemicals in any physical state will protect the ground water without limiting technology. Thank you for accepting these comments and with the suggested modifications, I fully support passage of this Ordinance.

Mr. Kuhlman: Thank you. John Speelman.

Mr. Speelman: John Speelman, 19961 Fisher Avenue. I'm against the monopoles in the residential area too unless they should be under a special exception, you all know how I feel about the traditional system, which I feel would fit the scenery of my store appropriately. As far as the cost goes that is up to me to decide if I am making a bad decision, there have been 49 businesses that have come and gone in this Town since I have been there and so far I have guessed right so I would like this as I told you before we can use this as a test system so we will have real data to go by, because everybody is speculating this and that I know that the one on Cattail Road is doing very well, I have talked to Pam many times, the traditional thing I think would fit my site plan and we should go forth with it, thank you.

Mr. Kuhlman: Thank you Sir. Mr. Fernandez.

Mr. Fernandez: Carlos Fernandez, 6663 Dickerson Road. Thank you for giving me this opportunity. I want to clarify some of the issues that have been talked about here because

there has been a lot of here say about wind and solar and all that, it seems like everybody has forgotten that solar in the State of Maryland only provides about 4 ½ hours of sunlight a day of usable sunlight, you compare upwards of turbines in the wrong place location, they actually put those upward of power for every dollar invested and this is why the Maryland Energy Commission has actually increased the grant monies available for wind energy systems. I also want to address that if you have any doubts about the way MEA or Maryland Energy Administration is dealing with this you need to visit their website. The current guidelines and requirements for submitting for a grant of any kind for wind require a wind resource assessment of the actual location, without that they will not issue a grant that is number one, number two it also requires estimated output for the location, the tower height, and the wind resource available for that location, they are guarding your tax dollars and my tax dollars which are going into that. Also want to tell you that yes there are dealers out there that are not reputable they just want to sell a turbine, I am not in that type of business, you know if I go to a customer and do not feel they have the proper location I tell them you better go with solar or geothermal or some other source. Also want to mention the old style windmill, right now the Maryland Energy Administration only allows turbines to be available for the grants if they are listed with the California Energy Commission as an eligible turbine ok, the process you have to go through to get a turbine certified requires outputs, yearly outputs, noise information, 5 year warranty, there is a lot of guidelines that need to be met. There is a veteran owned, American made USA, old style wind turbine that is currently being manufactured, part of it is being manufactured here in Dickerson. This particular turbine, which is the one John is interested in starts turning at 2 miles an hour and it starts producing power into the grid at 3 miles an hour, if you would like the data I can make that available to you. The output of that particular turbine at the average 9 miles an hour of this area, which is low, actually outdoes and out performs the turbine --- and the --- wind driven turbines, which are modern 3 bladed turbines. So this is to bring up the point, wind unlike solar it doesn't matter where you put it as long as it faces south, wind requires an appropriate site, if you have the wrong site it will not be productive, you need an appropriate site. The MEA already requires that so I am not thinking this is a requirement that you need to add to it because it is already there by the Maryland Energy Administration. The other thing I want to mention to you is that as far as payback time, payback time for most of these turbines now a days about 10 years, that is at current rates ok. For every penny that you power up it erases your rates, you cut down the number of years by ¾ of a year, 75% per year, for every penny that the power company goes up. We know that the rates are going to continue to go up because we are not making more electricity in the State. We don't have any additional hydroelectric, nuclear power plants will take a long time to get up there up and running so I wanted to bring that point. The last point I want to make is about roof mounts, I have been asked by the Maryland Energy Administration to gather some feedback about these units, I can tell you anybody who knows anything about turbines feels this is a very bad idea. Part of the reason is that they barely produce any power number one, the cost a lot of money for power produced, a good example of this I can tell you about the Honeywell which is a well known name that pushes a roof mount unit, this roof mount unit will cost about \$8,000.00 to put it on your roof and it will produce about 17 kilowatts a month, you know what that will make for your bill, zero once it goes up by 10 cents per kilowatt, so there has been a lot of hoopla about roof

mounted turbines, I do not recommend it if I find a site that is not good for wind I just tell them this is not a good wind location, if your lot is too small because you don't qualify for the fallback for the tower I strongly recommend they go solar even though I am not a solar guy because I don't believe they are as efficient as wind, but I tell them do not put anything on your roof you are basically wasting your money. And this is something that you need to take into account, if you are really going to be a steward of your city members you really need to look cautiously at any application for roof mounts ok.

Mr. Kuhlman: Thank you Sir. Bill Kraegel.

Mr. Kraegel: Good evening. I am Bill Kraegel I live at 19917 Spurrier Avenue. I would like to speak in support of John Speelmans establishment. I am a teacher, I have taught at the high school here in Town, I teach at the Environmental and Outdoor Education facility for Montgomery County Public Schools where we have two wind generators and we've had them for over 24 years. Granted we don't produce a whole lot of power down there but what we do produce is a whole lot of inquiry, we have teachers and over 11,000 students a year who come to our facilities and some of the people behind me have probably sent their own children there and you may have as well. Not a day goes by that a student doesn't say what does that thing do and there are days that it doesn't move at all but it always produces a question and the answers are it can produce energy and it produces energy cleanly and it produces energy that is renewable. If John wants to put up a wind tower and it is safe and if it doesn't make a nickel for him, if he loses a lot of nickels that is his prerogative as a business person, I will keep buying my nails from him as long as the nails don't go up in price to support that and the thought that all of a sudden hundreds of people are going to start putting up windmills in this Town I just don't think that is going to happen because I can't afford to do that myself. For many months of the year I live in a state that is probably a 9 out of the 1 to 7 wind scale and that is the state of Wyoming. There are three ways to describe the wind in Wyoming, the wind, the damn wind, and the gosh darn wind, and everyday that wind howls and as I travel to and from some areas in Wyoming and go through the community I don't see windmills up there at the residential level, I see the huge wind farms that we are all seeing on the news, acres and acres and hundreds of windmills but I don't see them at the residential level, so once again I think the residential person, a person who is smaller is not going to happen, but if one was put up in Town I think again that would cause the questions and with the questioning would come better information. When I taught at the high school I would take my students to the wastewater treatment plant, thank you Wade, and the students learned where the water went once it went down their drain, they had a much more appreciation of their environment and I think this windmill would give them further opportunity to ask those questions and get those answers, thank you.

Mr. Kuhlman: Thank you Sir. Tim Whitehouse. Ok that is all the speakers we have signed up is there anybody else that wishes to, Mr. Eeg.

Mr. Eeg: Sorry I was late, thank you for letting me speak. Peter Eeg, I have a business at 19621 Fisher Avenue in Poolesville. I am a big fan of alternative energy, I do a lot of research about it, my main focus is on environmental impacts associated with it, just to give you an idea, a man annually is responsible for between 10 and 20 billion creatures killed and so anything that increases that number can often times be devastating to the environment, one of the advantages of the internet now is to go and look on the things that are less impacting and I think an alternative especially with the wind source would

be something called a wind spire, which has been shown to have no negative impact on wildlife population so I am just going to leave that with you so if your decision is to allow wind energy even in residential components this device is only 30 feet high as opposed to 50 feet high and it rotates in such a manner that it doesn't cause any damage or death to flying creatures, thank you.

Mr. Kuhlman: Thank you Sir. Anybody else?

Mr. Kephart: My name is George Kephart, Jr. I live on the edge of Town at 18200 Beallsville Road. Since 1981 I have been selling, installing and designing and manufacturing geothermal heat pumps. Our heat pumps all make domestic hot water on demand, which is unusual, and we do swimming pools, we do radiant floor heat, we do all kinds of weird things with heat pumps and I am very familiar with vertical loops and I would just say that I was amused when they said 10 wells because we rarely drill more than 1 and there is really no limit to how deep you can make that hole, it is simply a radiator that you are burying in the ground and normally around here we can put in a 4 or 5 ton, or 3 to 5 ton system we can drill a hole from 300 to 500 feet deep. Now our systems generate hot water so they have less air conditioning below the earth but I am trying to put as much heat back into the ground because we are putting a lot of that heat into the domestic hot water so our loops are a little smaller than most loops but in any case it doesn't take very many loops to take care of a house, even a large house 2 would probably do it, would provide at least 8 tons so and we always backfill them with bentonite so they are treated as abandoned wells. I don't see that there is any risk at all to the aquifer by putting in a geothermal loops, that is my experience with geothermal over the last 30 years. But in the process of doing geothermal heat pumps our dealers used to get in trouble after the installation because customers would say the house is still uncomfortable and we would ask them which end of the house and they would invariably say the west end and what we found out was that the houses leak air so badly that the geothermal heat pump was not the solution that they needed but they needed to simply chink up their house and we found wind leaking in houses. I tested about 5 houses in Poolesville different construction, Elizabeth's Delight and other places and we have been able to cut their heating and cooling load 40% by simply chinking up large holes that we find in the construction as the house is built and so if you all are really interested in energy conservation there is a very simple test we do early in the morning on a cold day, where we simply suck the air out of the house and we find the large holes and chink them up and there are many, I mean even in this building you will find it leaks around the edges of the ceiling, you will find it leaks through the speaker boxes, I don't know how tight that tile ceiling is I doubt if it even stops the air but you can't tell until you test something so I would recommend the --- test if you are really interested in saving energy because we find on most houses we test we can cut the heating and cooling cost 40% by simply chinking up the house, thank you.

Mr. Kuhlman: Thank you Sir. Anybody else? All right seeing no hands that will conclude this Public Hearing and the record will be held open until the close of business this Friday at 4:00 at Town Hall. And our third Public Hearing will be on proposed Ordinance No. 180. This proposed Ordinance is to amend Section 8.A.E.2 to add requirements for underground storage tanks, to change Section 8.A.F.1.e "Exemption" and add Section 8.A.G "Nonconforming Uses" to Appendix B, "Zoning" of the Poolesville Code. The file for this Public Hearing contains the following exhibits:

Proposed Ordinance No. 180, notice of Public Hearing, and copies of the March 10 and March 17, 2010 issues of the Poolesville Gazette containing the notice of Public Hearing. We have nobody signed up is there anybody wishing to testify on this? Seeing no hands that concludes this Public Hearing and like the rest of them the record will be held open until this Friday close of business at Town Hall at 4:00.

### **Announcements**

Mr. Kuhlman: All right move on to announcements, do we have any announcements?

Mr. Klobukowski: Yeah I have a couple. One the Daniel Jeffers American Legion Post 247 of Poolesville will be having a Blood Drive on the 27<sup>th</sup> of March from 10 am to 4 pm at St. Peters Church and also I am signed up to testify before the County Council on the Operating Budget at 7 pm on April 8<sup>th</sup>.

Mr. Kuhlman: All right thank you.

Mr. Klobukowski: And I have my testimony just about prepared.

Mr. Kuhlman: All right any other announcements? All right hearing none on March 15 at the Commissioners Meeting we had an Executive Session and the content of that was to interview an applicant that was interested in being appointed to a vacancy on one of the Commissions and why is April 12 on here.

Mr. Yost: Oh that is just the announcement for our next meeting.

Mr. Kuhlman: Yeah go ahead Wade.

Mr. Yost: We will have one meeting next month because the full Commission is not in Town on the 5<sup>th</sup> and the 17<sup>th</sup> I believe it is, so we will have one meeting on April 12<sup>th</sup>.

Mr. Kuhlman: Yeah we will be having one meeting next meeting next month that will be April 12<sup>th</sup> and that is it for next month.

### **Approval of Minutes**

Mr. Kuhlman: All right next agenda item will be approval of minutes of the March 15 including the Executive Session, is there a motion for approval?

Mr. Hoewing: So move.

Mr. Kuhlman: Is there a second?

Mr. Klobukowski: Second.

Mr. Kuhlman: All in favor?

Mr. Hoewing, Mr. Klobukowski, Mr. Kuhlman, Ms. Gruber: Aye.

Mr. Brown: Abstain.

Mr. Kuhlman: Oh that is right he wasn't here.

### **Open Forum & Citizen's Comments on Agenda Items**

Mr. Kuhlman: All right the only new business we have or old business tonight is the appointment of Mrs. Sharon Armstrong to the Board of Elections for a period of 4/1/10 to 4/1/12, is there anybody that wants to make a comment on that? All right is there anybody that has any comments in general before we proceed. All right seeing no hands we will go to the new business.

### **New Business**

Mr. Kuhlman: Is there a recommendation for the appointment of Mrs. Armstrong or a motion?

Mr. Brown: I would like to make a motion that we approve Mrs. Armstrong to her appointment to appoint her to the Board of Elections.

Mr. Kuhlman: All right is there a second?

Mr. Hoewing: Second.

Mr. Kuhlman: Any discussion?

Mr. Klobukowski: One point I wasn't here because I was at the Round Table that is involved with keeping Monocacy Elementary School open so this is no reflection against Mrs. Armstrong her character or anything else but since I wasn't here I will abstain.

Mr. Kuhlman: All right call for question on the motion, all in favor?

Mr. Hoewing, Ms. Gruber, Mr. Kuhlman: Aye.

Mr. Klobukowski, Mr. Brown: Abstain.

Mr. Kuhlman: Motion carries 3 to 2 with 2 abstentions since they weren't here. No old business, we will also be going into a budget work session after this meeting does anybody want to make a comment on that?

### **Committee Reports**

Mr. Kuhlman: All right seeing no hands Committee Reports Planning Commission Link or Mr. Coakley.

Mr. Coakley: We haven't met since the last meeting.

Mr. Kuhlman: All right thank you. Parks Board Jim.

Mr. Brown: Same.

Mr. Kuhlman: Very good. CEDC Lori.

Ms. Gruber: We are meeting on Wednesday.

### **Town Manager's Report**

Mr. Kuhlman: Town Manager.

Mr. Yost: Nothing.

Mr. Kuhlman: Nothing? All right anybody have any comments in general? Seeing no hands I entertain a motion to adjourn to a budget work session.

### **Adjournment**

Ms. Gruber: Motion to adjourn to the budget work session.

Mr. Kuhlman: Is there a second?

Mr. Brown: Second.

Mr. Kuhlman: All in favor?

All: Aye.

Mr. Kuhlman: We are adjourned to a budget work session.