

**COMMISSIONERS OF POOLESVILLE  
MEETING OF AUGUST 3, 2009**

**PRESENT:** JERRY KLOBUKOWSKI, JIM BROWN AND EDDIE KUHLMAN.  
ALSO PRESENT WAS TOWN MANAGER, WADE YOST AND TOWN  
ATTORNEY, ALAN WRIGHT.

**Call To Order**

Mr. Kuhlman: Good evening ladies and gentlemen we will call the August 3, 2009 Commissioners Meeting to order. For the record Commissioners Klobukowski, Brown, and Kuhlman are present. Mr. Hoewing and Ms. Gruber will not be here this evening. Also Mr. Yost and Mr. Wright are present the first order of business will be the Pledge of Allegiance 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.

**Announcements**

Mr. Kuhlman: All right thank you. Under announcements the Commissioners did hold an Executive Session at the end of the July 20 meeting, we had 2 pieces of business to take up, the first was we got a briefing from Town Attorney regarding the Barnes case and the outcome of the recent hearing, a discussion ensued and a decision unanimously by all the Commissioners to appeal the judges ruling and that appeal will be filed. We also had a Executive Session on an employee matter. Are there any other announcements?

**Approval of Minutes**

Mr. Kuhlman: Hearing none I will entertain a motion for approval of the minutes of July 20 and the Executive Session minutes.

Mr. Klobukowski: So moved.

Mr. Brown: Second.

Mr. Kuhlman: All in favor?

All: Aye.

**Open Forum and Citizens Comments on Agenda Items**

Mr. Kuhlman: Open forum and citizens comments on agenda items anybody have anything in general, anything on the FY09 closeout. Also under new business in line with the Barnes appeal we are requesting the Maryland Municipal League to file an Amicus Brief with the courts, the League has done that in the past any comments there? All right under old business for those of you that were here on the 20<sup>th</sup> we discussed a Blight Ordinance and the Parking Regulations that Montgomery County has adopted and Staff was asked to do some work and get back to us, they have done that work and we will be discussing that further tonight any comments?

**New Business**

Mr. Kuhlman: All right FY09 Closeout Mr. Yost.

Mr. Yost: Ok in the back of the room is a copy of the presentation I am about to present as well as a copy of the FY09 Closeout. Just want to start out with an overview and we will get into details, basically this year like everybody else our funds were down a little bit the revenue for the General Fund. Water and Sewer Fund was much lower \$100,000.00 to be exact and I will get into those details in a little bit. Overall for the water and sewer operations expenses did come just barely under budget some accounts were over some were under but it balanced out in the end and the General Fund operation expenses which the grant for the water sewer comes out of was definitely over budget and the streetlight purchase was part of that also which we will get into. We had to use \$150,000.00 in unrestricted reserves to balance the budget this year due to the shortfalls, at the end of the year the snapshot we had unrestricted reserves of 1.7 million dollars if you recall in the budget for FY10 we did use \$544,000.00 of that for some projects so we still have about 1.1 or 1.2 million in that. Total cash on hand and this is all different accumulated funds, which we will get to in detail 4.3 million dollars at the end of the year.

Mr. Kuhlman: So we are not broke.

Mr. Yost: No. Start out with General Fund revenue it was only down about \$20,000.00 surprisingly property taxes did not drop significantly at all they were a little bit higher than we actually anticipated but there was a few accounts that were lower, highway user funds which we found out after we passed our budget we got cut on those, State revenue sharing, and then corporate personal property taxes we just received a check this week which would have been our last payment of the year last year but since this is a cash basis close-out snapshot of July 1 it doesn't count, so that rolls to next year. The total revenue 2.6 million dollars you recall last year we were around 3.2 million we had some development monies and some extra stuff come in also quite a bit more than it was last year.

Mr. Klobukowski: Does that include grants?

Mr. Yost: No it does not include grants.

Mr. Klobukowski: Ok.

Mr. Yost: That is just our regular revenue sharing and taxes and things of that nature. On the water sewer side we did have a budget estimate of \$792,000.00 and that was calculated from the past 2 previous years actually, it was FY07 when we increased the water rates last time. Actual revenue 691, huge drop and we really didn't, when we were putting the budget together in December we did a forecast of where we, we saw we were a little below where we needed to be but typically we made that up in the first months of the Spring or in the Summer which didn't happen this year not with water and so much rain it just dropped it off. One good thing though when we get to the accounts for water and sewer the wells we saved \$10,000.00 on electricity, that definitely doesn't make up the loss for the rest of it. On the expense side we were under for the total operations overall but we still needed a grant of \$226,000.00 to balance the fund that was a big drain on the General Fund with a tight year already, so \$150,000.00 over we talked about it before had to use the grants. Streetlights also we had budgeted \$87,000.00 anticipating that half way through the year we would do our takeover of the lights the rates would drop you know from the \$15.00 mark per light per month to the \$2.00 to \$5.00 per light per month but it kept getting tied up with Allegheny Power and it was July before we actually finalized the deal so we won't realize this savings until next year and it could

take \$155,000.00 a year right there so that was a big override for that particular account. On the General CIP side quite a few projects got taken care of this year, office equipment \$69,000.00 and that was in between furnishing this Town Hall with the balance of it, digitizing the records that is for the digital system in there we have about half of the Town's records in it already makes it a little easier to pull stuff up and copy stuff and scan things and the defibrillator also. Municipal Buildings we spent \$30,000.00, information sign that is the balance of that one which was a great investment I believe that is really nice. Storage bin cover for Preston down there where they have the salt stored and then the band shell so far because we are going through the plans and design trying to get that worked out.

Mr. Brown: Nice heavy sigh.

Mr. Yost: Yes designing something by Committee is kind of ---. Parks Equipment we had several different pieces of equipment \$32,000.00 we spent but the radar speed sign we see that changed around the Town which we hear all kinds of compliments on that people like that.

Mr. Kuhlman: Oh that is that moveable...

Mr. Yost: Yes detects your speed or lets you know what your speed is.

Mr. Klobukowski: Where is it now?

Mr. Yost: I am not for sure where he moved it. It was in Tama II because people were flying from down there.

Mr. Klobukowski: Where?

Mr. Yost: Tama II thank you. The lead back, the trailer for the guys to haul mowers around in, salt spreader was a replacement and then the holiday features each year we have \$5000.00 to improve and add to the pictures for the Whalen Commons light show. Vehicles we spent \$81,000.00 tractor with the mower boom we have been saving for that for awhile and that is a really nice piece of equipment for mowing around the ponds and ditches and things, 72 inch mower was a replacement and then the 5 ton dump truck was allocated and we put a new budget together for FY10 we have some funds left over on this particular account so we were able to purchase that truck. Major projects we did do this was one of our biggest spending accounts here \$596,000.00 but we knocked out a bunch of sidewalks on Kohlhoss, Elgin Road sidewalks, Fisher Avenue streetscape most of that is design, document or construction documents actually but the majority of it is for the surveyors and dealing with the stormwater pipe size capacities those kinds of detailed issues that need to be worked out. Fyffe Road construction in front, streetlight purchases came under budget, you see that I did carry over into FY10 the balance of that right now because we talked about getting a bunch of extra heads and a bunch of extra poles and have them on stock so we have not had the opportunity to do that yet but we still want to. And then \$7000.00 just for starting the Westerly swales, the Hunters Run sidewalk plans, hopefully by our next meeting we can actually have a presentation by John on that and the other options we were looking at and we were waiting for the survey first of July to get that done so we have completed that. Public Facilities that was just the balance of the Town Hall \$323,000.00. Parks and Rec \$22,000.00, Brooks Park that \$511.00 that was just for the sign that says Project Open Space money was granted for this project we are obligated to put those up in all parks and that was what that was. Whalen upgrade we upgraded the electrical panel. Eagle Scout Park Equipment that is over in Halmos Park where the young man put in the exercise equipment along the trail, and then Parcel 840

plans was putting together where we are right now and again stormwater is a big part of that one. And of course we did the paving projects \$518,000.00 on the speed humps on Spurrier Avenue, several streets in Westerly and then the Wootton on the Wesmond side. As far as --- funds left over in the account we do have \$23,000.00 just floating in the different accounts for the General and it is not earmarked its you will see that at the top of the page in the close-outs and we will probably reallocate that as we get into the next budget cycle or whatever we want to do with it. On the water side you see in the 3130 account water systems we did spend \$47,000.00, 44 of that was the alpha treatment that is for all the testing, the plans, the different options we were looking at, all of Kathy Mihm's work that she has done and then future wells we just had some designs and we looked at the estimates we are going through the impact fee and we had Huron estimate their cost again and all that. Sewer System we did get the lagoon pump station done \$188,000.00 so that was nice. Main pump station we only have a part of that done so we spent \$34,000.00 of the money so far and we were going to do the rest of the pumps this spring but it was raining so much you have to get the wet well drained down to be able to pull the pump out to have a common wall and with flows like they are you just can't do it so we want to carry it over and we will have to do it hopefully later this summer or this fall. Transducers that is for the wastewater plant just to read the levels, generator repair came in under budget that was nice, ENR design we spent \$37,000.00 there that is reimbursable from MDE and as a matter of fact we received a check but it didn't come in until after July 1<sup>st</sup> so it is not reflected in this. And the polymer pump system is a pump for the polymer system and the sludge. \$34,000.00 in equipment and that was just the water meters, both --- replacement and then we have to have a larger one for the new homes but they do buy those back and that money goes into the water fund. Chlorine equipment, aqua scope that would detect leaks and then the well radios which was a budget amendment also when we went through the new budget for the communication for all the wells. Inflow and Infiltration we spent \$35,000.00 and that was basically John early last year we did that we looked at all the properties that were out there that needed to be connected to the system and estimates on that and we had a couple that were detailed that are probably going to run a couple sewer lines to property lines people can hook up because they are having problems with their septic systems. And then infrastructure programs \$7800.00 there and that was just for designs.

Mr. Brown: Wade sorry one question. On the Inflow and Infiltration what was the budget amount for that do we know with no hassle.

Mr. Yost: I'd have to look it up.

Mr. Brown: I mean I can look it up too.

Mr. Yost: See what happens is there is \$30,000.00 each year put into it and you spend it but then it accumulates each year what is leftover just kind of carries over.

Mr. Brown: Ok got ya. That is fine that is one of the accounts that is always evolving and revolving.

Mr. Yost: Right a lot of these Capital Accounts especially one like that definitely does. So does the Infrastructure Program even though we are not putting money into it right now, maybe next year we will. As far as the excess funding in these accounts we do have \$25,000.00 between them all. The 3150 Account the \$22,000.00 was left over from the generator and the next meeting I am going to come and ask for that money so I can spend it on a valve replacement trying to get some bids on it right now to get some actual cost

data and I will explain that at the next meeting. Restricted Funds and we really detailed this information of exactly where all the profit money would go in impact fees so it was exactly what we came up with when we did the impact fees and the Elgin Family Proffer collected \$50,000.00 and that was allocated towards the I&I loan. Winchester we had the 1.15 million, \$800,000.00 of it went to the unrestricted reserves for I&I repayment that we spent, we actually spent a little more than that and the rest is in a loan. Allocated \$50,000.00 towards streetscape which was written in the Proffer and then allocated another \$32,000.00 toward the I&I loan this year and the balance of \$273,000.00 whatever it is was carried out over the next 3 or 4 years to help pay the loan. Mr. Kettler he has paid 1 Proffer so far, he pays per house it is \$255,000.00 for the exact figure but it is \$1250.00 per house and he pays it when he gets a building permit and that money again will go to the I&I loan. Impact fees have been collected we did reimburse the General Fund for the public facility money and that's one you guys may want to say well you know talk about doing a Community Center you want to start a new CIP page in Public Facilities just take that impact fee money and put it up there, just earmark it for that, it is ours to do what you want to it doesn't have any strings with it at all. Parks collected \$11,000.00 and that will be reimbursed to developers. The wells we collected \$44,000.00 that has been fully reimbursed and the sewer collected \$20,000.00 and then that goes right to the wastewater expansion loan. So the Cap balance at the end of the year this is how it sums up to be the 4.3 million dollars, 1.7 unrestricted, I entered \$71,000.00 for accumulated in the CIP General and then the water and wastewater accumulated 1.4 million, restricted funds we talked about where the Winchester money left over is going to go towards the I&I loan and that takes you to 4.3 million, so in a nutshell that is the Close Out, any questions?

Mr. Klobukowski: Yea I have a couple. With the water and sewer revenue it says \$3500.00 under budget did we have more sewer breaks or water main breaks this year than previous years?

Mr. Yost: Yes. We had more of those wells go down, we had 3 different wells go down that was \$10,000.00 a piece usually we have 1 year that is --- and they vary we used to have to replace well 8 as a matter of fact. Well 8 has been in service since 95 or 94 that is the first one that was placed in there. So we looked at all the records to see if there was any pattern we started planning for it but from that long a span to well 4 was replaced 3 years ago and it went out and 5 was in there like 7 years I believe.

Mr. Klobukowski: Ok driving down a couple of the streets the other day we still got a lot of those silver poles...

Mr. Yost: A lot of what?

Mr. Klobukowski: The silver poles, the silver streetlight poles the development ones and I noticed well the one over on the corner of Wootton and Hoskinson is leaning but it is always leaning because kids like to shimmy up that one I guess. My question is are we going to slowly phase those out you know x number per year or something or one area per year.

Mr. Yost: We have slated a bunch of streets so far. Wootton is supposed to be done this year.

Mr. Klobukowski: Is it in the budget, is it in the existing I don't remember the existing budget like that.

Mr. Yost: Yes. Yep.

Mr. Klobukowski: Ok.

Mr. Yost: I forget what it is, it is on page 17 the 2025 account, streetlight program.

Mr. Klobukowski: Ok.

Mr. Yost: Yea we had \$51,000.00 matter of fact in FY10 to expend and you see that we have done the first 2 and Fisher to Hempstone on Wootton Avenue is the next one slated to be done.

Mr. Klobukowski: Ok and what about Westerly like down Hughes, from Hughes and Westerly to Wootton and then Wootton...

Mr. Yost: Those are all new there aren't they?

Mr. Klobukowski: No, no, I'm talking about the old, old silver poles the very old ones.

Mr. Yost: They must have been on the other side.

Mr. Klobukowski: Yea they are on the opposite side of the street are we going to take those completely out or are we going to put in new ones there.

Mr. Yost: We are definitely not going to put in new ones I think we would probably just take them out.

Mr. Klobukowski: Because we could possibly reduce electricity cost there by removing them if they are not needed and I know a lot of them they are set back in they are not close to the street so the question is and trees and shrubs have grown up around them, I was wondering if we could do some sort of site survey and target ones that are completely obstructed because I don't think people are going to take down a tree in order for a streetlight unless you are going to prune a few branches but I think there is a few pine trees there and other stuff so I was wondering if we could possibly come up with some sort of removal plan, if they are still functional maybe we could reuse something of them.

Mr. Yost: Those are actually mercury vapor, which are going to be phased out just because you can't buy the bulb anymore after 2010.

Mr. Klobukowski: Yeah and they are more costly to operate so if we yank them out that would save a few dollars.

Mr. Yost: Yep.

Mr. Klobukowski: Ok.

Mr. Kuhlman: That it Jerry?

Mr. Klobukowski: Yep.

Mr. Kuhlman: Jim any questions?

Mr. Brown: No Sir. You can send that to me in a PDF or something like that I take, if you would I would like that.

Mr. Kuhlman: Thank you Sir. All right the Maryland Municipal League.

Mr. Yost: Yeah Alan drew up a Resolution and we did talk to Jim Peck and actually sent it over to him for his review also to make sure that it met any criteria that they would need to have in it. Alan will give you the brief on it.

Mr. Wright: We did send it to Mr. Peck and he called me and asked me a question they wondered whether this appeal was actually going to get before the Court and we are apparently under the misimpression that it had to be accepted but I told him no this is an appeal as of right and this issue is going to be squarely before the Court because that is what we are raising and he seemed happy with it. I did quote a little bit in one of the whereas clauses wasn't sure what this should look like but put a little extra reference to

the case law in order to make it a little easier for them to see what we were relying on so that is it.

Mr. Klobukowski: Can I ask one quick question?

Mr. Wright: Sure.

Mr. Klobukowski: Why aren't we just citing Maryland Annotated Code, what is it the Annotated Code of the State of Maryland which empowers the Town to make laws. It seems to me that as the Constitution empowers Congress, the Legislative Branch and Executive Branch, and the Judicial Branch, that the Annotated Code would give some sort of powers to municipalities under the Maryland State Constitution to formulate laws and stuff and to me that seems to me the real crux of the matter, I don't understand why that wouldn't be cited in your...

Mr. Wright: Well I think that is valid authority but when you have a case that has interpreted the law and says specifically that the Town's laws come before any Covenants than that's so much the better. We not only have the law as a basis but you have the Court interpreting it and affirming that that is the case and the Courts lone precedent of course.

Mr. Klobukowski: No I understand that.

Mr. Kuhlman: Then what was your question?

Mr. Klobukowski: Well no I thought basically that the Maryland State Annotated Code would be cited and then these 2 other cases would say they affirm it.

Mr. Wright: Well I didn't want to make this into a Brief, I didn't want to put everything in there. I tried to keep it as pared down as I could.

Mr. Klobukowski: I mean to me it is just the basis of our argument and when I don't see something as simple as that in here I have to, I mean I understand you are citing precedent in here of other places and what the law the results of those cases were but all right.

Mr. Kuhlman: Ok so we are looking for adoption of this Resolution tonight?

Mr. Yost: Yeah the sooner the better.

Mr. Kuhlman: Resolution 007-09 whereas the Town of Poolesville (the Town formally the Commissioners of Poolesville) have filed a timely appeal in the matter of the petition of Donald J. Barnes and Linda Barnes, Civil No. 303971-B in the Circuit Court for Montgomery County Maryland; and whereas the Barnes case is an Administrative Appeal to the Montgomery County Circuit Court from a decision of the Poolesville Board of Appeals granting a Special Exception for a residential professional office optometry and whereas the Circuit Court has remanded the matter to the Board on the primary ground that the Board erred in not considering the existence of Covenants one of which provides that the properties in the subdivision be used exclusively for residential purposes and whereas the Courts decision runs counter to established case law which holds that Covenants are not relevant to a Board of Appeals consideration of a Special Exception. Note: See Perry vs. County Board of Appeals for Montgomery County 127A2D507211 Maryland 294 whatever, the law...

Mr. Wright: You don't have to read the whole thing.

Mr. Kuhlman: Ok.

Mr. Klobukowski: But he wants to.

Mr. Kuhlman: No I don't really. Which states the validity of the zoning ordinance the grant of a variance or exception should be considered independently of its affect upon

Covenants and restrictions in deeds. Such private restrictions controlled by a contract and real estate law are entirely independent of zoning and have no proper place in proceedings of this character. We hold that the Board of Appeals was right in making its determination without reference to the restrictive Covenants citing such and such case; whereas a decision on this issue will affect most if not all of the municipalities in Maryland and whereas this issue meets the other criteria established by the Maryland Municipal League for participation in the case that the issue will be squarely before the Court of Special Appeals is appropriately one for Resolution by the Court, carries a reasonable likelihood of success and will serve as a persuasive precedent in similar future litigation or before other adjudicative bodies in Maryland. Now therefore be it resolved by the Commissioners of Poolesville that the Maryland Municipal League has requested to participate in the above referenced appeal as Amicus --- pursuant to Maryland Rule 8-511, the foregoing Resolution was adopted by the affirmative votes of a majority of the Commissioners of the Town of Poolesville on blank 2009. Any questions or discussion on the Resolution?

Mr. Klobukowski: I have one. Because on the last page it says the Judge ruling so I am remanding the case back to the Board for findings, findings consistent with the courts opinion in the case. Does that mean, so we don't, this doesn't have to go back to the Board of Zoning Appeals to affirm their decision.

Mr. Wright: Not if we appeal it.

Mr. Klobukowski: Ok.

Mr. Wright: This is an appeasable decision.

Mr. Klobukowski: Appeal the decision because I thought maybe the Board would come back and say we affirm our original decision and then the court would say well then we would have a dispute because then ok good enough.

Mr. Kuhlman: No we are holding that the Board of Zoning Appeals was correct and the Judge was wrong.

Mr. Klobukowski: All right I just wanted to make sure that there wasn't a step missing there.

Mr. Kuhlman: All right any other questions. Hearing none is there a motion for approval of Resolution or adoption of Resolution 007-09.

Mr. Klobukowski: I move we adopt Resolution 007-09 subject request for Maryland Municipal League participation in appellant review.

Mr. Kuhlman: All right is there a second?

Mr. Brown: Second.

Mr. Kuhlman: All in favor?

All: Aye.

Mr. Kuhlman: Motion carries unanimously. The Board of Directors doesn't meet until October and that is who has to make the decision whether they will appeal it or not.

Mr. Yost: Yeah that is why I wanted to get it out to them as quick as possible so they had it in their hand.

Mr. Kuhlman: Yeah the Executive Board will give a recommendation to the Board of Directors in October at the fall conference.

### **Old Business**

Mr. Kuhlman: All right old business Blight Ordinance, Wade or Alan.

Mr. Yost: Sure go ahead Alan.

Mr. Wright: Well you had a draft ordinance that I put together, I have to tell you I included the whole chapter just so you could see the context of what we are changing, I could leave some of that out for introduction if you like but as you page through it you have to get to page 4 before you see the amendment starts on the very bottom of page 3 we've added some provisions that deal with basically trash accumulation that is number 6 in Section 15.5-5, starting on page 3 and then number 8 on page 4 is more structural elements which gives some examples of missing or boarded windows, collapsing or missing walls or roof etc., we took this from the Ordinance that Wade had discovered. And then on number 9 some provisions that deal with maintenance basically which are from the County Code. On page 5 that is basically the substance of the amendments that we included which I think should cover what the concerns have been on page 5 for an example of some of the miscellaneous changes I took out "if a life threatening emergency situation exists and is necessary for abatement" as a situation where the Town Enforcement Officer shall prepare written application to the District Court for permission to enter, and I think really if we have a true emergency in which is life threatening the Town or the Police have the authority to break in and deal with the situation and we don't want to make any implication that we should have gone to the court in order to get authority, although I don't think that would really be a question but so I took that out as unnecessary and perhaps confusing and there are a couple other places I changed the language and made it there isn't any --- changes. I pointed out to Wade in an email that we also had adopted the State minimum livability code which is contained in the State Statute which local governments are directed to adopt and it has some additional housing code provisions which you can use and I think between our Code and that Code we are well covered in terms of dealing with housing problems.

Mr. Kuhlman: With this draft ordinance.

Mr. Wright: Right.

Mr. Kuhlman: Questions or comments Jerry?

Mr. Klobukowski: The gentleman next to me is probably or maybe more concerned about this but this wouldn't be interpret someone who has got an antique car in his yard next to his house or in his driveway.

Mr. Yost: Especially if he puts Christmas lights on it.

Mr. Klobukowski: I wasn't going to say that. No but I mean some people are restoring cars, some people say they are going to restore cars and never do and then there are people who go in fits and sparks based on the amount of funding they have at any one point in time so it may stop and they have the car, is that going to cause a problem for somebody like that, I know some people do it and keep the car inside the garage so it never sees the light of day until it is finished or is ready to go to the paint shop.

Mr. Yost: Most of them cover it.

Mr. Klobukowski: Pardon?

Mr. Yost: They will put a cover over it.

Mr. Klobukowski: Right. So if a car is in the yard and covered that is not a problem.

Mr. Yost: That is not a problem or if it is registered.

Mr. Klobukowski: Its registered well they are supposed to...

Mr. Wright: If it has got historic plates on it or if it is covered or if it is even operable.

Mr. Yost: The intent is not to nitpick but...

Mr. Kuhlman: This is my major concern on going down this path is that either successor Commissioners or residents are going to use this as a witch hunt and just drive Staff crazy with this thing I mean there are some properties in town that I can think of right now that it would be nice to be able to see some cleanup or improvement done and I'm for getting something that will enable us to do that but I'm also very concerned as Jerry is eluding to and Wade that we might end up spending an enormous amount of time chasing down that rosebush is up in front of my neighbors window and that needs to be trimmed you know call Town Hall and report it, that is my reservation moving forward on this.

Mr. Wright: Well my experience with the Judges when they take a case like this forward on a citation is that they are very impatient with very minor kinds of violations if you can even call them a violation so when they have a vague provision like if an Ordinance uses the term like overgrown or in requires something to be in good repair and you have a little flake of paint off or a few twigs out of line they are not appreciative that we wouldn't get anywhere.

Mr. Kuhlman: I understand what you are saying but the phone calls could conceivably be coming into Town Hall, it may step up the complaints and have to send somebody out to investigate it anyway, I am just concerned. I am not saying I am not willing to move forward I just have some reservations. All right anything else?

Mr. Klobukowski: Yeah I guess I am concerned with where we were with the pigeon case and the law back then and maybe the words here are correct but I just want some assurance we say "is not being maintained in a safe and sanitary condition as evidenced by the following" ok and we define those conditions it appears to me that all these things are valid, is there anyway where they would say they are not or that you know what I mean it is up to interpretation.

Mr. Yost: Somewhat I think it is up to the Code Enforcement Officer's discretion.

Mr. Klobukowski: Ok and then the word reasonably used in paragraphs 9A and 9B says must be reasonably weather tight in both instances and then there is another word in D where it says good serviceable I guess are those specific enough where we are not going to get something thrown back at us like we did with the pigeon case, the pigeon case can be completely separate type of thing and I am reading something into it that isn't here but I just want to make sure.

Mr. Wright: Well not being familiar with the language that the Judge used in the pigeon case I am not sure but these are not, these kinds of cases are frequently judgment calls and the government has to be clearly in the right before you take a case that deals with somebody's property rights in my experience.

Mr. Klobukowski: I guess what I am saying is this the accepted language phraseology to use in this sort of law.

Mr. Wright: This is typical language.

Mr. Klobukowski: Ok I am sorry for taking so long to get to that point thank you.

Mr. Kuhlman: Jim any questions?

Mr. Brown: Actually I like it as is, I think it gives us the teeth to do what we need to do and we don't necessarily have to use it but I think it is important that we have the teeth in place so I like it, I don't want to change anything.

Mr. Kuhlman: All right we need to set this for a public hearing but you also have a bunch of stuff you are expecting from...

Mr. Yost: The Planning Commission we introduce a whole lot on August 17 and set a public hearing for everything at one time.

Mr. Kuhlman: How many different items do you figure they are going to have?

Mr. Yost: I think it is like 7, there is windmills and solar panels and a couple different Ordinance changes and things we are working on.

Mr. Kuhlman: And the way I am thinking I would just as soon go ahead and set these two, we have another one to discuss here in a few minutes, go ahead and set these two now separate of those coming from the Planning Commission because it sounds like if they have 7 or better might take too much time up in one night for the public hearing if you get a lot of comments and I'm just worried about that, so what do we need 30 days from now.

Mr. Yost: At least 15 no more than 30.

Mr. Kuhlman: So that puts us at what in September 1<sup>st</sup> meeting in September.

Mr. Yost: Yep which would be Tuesday, the 8<sup>th</sup>.

Mr. Kuhlman: I didn't hear you Wade.

Mr. Yost: Tuesday the 8<sup>th</sup>.

Mr. Kuhlman: The 8<sup>th</sup> did you say a Tuesday.

Mr. Yost: Yes.

Mr. Klobukowski: Labor Day.

Mr. Kuhlman: Oh ok. Ok is there a motion to set this for a public hearing on September the 8<sup>th</sup>?

Mr. Klobukowski: So moved.

Mr. Kuhlman: Do we need to put an Ordinance number with this or I guess...

Mr. Yost: Yea we need to be a Resolution to go along with the Ordinance right.

Mr. Wright: No we just adopt the Ordinance. It will get a number once it is introduced and Bobbie will tell us what number it is.

Mr. Kuhlman: Ok all right we have a motion to set an amendment to Ordinance or Chapter 15.5 unsafe structures, is there a second?

Mr. Brown: Second.

Mr. Kuhlman: All in favor?

All: Aye.

Mr. Kuhlman: So the public hearing is set for Tuesday, September 8<sup>th</sup>. All right next one is the Parking Regulation Ordinance, Wade or Alan.

Mr. Yost: Alan.

Mr. Wright: On the parking there has been discussion about what the County has done recently to stiffen up its restrictions about parking in residential neighborhoods and so this basically follows what the County has done and if you've got it in front of you I will start you off my telling you ignore the first definition because I had put that in because I think it, well just hold onto that for a minute, the very next section there is a definition of heavy commercial vehicle what they have done is taken out the term commercial vehicle and added heavy commercial vehicle so that just because a vehicle is a commercial vehicle such as maybe a taxicab or a light pickup truck etc., is not prohibited from parking on a residential street it has to meet certain requirements that are more appropriately described as heavy and so they give you the definition here that it has to be more than 10,000 pounds, rated more than 1 ton, a length of more than 21 feet or a height of more than 8 feet, these are in disjunctive it could be any one of those makes it a heavy

commercial vehicle as defined for the purpose of this Ordinance, it also covers recreational vehicles which were not covered before that is on page 2 and I note recreational vehicles is defined without reference to any size or weight limitations just for purpose, motor home, travel trailer, camper or camping trailer etc., and then at the bottom of page 2 section 12-15 the operative sections of the Code, A is a subsection that deals with recreational vehicles and they have separated these out, must not park any recreational vehicles on a public roadway more than 18 hours unless emergency and so forth, then B is a little bit awkwardly worded as far as I am concerned, they start off telling you where you may park a heavy commercial vehicle or bus...

Mr. Kuhlman: Back up one second excuse me Alan right there on page 3 the top sentence you have got a word missing "any public roadway for I guess more than 18 feet"

Mr. Wright: Yea I guess that, this is yeah thanks I will check that and insert that I think it must be more or over or whatever. Ok then you go to B, which deals with heavy commercial vehicles and busses you can't park on public roadway where both sides of the street abut a property zoned for commercial or industrial use unless parking is otherwise prohibited for everybody at that place. Now I have a law question about this, they had in the County Legislation they had toyed with different ways of describing exactly where parking was prohibited, they started off by defining a block and it got pretty complicated and they took that whole thing out and they left it as the wording presently is saying you can park it on a public roadway where both sides of the street abut a property zone for a commercial or industrial use, so I am interpreting that to mean at the point where you park your heavy commercial vehicle if on either side of the road it is zoned for commercial or industrial use you are ok.

Mr. Klobukowski: So then school bus I see sometimes in the morning some school bus drivers will park their busses on the street and go into McDonalds and that would be permitted.

Mr. Yost: 18 hours.

Mr. Klobukowski: 18 hours right, 18 hour hold.

Mr. Wright: School bus...

Mr. Klobukowski: I mean I assume they have come from dropping off the kids at school and now they are stopping for breakfast at McDonalds.

Mr. Kuhlman: I would guess that is a State Highway I don't know that we can pass Ordinances on the State Highway.

Mr. Klobukowski: Ok I understand that but...

Mr. Yost: Well I mean they are already, this is something --- is going to enforce not us.

Mr. Klobukowski: Ok but that means they could not park on Tom Fox where there is the de-acceleration lane which the County refuses to mark on Hughes Road when you are heading north on Hughes and you come to the corner of Tom Fox and Hughes where the road continues on, Tom Fox continues on 107.

Mr. Kuhlman: As long as they are not there for more...

Mr. Klobukowski: 18 hours but it says that is not a commercial zone, it is not a commercial or industrial zone.

Mr. Wright: Recreational vehicle you can park for 18 hours.

Mr. Klobukowski: But it says bus or bus on a public roadway where both sides of the street abut property zoned for commercial and industrial use.

Mr. Wright: Well yeah if you are zoned commercial on both sides you can park there.

Mr. Klobukowski: It is residential.

Mr. Yost: Right so for the residential it is the top paragraph.

Mr. Klobukowski: The school bus.

Mr. Wright: That is why I said this is a little bit backwards, first it tells you where you can park and then it tells you prohibition. A person must not park a heavy commercial vehicle or bus on any other public roadway unless and then the exceptions are: it is loading or unloading, working on the property, a bus stopping at a bus stop for a period of time to keep on schedule, or involuntarily because it is broken down.

Mr. Yost: That is a strange way it is written right.

Mr. Klobukowski: I mean to me it seems like if you go 18 hours it seems like the law is really in a way milk toast, because you go 18 hours if 18 hours is most contractors if they work in the summer they may be out on a job until 8:00 at night and then they are up before dawn.

Mr. Wright: The 18 hours only applies to RV's.

Mr. Yost: Or a bus right, no, it is more at the top paragraph.

Mr. Wright: They took out or a bus.

Mr. Yost: Oh they took that out.

Mr. Wright: A only applies to recreational vehicles, a person must and I put in the deleted language the same way as the County had to show you what was before but it somehow makes it a little difficult, the County's draft was much worse because after they got to amending it they started adding and subtracting more things and all of those things were shown in here and it was almost impossible to figure out what it said. But the way this reads is just look at the underlying, leave out the bracket and stuff – a person must not park any...

Mr. Kuhlman: Do we have a problem in Town with parking right now Wade? The only reason we are here right now if my memory is correct is because the County adopted this Ordinance, called us and asked us if we were going to sign on or not.

Mr. Yost: There are a couple places yes.

Mr. Kuhlman: All right because I mean one thing right now I see this on page 2 exempts one of the trucks and it's a pain in my, not a pain in my life but it would be a pain if I lived up there, this State truck that always parks on Kohlhoss Road and it would be exempt because it is a governmental truck so either we are going to ban the commercial vehicles from parking on the street all together and be done with it or we are not. I don't understand why we are giving exemptions to a governmental truck and I don't know why we are trying to decipher all this if there is really no problem and if there is why not just go and say no commercial vehicles can be parked on the street, no school busses, no recreational vehicles or anything can be parked on the street at any time.

Mr. Yost: I don't think you want to do that I mean there are a lot of people that bring home pickup trucks or vans that have...

Mr. Kuhlman: I said commercial vehicles.

Mr. Yost: That is a commercial vehicle a van with a construction company on the side of it that is a commercial vehicle.

Mr. Kuhlman: Got a business names on the side of it, it is a commercial vehicle?

Mr. Yost: Right.

Mr. Klobukowski: I am not sure I understand what you are getting at, well anyway just like all of a sudden farm machinery can be parked for 18 hours and someone could roll a combine up somewhere.

Mr. Yost: Well I can tell you, I don't know why it is written this way but I know the Police are looking for continuity so they can do complete enforcement throughout the County instead of saying this town doesn't want them, this town, so they are trying to encourage everybody to adopt it so they can enforce it evenly across the County.

Mr. Klobukowski: Well my question is as Alan is saying it is not written correctly should we regardless of what the County has written should we have written our law correctly.

Mr. Wright: I think it is just a little awkward to put what is prohibited after what is permitted, usually they do it the other way around makes it a little simpler.

Mr. Klobukowski: Would it change anything?

Mr. Wright: I wouldn't change it because it still makes sense the way it is written it is just a little...

Mr. Klobukowski: It makes sense to you as a lawyer but does it make sense to the common man.

Mr. Wright: You commonly expect the prohibition to come before the exceptions but that is cosmetic it is still affective and I think it still does what it was intended to do, whether you like that or not I mean it does exempt government agency vehicles, it exempts farm machinery, now that is not a matter of how it was written that's the substance of the Ordinance the way they passed it. You don't have to go along and adopt it but as Wade says if we want the Police to enforce it then we should try to keep it the same thing as the rest of the County has because otherwise they will throw up their hands and say we don't know what the difference is in Poolesville from what the County has got and we are not going to fool around with it.

Mr. Yost: I know what you are saying, that it is not everything that it should be and maybe there is a reason that the County wrote it up that way for enforcement reasons, I really don't know those answers but Captain Didone was here explaining it and it made sense everything he said it may be a problem that is coming down the pike that we haven't seen yet but they are seeing elsewhere in the County obviously if they adopted some new legislation.

Mr. Klobukowski: Well maybe they should have explained it to us a little better is there any reason why again is there any reason why we can't write it more concise than the County did yet incorporate everything the County needs to enforce the law, because I think one thing I have a problem with a lot of laws is the fact that when you read them its like say what and they put these phrases here and there and everything and nothing is straight forward and maybe that can't be achieved in law because there are so many variables that you are trying to cover in law but in the same token if you write something that is clear and concise and you can point to and the common man can read and understand seems like you have won partially a victory there because he already he is going to accept it or he might not accept it but he will at least understand it better. And the only other question I have is on page 3 – 5 where it says "public contractor vehicles is defined and it deletes the whole thing shall be lawful to park 1 commercial vehicle in a residential driveway provided such vehicle shall be no larger than a ¾ ton truck, no dump trucks, tractor trailers, large etc., etc., etc.

Mr. Yost: And that is a big problem we have, we get complaints quite often and right now --- are parking in the driveway for 72 hours.

Mr. Wright: I took this out because this Ordinance deals with parking on public streets and if we want to prohibit certain parking in people's driveways on their private property we ought to change the zoning ordinance not try to put it in the traffic section of the Code, that is why I took it out of here. Plus it tells you where it is lawful to park it doesn't tell you where it is unlawful to park.

Mr. Klobukowski: Ok my only concern was we had a couple people last time when we wrote this law come and say basically one of them was a tractor trailer driver I think he wanted to be able to park his tractor in his driveway because if he had a long 4<sup>th</sup> of July weekend, Labor Day weekend, a long weekend or he is coming back off a haul he has got 72 hours before he goes back out or something, you know it was an inconvenience for him to find someplace else to park it so I want to make sure that this doesn't permit some working stiff the ability to get some R&R when he needs it.

Mr. Wright: Doesn't prohibit or permit?

Mr. Klobukowski: Will not prohibit him from...

Mr. Wright: From parking his tractor in his driveway.

Mr. Klobukowski: Right.

Mr. Wright: This does not.

Mr. Klobukowski: Ok all right.

Mr. Wright: Although it seems to me a good argument could be made for doing so.

Mr. Klobukowski: I mean I know guys down in Myrtle Beach a guy who does that because he is a long haul trucker and he has his own tractor he is independent.

Mr. Kuhlman: So you want him to be able to park in his driveway?

Mr. Klobukowski: I just want to make sure yeah if that in fact he is allowed.

Mr. Brown: This doesn't stop that.

Mr. Wright: And I think once you take out some amendments to this thing it will read a lot clearer but that is the way legislation is written so you can see what was there before and what is being changed.

Mr. Klobukowski: They don't use Microsoft Track Changes then.

Mr. Yost: And Alan just had that deleted that they can park for 3 consecutive days and I would rather see that stay in there because I've used it several times.

Mr. Brown: Absolutely.

Mr. Klobukowski: Ok.

Mr. Kuhlman: Well I think either we need to have a work session on this or something because I don't know whether I totally agree with Jerry, I need to think about it but if you are going to give and I have drove tractor trailers across country for 3 years, I never brought the rig home or the tractor, there was a yard that we parked them at to keep them out of the neighborhood and you parked your truck there and then you went home. The one that used to live over there in my neighborhood he would park it up at Selby's because that is not posted, he can go in there and park. If you are going to make it ok for them to park in their driveways then what is the problem with a 2 ton pickup truck parking with lettering all over it.

Mr. Yost: It is already ok.

Mr. Kuhlman: Huh?

Mr. Yost: It is already ok.

Mr. Brown: It is in the Code and it is ok.

Mr. Yost: Right now.

Mr. Kuhlman: Ok.

Mr. Yost: For 72 hours. And I think that was pretty much like you said for a weekend guy but there are some abusers to that so the 3 days we go out and issue a warning at that point and then typically they stop.

Mr. Wright: We --- this in if you'd like Wade I would just suggest that we change it instead of saying no etc., are authorized, we'd say that these vehicles are prohibited from parking so make it a little clearer that this is a violation, that is just my...

Mr. Kuhlman: I don't know I am personally beginning to feel that either you two or one of you needs to have a conversation with Didone.

Mr. Yost: He came and gave you a presentation on it.

Mr. Kuhlman: Hear me out. About how much can we adopt or amend their Ordinance before they will refuse to, do we have to adopt it word for word, can we cut and paste and then are we going to when the Montgomery County Police come up he going to say uh uh this isn't word for word so I don't enforce it.

Mr. Klobukowski: I think I have to agree with Eddie, Eddie said at the last meeting he asked the question do we have to adopt it in its entirety or can we cut and paste it into our...

Mr. Yost: Well that was Chapter 31 was the question not just this particular portion of the Ordinance and no we cannot adopt all of 31 and actually this whole...

Mr. Kuhlman: We have cut and pasted their parking ordinance.

Mr. Yost: Yes.

Mr. Kuhlman: Are they going to enforce it now that we have cut and pasted?

Mr. Yost: Yes.

Mr. Kuhlman: Do you have that in writing?

Mr. Yost: No if you want me to get it in writing I can, I talked to Tom Didone on the phone and I think he is a man of his word, all he wanted to know was to get a copy of what Chapter it was in so he could reference it when they wrote the tickets they would have it, that is all.

Mr. Kuhlman: All right well I don't know.

Mr. Brown: Eddie I hate to tell you but I think it is ok, once we had another draft with the other language removed I mean I know you don't want to do it for the next public hearing but I think it is almost painless the way we go through it now and it permits complete enforcement with no hassle.

Mr. Yost: And I have to say the language in all of Chapter 12 that we have here is exactly the same, it was taken out of Chapter 31 with the exception of stop signs it was a County Executive that gave the order, we just changed it to the Parks Board get to recommend to the Commissioners who would issue the order, that was the only changes to the whole chapter, all these were inserts taken right out of Chapter 31, just like we are doing right now word for word with the exception of changing who had the authority.

Mr. Kuhlman: Ok.

Mr. Yost: So I probably don't want to adopt the whole Chapter 31 because you are taking authority away from yourself.

Mr. Kuhlman: All right well I mean you guys may feel comfortable I'm not comfortable setting it for public hearing just yet I think it needs to have some language straightened up in it.

Mr. Brown: Yeah I mean I would feel comfortable waiting until the next meeting to have another draft set up with the language removed that is appropriate to be removed as indicated to make it an easier read and go from there.

Mr. Wright: You would like the language that would show the final product.

Mr. Klobukowski: You want a smooth copy of the final without track changes in it.

Mr. Wright: Both so somebody can look at this is the way it is going to read once the final thing is adopted and if somebody wants to look at the Bill form then they can look at it.

Mr. Brown: We have that here right?

Mr. Wright: We have the Bill form and I suggest this is the way it should be introduced and I will provide you with a copy of the Bill, the way it is going to look if you pass it.

Mr. Kuhlman: And provide us with that at least a week before the meeting so we have plenty of time to spend reading through it.

Mr. Wright: Will do.

Mr. Kuhlman: Thank you.

Mr. Klobukowski: One thing though on this number 5 we are going to leave that in but Alan you had a suggestion with respect to a correction you would have made to the paragraph.

Mr. Wright: Just make it a little clearer that it is not a matter of not authorizing.

Mr. Kuhlman: Number 5 is deleted.

Mr. Klobukowski: No we said but Jim and I recommended and Wade also he recommended it remain in.

Mr. Wright: For at least the purpose of the Bill we are introducing. You Commissioners can always amend it out or in or make other changes as you see fit. This is just introduction, this doesn't have to be the way it finally comes out.

Mr. Klobukowski: So you are saying leave it the way it is now or wait till the what you call it.

Mr. Wright: No if there is a consensus for the purpose of introducing the Bill we should leave that number 5 in and I will leave it in.

Mr. Klobukowski: I recommend we leave it in but you said there was, you would correct the language to read...

Mr. Wright: I would correct the language to make it a little more clear that it is prohibited rather than simply not authorized.

Mr. Klobukowski: Ok is that Jim...

Mr. Brown: That is fine, that covers it for me.

### **Committee Reports**

Mr. Kuhlman: All right very good Committee Reports.

Mr. Wright: Did we set that for hearing also?

Mr. Yost: No.

Mr. Wright: You want to introduce that?

Mr. Yost: Next meeting.

Mr. Wright: Wait till the next meeting to introduce it all right.

Mr. Kuhlman: You got a report Mr. Coakley?

Mr. Coakley: Planning Commission has not met since the last Town Commission meeting.

Mr. Kuhlman: On vacation huh?

Mr. Klobukowski: Could I get a readout though as to the feeling of what these 7 Bills are or 7 Ordinances that you are going to propose are.

Mr. Coakley: They are changes.

Mr. Klobukowski: You said 7 I am thinking 7 individual pieces like this, are we talking 1 piece with 7 things in it.

Mr. Yost: Both actually, it is a combination of things from 1 is to allow churches to sell Christmas trees which they are not allowed to now in residential zones and we are looking at setbacks we want to change that yet.

Mr. Klobukowski: Setbacks with respect to what?

Mr. Yost: Side setbacks to change them from 10 foot to 5 foot and it was kind of half and half not sure which way that one is going to go.

Mr. Kuhlman: Why would they change 10 to 5 I mean the County Code has been...

Mr. Yost: County is 5, 5 and 5.

Mr. Klobukowski: You mean 3.

Mr. Yost: Copy I has says 5 and 5.

Mr. Kuhlman: Huh?

Mr. Yost: The copy I has says 5 and 5 could be right. So yeah just a lot of people want to put their sheds closer to the sidelines and so we brought it up for discussion. Play equipment and all that stuff has to be at least 10 foot off the sideline now if you have any nice trees or whatever it kind of flops it back and especially if people have a pie shaped yard or stuff. We are looking at solar, geothermal, and windmills where they can be related so they will be an amendment to the Use Chart itself as well as to the development standards for which those are allowed in and not allowed in or whether it is going to be a special exception there will be some words I think Alan is drafting some language up for a special conditions for a special exception for a couple of the uses like solar and general commercial or CBD if it was at the back of the building can't view it from the street, things like that.

Mr. Coakley: And special exceptions on the geothermal which would be allowed.

Mr. Wright: We could put that all in one zoning amendment all the energy related.

Mr. Yost: But that was an example of several of them.

Mr. Coakley: We also discussed possibly changing some of the wording on uses of pipestem lots.

Mr. Yost: And a review of Covenants.

Mr. Kuhlman: So a wide array of stuff very good.

Mr. Klobukowski: Can I, I don't know maybe this is going beyond the scope of but are we or is the Planning Commission considering with respect to geothermal any sort of chemical in the piping or strictly.

Mr. Yost: We have done a lot of legwork on all of these.

Mr. Kuhlman: Let them bring the stuff to us Jerry.

Mr. Klobukowski: Ok cuz if we are I would like to see the safety of that.

Mr. Kuhlman: I am sure we will all have a lot of questions.

Mr. Klobukowski: Ok.

Mr. Yost: The rest of the information is classified right now we can't tell you.

Mr. Kuhlman: Thank you gentlemen, Parks Board.

Mr. Brown: Parks Board meets this Wednesday.

Mr. Kuhlman: Oh good. Anything from the CEDC over here?

Mr. Yost: No.

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

Mr. Kuhlman: Town Manager's Report.

Mr. Yost: I just have a, we have a bunch of irons in the fire right now I will just give you a brush of what we are doing. Skatepark issue is coming up to the Parks Board. We had the bid openings, looking to get a recommendation to be before this Commission on August 17<sup>th</sup> for a possible contract award.

Mr. Klobukowski: What was that for?

Mr. Yost: Skatepark.

Mr. Klobukowski: Ok.

Mr. Yost: The band shell we have gone through a bunch of different designs I think we are almost there.

Mr. Brown: Come on man lets be optimistic we are about there.

Mr. Yost: Yeah we had to make another change today.

Mr. Brown: Ok maybe we are not about there.

Mr. Yost: This is wearing me out. So hopefully so anyway the band shell getting that right so it has openness and a historic theme to it and trying to get all that wrapped into one unit. MTBE still working with Kathy Mihm on that, we sent letters out to residents that have private wells all in the center of town there trying to get permission to go in and not only sample put also put in transducers and then operate well 2 and 5 at different intervals to see how the water impacts those private wells at that lower level to see if it pulls in any one direction more than the other and again like I talked about last time we are just concerned that the State wants us to run the Elgin and the Schraf well as well as well 2 and well 5 all at one time while we are doing the test down pump down for the 60 days that might possibly pull a plume of MTBE's out into the aquifer so she really wants to get a grasp on how the water flows and what impacts that might have.

Mr. Klobukowski: Ok I spoke with, I apologize for interrupting but before I forget I spoke with one of the property owners, the Nessul's and they said just give them a call and they are willing to sign any paperwork that you would need.

Mr. Yost: I sent them a letter already.

Mr. Klobukowski: Alright to they would like a call, I spoke to them on Friday night.

Mr. Yost: They should have had it by now.

Mr. Klobukowski: They got the letter but they wanted to know a little bit more about it I think from what I recall and I think one of the wells they have on their property is filled in or partially filled in.

Mr. Yost: I thought we abandoned one of them. Mr. Maxwell next to we abandoned his but I sent them a letter just in case. Because that is definitely one I am interested in right there. You heard about the Ordinances we have been working on. Also we have been working on focus groups we have had one meeting so far between the Planning Commission and the CEDC for development of the Master Plan so we are looking at doing 2 different focus groups at least so we are going to start doing some advertising, get some people to help us toward the end of September into October, 2 different Saturday mornings hold these focus groups and look at the Vision Statement, the

infrastructure needs and be a learning curve for me. Link and George are heading it up so and Mary Beth Dewey also she is part of it, Tim Whitehouse and Tim Pike are part of it but they didn't show up for the meeting, Bob Bachman was there also, so it should be a good group effort. And I want to touch base on the Recreation Program, this is the last week it is going on, Cathy Bupp has done an outstanding job I don't know if you guys have heard anybody in the community talking about it but she really added a lot of things this year, each week was a different theme whether it was Reggae or Caribbean or whatever she had different things, she had players from the Keys come out one week and play ball with the kids, she had the Skatepark set up for one week, they did a Cheerleading deal, they had State Police come out with the horses, they had the Fire Department come out and do a whole thing with the Fire Trucks, they had the K-9 unit from the Police come out one week, so she has really expanded the program, we had 168 kids in the program so that was one of the highest years we've ever had.

Mr. Kuhlman: Good.

Mr. Yost: Yeah she did a really good job.

Mr. Kuhlman: Very good.

Mr. Brown: Wade just one question for you since I wasn't here on last Thursday how did the Skatepark Demo turn out up here.

Mr. Yost: Really good there was about 50 kids at least 50 kids and a lot of parents too just to come and watch, there were a lot of spectators that just came out, the parking lot was full and cars parked all over the place, it was kind of neat.

Mr. Brown: Good and no issues, all the skateboarders behaved themselves and the parents came and spent money in town.

Mr. Yost: They were model citizens.

Mr. Brown: Excellent that is very good news thank you.

Mr. Yost: Yeah they were it was a fun time.

Mr. Klobukowski: I hate to say this but when I got there I counted only 30 kids.

Mr. Kuhlman: Anything else?

Mr. Yost: That is it.

### **Citizen Forum**

Mr. Kuhlman: Citizen's forum anybody?

### **Adjournment**

Mr. Kuhlman: Seeing no hands I entertain a motion for adjournment.

Mr. Klobukowski: So moved.

Mr. Brown: Second.

Mr. Kuhlman: All in favor?

All: Aye.

Mr. Kuhlman: We are adjourned ladies and gentlemen.