

**COMMISSIONERS OF POOLESVILLE  
MEETING OF MAY 17, 2010**

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

**Call to Order**

Mr. Kuhlman: Good evening ladies and gentlemen we will call the May 17, 2010 Commissioners Meeting to order. First order will be the Pledge of Allegiance.

**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 Town had two executive sessions last week on Monday night and Tuesday night and the reason for the executive sessions which were advertised, were to interview two applicants for the position of Town Attorney, then on Tuesday night after the final interview the Commissioners excused the applicant, discussed the two interviews and made a decision to hire our new Town Attorney Jack Gullo, who is better known as Jay. And Mr. Gullo if you would like to say anything.

Mr. Gullo: Thank you I am glad to be in Pooleville and you have my commitment that I am going to do everything I possibly can to protect the best interest of the citizens of Pooleville.

Mr. Kuhlman: All right thank you Sir. For the record all Commissioners except Mr. Hoewing are present, as well as our new Town Attorney, Mr. Gullo. Any other announcements before we get into the other subject?

Mr. Klobukowski: Tonight there is a meeting at the John Poole Middle School concerning the Monocacy Round Table as this business is also important to the Town, I am here and we are supposed to submit a position paper and also I would like to see us endorse whatever the Cluster's options approaches are they put forward as approaches so we are going to talk a little about this later on in the well we were, did that come off, oh there it is ok under announcements, all right sorry so hopefully we will iron this out and get information to Mr. Kristell and that will satisfy his requirements.

Mr. Kuhlman: Ok I saw Mr. Hoewing's truck pull into the parking lot so we will hold on for a minute before we go on and discuss this letter. All right for the record Mr. Hoewing is now in attendance and as Jerry announced we are going to discuss this Town position letter dealing with the Cluster and Jerry has drafted or Wade and Jerry have drafted a position paper and Link you have some comments on it.

Mr. Hoewing: Yeah I have some not major changes but yeah suggestions.

Mr. Kuhlman: So if it goes out as drafted you don't have a problem?

Mr. Hoewing: I have one revision basically a slight tweak to the recommendation on the option O I'm not against anything --- it should be something we should do but I also didn't want to foreclose the idea that some of the other options in combination might be good, so I was a little worried that it sounded like we were supporting that option alone, that is the only thing I was worried about.

Mr. Klobukowski: I have got before you, if I can find my own copy, is Poolesville Monocacy Round Table discussion group analysis of approaches, this is put together by members of the Cluster, basically people who have attended the Round Tables and their basic, how they see the advantages and disadvantages of all the approaches, I think it is Sarah Defnet and Lynne Rolls briefed us at the last meeting, the Round Table was just asked to come up with possible approaches to keeping Monocacy open, how would we do it and they range from opening up enrollment at Monocacy Elementary to creating a Cluster magnet school or not a magnet changing it to a Charter school, and basically the Cluster looked at each of the approaches and evaluated and they saw what the advantages and disadvantages were on each individual approach and the feeling is again as Lynne and Sarah briefed was we are not looking at any one approach like what Link is saying, we are looking at a possible hybrid, we are mindful that we need to keep it as low budget as possible and so it is more acceptable to Dr. Weast and the Board of Education. And basically it is the Board of Education who voted to keep Monocacy or really to proceed with this Round Table discussion thing in the face of opposition by Dr. Weast, so I think really who we are writing it to, the audience is really the Board of Education because they are the ones who have the ultimate authority to overturn Dr. Weast's decision.

Mr. Hoewing: All I was suggesting Jerry was that we right now the paragraph says "the Commissioners of Poolesville support approach O" and it looks like we are not saying that other parts as a combination...

Mr. Klobukowski: No you are right.

Mr. Hoewing: I was going to say put a particular emphasis on approach O.

Mr. Klobukowski: All right.

Mr. Hoewing: That is all I was saying.

Mr. Klobukowski: Ok.

Mr. Hoewing: And that way if later on we say we don't think these other two approaches ought to be part of the combination and solution that is all I was saying.

Mr. Klobukowski: We could say approach O in conjunction with others suggested by the Cluster or something like that.

Mr. Hoewing: Yeah or in addition to other recommendations the Cluster may have or something, I think that is fine.

Mr. Klobukowski: Ok.

Mr. Kuhlman: All right any other comments?

Mr. Hoewing: No.

Mr. Kuhlman: All right very good then. You got those changes in Wade?

Mr. Klobukowski: Eddie asked the question, everybody asked the question, who do we address this too. I talked with Dawn Albert today because I emailed her along with Sarah and others about who would this position paper or point paper or whatever you want to call it be sent to, and Dawn was saying we don't know

ourselves, so what we are doing is just putting it out as a position paper with no specific, addressed to not anyone specific just saying this is the Town of Poolesville's position paper on however you want to phrase it, which I think is probably the way to go.

Mr. Kuhlman: All right are you making any comments to this based on the non-Commissioner comment?

Mr. Yost: No.

Mr. Kuhlman: Ok all right very good.

### **Approval of Minutes**

Mr. Kuhlman: All right takes care of that. Approval of the minutes we have a set of minutes from May the 3<sup>rd</sup> and we have a set of Executive Session meetings for May 10 and May 11. Is there a motion for approval of the May 3 meeting?

Mr. Brown: So moved.

Mr. Kuhlman: Is there a second.

Ms. Gruber: All in favor?

All: Aye.

Mr. Kuhlman: Motion carries unanimously. I need a motion for the May 10 and May 11 Executive Session minutes that you have in your hands right now. Is there a motion for approval?

Ms. Gruber: Motion to approve.

Mr. Hoewing: Second.

Mr. Kuhlman: All in favor?

All: Aye.

Mr. Kuhlman: Motion carries unanimously.

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

Mr. Kuhlman: Ok Open Forum & Citizen's Comments on Agenda Items, we will see about citizen agenda items, if you don't mind, anybody Fisher Avenue sidewalk trail contract, anybody have anything there, we are looking at choosing out of 3 bids I think it is for the construction of the sidewalk on Fisher Avenue, anybody have any comments there, all right Wastewater Treatment Plant roof contract, we have 4 contractors that have submitted, any comments there, and we will be hearing a proposal from the Parks Board and they are recommending security cameras be installed over at the skatepark facility. Is there any comments there, seeing no hands any comments in general, Mr. Elgin.

Mr. Elgin: Good evening and thank you. My name is Charles W. Elgin, Jr. I am part owner of the house at 17909 Elgin Road. I am here tonight...

Mr. Kuhlman: Is that the house your mother resides in Charles?

Mr. Elgin: That is correct. I am here to ask what the status is of the right of ways for the sidewalk extending from the upper end of Elgin Road now to join the old sidewalk, we have one that has been installed in front of the new model up there and Mr. Kettler and Kettler Forlines had made a pledge to do some other sidewalk work but it was up to the Town to obtain the right of ways that have not been obtained. Our particular one at 17909 has been signed, several probably a year and a half or two years ago and I would like to know what the status is of the other 3 properties, Hagerty, Maxwell and Maureen I don't know her last name.

Mr. Kuhlman: According to Staff, this issue hasn't come to the Commissioners yet but according to Staff those 3 people are objecting to signing over the easements that we need for the right of way to construct the sidewalk, and Town Manager is trying to one more shot at trying to get it before we discuss it about what to do if they don't want to sign.

Mr. Elgin: I know in the past you have had this problem and you've moved forward, this has been going on for a long time now it didn't just happen, approximately 10 years ago there was money in the budget to build a sidewalk on Elgin Road, that was withdrawn and said let the builder put it in, now the builder has pledged to do his part and we are not ready for it and in the 1950's I walked to school from that same address I gave you, the sidewalk was in much better shape then than it is now, the number two issue is when we do finally hook to that sidewalk, we would have a sidewalk that doesn't meet any kind of code whatsoever as far as ADA goes, that the State road installed there a few years ago. And I know the same thing happened down on the other end of Town and they ended up tearing it out and replacing it. Elgin Road has been ignored for a lot of years and I think it is time now to lets move forward instead of if these people are not going to give you the right of way you need to go take it, it is not fair to the citizens, Elgin Road is a major thoroughfare in and out of this Town as well as Fisher Avenue is, and the traffic volume on that road is a whole lot more than some of these side streets that you are spending thousands of dollars on to put sidewalks in so I think it is time we move forward and obtain the right of ways so that the thing can be built.

Mr. Kuhlman: I am in full agreement with what you are saying. Right now we are allowing Staff to look at one other option and then it will come to the Commissioners so it will be dealt with here in the next meeting or two.

Mr. Hoewing: I assume we have right of immanent domain if they don't give us the property is that correct?

Mr. Gullo: Certainly you have the right to condemn it but that involves a process that involves paying for the property at the end anyway.

Mr. Hoewing: What is the reasoning they are giving for not granting the right of way?

Mr. Yost: Each owner has different reasons. One wants the money or things built for the piece and then the other two, well there is some old issue with one of the owners and the other one just flat out doesn't want a sidewalk on their property.

Mr. Kuhlman: In the immanent domain process Link we don't have the power that the State has on it where if the State decides they want it for the betterment of the citizenry they can come in and take it, start using it, and go to court. We on the other hand are down a few pegs, we can, we have to fight it through court and get it resolved before we can take it and start using it.

Mr. Klobukowski: Well the fact that it is on a State road doesn't that sort of complicate things as well. I mean I assume Mr. Kettler has gone and run the plans through SHA.

Mr. Yost: Yes.

Mr. Klobukowski: Ok so he has got that approval.

Mr. Kuhlman: But the problem is there is only a prescriptive easement and there is no right of way on those properties. The only reason we have them on the other

properties is they gave them I guess through the negotiations with Mr. Kettler and were anxious to get the sidewalk and agreed to it and have signed the paperwork.

Mr. Elgin: Yeah so that is one of the reasons we did on my mother's property, she is now 90 years old and as most of you have seen her she walks a lot and she has to walk in the road to get to the sidewalk and with the traffic volume it is just not safe. And the other side of the road you have right of way all the way up to the property line of Mr. Kettler's new model across the street. That right of way was granted when Elizabeth's Delight was built, the curb and guttering is in, it would not take much at all to put a sidewalk up that side of the street and with the traffic volume on that road there is no reason there shouldn't be one on both sides of the street. But I have two other gentlemen that would like to make brief comments on the same situation.

Mr. Kuhlman: That is fine Sir now is the time.

Mr. Dimopolous: Good evening thank you. My name is James Dimopolous, I live at 17924 Elgin Road, pretty much across the street from the new Kettler model. I am here to kind of voice in again with the idea of Mr. Elgin in reference to a sidewalk. I have been residing in Poolesville for 23 years, the last 10 here on Elgin Road. Approximately 2 years ago I met with Town Manager Yost in my front yard and he was telling me about the possibility of putting a sidewalk in and then after an informal meeting with him sometime later he informed me that it probably wasn't going to happen that they were going to have the Kettler, so we have been kind of waiting and waiting. I have a handicap son who is wheelchair bound and as Charlie had mentioned to you all about his mother, we really, we literally have to roll him up the middle of the street in order to get to the sidewalk and then once we get halfway up the sidewalk then we have to go back into Elgin Road because we can't get him up and down in his wheelchair because it is not ADA compliant. I was really thinking it was looking good when I saw it coming down past Charlie Glass' house I thought oh boy it is coming this way. So I would just like to voice my concern and the fact that we are the other main street in Poolesville and I sat there since I have been retired on my front porch and I invite anyone that would love to come down and sit on the front porch and look at the 18 wheelers and the traffic when it comes into Town. Now my wife and I will come in the afternoons and sit here in Town right on the bench out in front of Town Hall and watch the traffic in the middle of Town ok, that traffic that goes through this Town on Fisher Avenue, the majority is coming through Elgin Road, we need sidewalks, we need something whether it is on one side or the other, I would love for it to be on my side of the road, I can fully understand why we would compromise and go with one especially if we have somebody that is going to provide it for us through Kettler but again like I said I would like to voice my concern that we put some type of urgency into this and see if we can get some kind of sidewalk moving along. I appreciate it thank you all.

Mr. Kuhlman: Just to get my bearings, you are in the old Nancy Hopkinson property?

Mr. Dimopolous: Yes.

Mr. Brown: Is that next-door neighbor to Bill Bannon?

Mr. Dimopolous: Yes I live right next door to Bill.

Mr. Brown: My apologies. Thank you.

Mr. Kuhlman: Mr. Conlon.

Mr. Conlon: My name is Tom Conlon I live at 17925 Elgin Road. My wife is also the owner of her mother's house, along with Charlie. I have lived there about 24 years, my kids had to walk back and forth to the middle school and the high school dodging trucks and tractors and cars. I have when my kids were in elementary school the first day we moved in and went to the bus stop to pick up the kids a car was coming so fast out of Poolesville heading towards Beallsville that they locked up the brakes and slid past the bus, fortunately my kids did not step out in the street. In relationship to Maureen's house, she expressed to me at the rummage sale and she has also talked to the sales agent at Kettler Forlines that she is not opposed to the sidewalk and that no one has talked to her in four years. So if you approach her I think she will sign and that would leave us with the two, Buddy Maxwell and Charlie's old house, thank you.

Mr. Kuhlman: Very good. Anything else on that issue.

Mr. Elgin: One other thing that my old property that the Hagerty's now own, he was told of this, the fact that the sidewalk and initially he had no problem whatsoever and now for whatever reason he has got problems with the sidewalk so like I say I think it is time to move on and we appreciate you hearing our comments tonight and we thank you.

Mr. Kuhlman: Thank you Sir.

### **New Business**

Mr. Kuhlman: New business, the Fisher Avenue sidewalk contract, Wade or John.

Mr. Yost: Yeah you have a couple things in front of us here. One is we have 2 projects we will be looking at, and one is over funded and one is under funded slightly but both together will fall right in line with what we have budgeted for the two of them.

Mr. Strong: You have seen this presentation before, basically we are installing sidewalks on Wootton Avenue down Fisher Avenue all the way to Tom Fox, the state is requiring a full set of new sidewalk ramps that will be ADA compliant on each corner of the Wootton Avenue. The slope that is in front of Luhn Street that will be cut back and the sidewalk will be placed there and that will also meet visibility and then we pick it up and carry the sidewalk down Fisher Avenue, also constructing entryways (inaudible). At the Westerly intersection there will be some storm drains placed, also carrying down to the Quito property, Montgomery County has adjusted the new proposed Quito property, they will actually have depending on how the State is, they may end up pulling out the handicap ramp that we put in because they are going to widen Westerly Avenue slightly. But that still has to go through preliminary planning and a whole bunch of things. Then we carry on down to where the horse farm is, we will pick up the proposed ramps for the apron and also tying into existing apron at the horse farmhouse. Then going into the Catholic Church property right at the fence line we jag back up into the back side of the trees carry it down and then back down up to the Tom Fox intersection and we will have to construct new wheelchair ramps at both intersections because the state says they are not ADA compliant.

Mr. Klobukowski: I thought they were, they installed them I thought the last ones they did.

Mr. Strong: The new wheelchair ramp requirements have changed again.

Mr. Klobukowski: Because I know when Mr. Kettler mentioned that the State installed the sidewalks he tore out, that is because the ADA...

Mr. Strong: Correct.

Mr. Klobukowski: The ADA standards changed and rather than wait until the sidewalk was at a point where it was decrepit or whatever they went ahead and changed it all.

Mr. Strong: And it changed again and now in effect the pattern that goes into the set pattern it doesn't have the material for that.

Mr. Klobukowski: How far between the curb and gutter will the sidewalk be?

Mr. Strong: Well it depends, its varies and there is not always curb and gutter along Fisher Avenue, this area here the road bed stays in place you do not put curb and gutter along (inaudible) and also down through Luhn and past --- we do have it, it will vary anywhere from 16 inches to 2 feet.

Mr. Kuhlman: Along with what Jerry is asking along the Catholic Church property there is some curb there, we are not extending the curb.

Mr. Strong: No we are not.

Mr. Kuhlman: Ok but the sidewalk will be back how far from the road roughly?

Mr. Strong: About 25 feet I think.

Mr. Kuhlman: On the Vinci property, the Slaysman property, are we putting in curb or waiting until they develop it.

Mr. Strong: The Slaysman property if you look at the Master Plan it calls for Luhn down not to have curb at all.

Mr. Kuhlman: Ok.

Mr. Yost: The Streetscape Plan.

Mr. Klobukowski: How far will the sidewalk be away from the street?

Mr. Strong: At that point it is probably anywhere between 8, 10 to 14 feet in one place, 15 feet here, 15 feet here.

Mr. Klobukowski: Ok the reason I ask the question is this past winter it made it very obvious that when plows go through they tend to throw snow a little bit further than what anyone would really like and if you have to shovel a sidewalk it becomes sort of a pain so if we can avoid making it even a moment more onerous task to do that I just want to make sure. And the other thing I wanted to ask is the bank before Luhn Street, is that going to be a retaining wall put there or something or are you going to have to chop off the grade.

Mr. Strong: This area is here. --- goes in about 2 feet but that is sloping to where we are carrying it back and put it at a 3 to 1 slope, which is shallower than what we have in a lot of swales in the area.

Mr. Klobukowski: And how far away from the street will the sidewalk be between that point down to Westerly Road?

Mr. Strong: That will vary again that one is fairly close with this curb and gutter that goes in there, it will be 2 foot, 16 inches of a green strip.

Mr. Kuhlman: Are we adding curb to any of the properties?

Mr. Strong: Yes. You know where the townhouse entrance is we are adding curb all the way down to the Luhn Street.

Mr. Kuhlman: Ok so how, I forget the new people's name that own it but the house right past the townhouses that has the hill that we got to deal with, how far back from the curb will the start of the sidewalk be and what is the depth of the sidewalk?

Mr. Strong: Well it is a 6 foot sidewalk all the way down, but this distance between where the back side of the curb is to where the edge of the sidewalk if you will, that can be anywhere from 2 foot to 16 inches of green space.

Mr. Kuhlman: Ok.

Mr. Klobukowski: Why do they have to be 6 foot, I thought they were only had to be 5 feet.

Mr. Yost: Part of the Master Plan trail system, which is how we funded it, through impact fees for that.

Mr. Klobukowski: Ok.

Mr. Kuhlman: All right any other questions for John?

Mr. Klobukowski: ADA requires how many?

Mr. Strong: 5 feet. It has to be a minimum of 5 feet, it can be greater but it can't be less than 5 feet.

Mr. Klobukowski: Again I come to the question about the snow and everything else would it be better to give up a foot of sidewalk to have a little bit more of a buffer between the curb and gutter and the sidewalk where the snow is going to go. I mean doing it now would be the time to do it as opposed to later on, I offer that up.

Mr. Kuhlman: But wouldn't that be an amendment to the Master Plan then?

Mr. Yost: Yeah everything that we have does spell out...

Mr. Strong: Ultimately we would have to negotiate with the contractor to come out (inaudible).

Mr. Kuhlman: And Jerry I know what you are saying. I respect what you are saying but yet it doesn't say the sidewalk has to be cleared from edge to edge, it just says clear.

Mr. Klobukowski: Yeah I understand.

Mr. Yost: The elevation of the sidewalk is above the roadbed quite a bit, at least 2 or 3 feet there.

Mr. Klobukowski: Ok you say it is up quite a bit.

Mr. Strong: Well it will be up a bit yeah.

Mr. Klobukowski: All right.

Mr. Kuhlman: Wade I got a question more for you. There are 3 properties on this involved in this deal that are going to be required to put in a sidewalk at a later date to their development. Do we have any arrangements made to recoup our expense now?

Mr. Yost: With Quito he has not signed the papers yet, he has all the paperwork. And Anna Vinci she has all the paperwork also but she has not returned my calls, she is working with her attorney on it right now. So I don't have an answer from her, on Quito I do.

Mr. Kuhlman: So you are dealing with all 3?

Mr. Klobukowski: Who is number 3?

Mr. Yost: Only the 2 of them.

Mr. Brown: They are the only 2 developers.

Mr. Kuhlman: Yeah but you got Willard's got 2 lots.

Mr. Yost: Well Willard being a single family I don't know if you want to have a single family do that. We already have the easement, everything is already in place for that to occur.

Mr. Kuhlman: All right I see what you are saying.

Mr. Yost: It wasn't part of the site plan or anything.

Mr. Klobukowski: So should we move forward before the paperwork is signed by the...

Mr. Yost: Well like John and I were talking we have a linear foot price so if they do not give us the access agreements to go ahead and put it in and repay us later than we just won't build those sections for now. And they are optional we will just move forward and build it and take our chances later, I mean I don't know how to deal with that. Jay what is your opinion on that?

Mr. Gullo: My first day here I think that I probably read your Code and find out exactly what you are talking about before I give the opinion exactly.

Mr. Brown: Can we move forward pending the approval of those 2 developments? I mean I would like to see us do that and I don't want to hold it up and I think there is nothing that we haven't heard anything thrown out yet that says that they are opposed to it or that they are not going to cooperate on it. So I would hate to see us have our end be held up based on that.

Mr. Kuhlman: All right any further questions or comments? As the new Town Attorney I will put you on the spot do you have any problem with what Jim is talking about...

Mr. Gullo: Contingency, no I think that is probably the way to go is do your contract and if these people are developers who are going to need your approval sometime in the future you are going to be able to get them to do something for you no matter what I would imagine.

Mr. Kuhlman: All right very good.

Mr. Hoewing: So the other question I have is what are we awarding since it looks like Mr. Strong decided not to give us a recommendation.

Mr. Yost: Well we talked about and we do have a recommendation. We had three contractors bid on the project, A&M Concrete Corporation at \$142,000.00. HMF Paving Contractors at \$179,000.00, which we have used him, quite a bit as a matter of fact he got us out of a bad contract with a contractor 5 or 6 years ago on Hempstone Avenue. And Ross Contractors came in at \$230,000.00. We do have a statement from Arlington County they really didn't have a lot of good things to say about A&M Concrete as far as oversight, change orders, things of that nature. So definitely Staff's recommendation is to use HMF Paving Contractors at \$179,000.00.

Mr. Hoewing: Where are they based?

Mr. Strong: HMF is in Frederick.

Mr. Kuhlman: Suffice to say that A&M and Arlington County did not get along, they had problems I guess. We have had a long term relationship with the other 2 contractors and have been pleasantly pleased with a lot of their work.

Mr. Hoewing: Ross Contracting is based where?

Mr. Strong: Mt. Airy.

Mr. Hoewing: So as far as we know there are no area based contractors that could have done this.

Mr. Brown: Nobody stepped up either.

Mr. Yost: Exactly.

Mr. Hoewing: Well I know but we want to ask that question.

Mr. Brown: Wade I have a question for you I mean first of all we are talking about a \$37,000.00 difference between the 2, is there not, I understand how a bidding process works, I'm taking it of course A&M supplied their own references so they should know what their references are going to say, that was probably poor planning on their behalf, but on top of it, do we not have a provision to go back to HMF for to ask them for a price reduction beyond what their bid was, due to the fact that we have a \$37,000.00 lower bid, I mean I know that they will do the job but we are talking about a good chunk of change here.

Mr. Strong: I think the biggest difference is going to be is HMF does a lot of the prep work but they don't actually do the concrete work, if you look at it there should be a sheet in...

Mr. Brown: Saw the breakdown.

Mr. Strong: You see the breakdown, they are going to subcontract that work out as far as placement of the sidewalk. And they are a minority contractor, they do a lot of sidewalk work and in fact they do, if you look at the bonding they are a very large contractor, a very large contractor, so I suspect that that is where the price differential is, I don't know that there is a lot of room for HMF to move around in there because its not, they do this work but they do the prep work not the actual placement of the concrete.

Mr. Brown: Right I saw on your breakdown that I guess the only other thing you could do potentially would be to it is up to them, does HMF they don't list their subs correct, I mean their overall...

Mr. Strong: Yeah they do list their subs.

Mr. Brown: They listed their sub for the actual concrete pouring as well.

Mr. Strong: Correct.

Mr. Brown: And we don't have a breakdown for, I mean I've got the, I can see that the numbers were close between A&M and HMF for just that portion of it, it was the other parts that kind of separated A&M from them. I mean I wouldn't mind seeing A&M if the Town is determined not to use them I guess we are not allowed to dictate to HMF who a sub could be, or ask them to talk to them about it, but that sounds like they would be a worthy supplier especially if there is not a...

Mr. Strong: The contractor is going to work with who he is comfortable with.

Mr. Brown: Sure of course.

Mr. Strong: And I don't think we would have a stance in telling him...

Mr. Brown: Well the only stance John would be that there is \$37,000.00 difference between the two.

Mr. Strong: I understand.

Mr. Brown: And that to me is not small, I mean I know it is not small change to anybody but...

Mr. Strong: I fully understand where you are coming from its just the contractor he based his pricing upon who he select with and I am not sure that you, I know no vehicle where you could tell them, you could suggest to them that he might want to consider but if he, for instance, Arlington County, if there is, I don't know if that is

well known in the community or not, but there may be a condition there that would make a person not want to work with particular contractors.

Mr. Brown: No I am with you. I totally trust the Staff's recommendation on this without question, I just see that if there is a difference between a price gap and unfortunately being in an industry where people ask us to come back and resupply prices 2, 3, 4, 5 times, just having \$37,000.00 in a tight budget year, I mean without question the Staff's recommendation is the direction I want to go, but it would be nice to have some methodology to have that gap be closed, especially when we have a vendor that supplied a price with one bad recommendation and two sterling recommendations I would guess and I think going from there, it is just worth us talking about for 10 minutes \$37,000.00.

Mr. Hoewing: On the other hand it is \$60,000.00 cheaper than the other higher bid and I had a lot of experience in landscaping and fence building for years and I can tell you that you don't very often get this strong a negative comment on somebody unless there is some real problems. Now maybe it is just that particular oversight process, they did a bad job of overseeing or managing that could be a possibility too. Or get into a problem like this and you have to try to manage your way out of it, it is a nightmare.

Mr. Klobukowski: Or it could be that they didn't spec the job out correctly.

Mr. Hoewing: That could happen too.

Mr. Klobukowski: Basically what happened was they ran into all these little nits and grits that were going to cost them money and these people weren't happy because they signed a contract assuming that they were going to pay X amount of dollars.

Mr. Kuhlman: Well if you read their response underneath the quote from Arlington County and it says they indicated the problem were due to items not being shown in the plans such as utility complex and so forth and so on, so they are probably going to make their money in change orders and stuff after so I got a feeling we wouldn't be saving anything.

Mr. Klobukowski: That is very possible, I was going to bring that point up as well. It could be a low bid and they all of a sudden use that as a vehicle to keep on...

Mr. Kuhlman: All right so we are looking at Staff recommendation to award this contract to HMF Paving Contractors at a price of \$179,525.00, which is about \$91,000.00 below what we have in the budget for it right?

Mr. Yost: The impact fees alone we have \$227,000.00 and also I have a breakdown sheet I put together the Capital Summary Project that details the project development costs as well as the oversight, we also had to pick out some trees, that is what the contract cost with the...

Mr. Hoewing: Is this subject to as Jim said a contingency though correct?

Mr. Yost: On the two developments, the Quito property, which is where the yellow house is on the corner of Westerly and Fisher, and then the Anna Vinci property, which is where, the horse farm is.

Mr. Klobukowski: Ok and the developer would have to be responsible for putting in that area, how many areas are there for a developer to have to put in?

Mr. Yost: Just those two. It is a pretty long stretch right in front of Mr. Brown's house.

Mr. Klobukowski: How much would that, if they were not, if we were not to do those portions, how much more would that reduce the price.

Mr. Yost: John (inaudible) I am not for sure.

Mr. Brown: Calculator. I'm sure just a very good guess would be just fine John.

Mr. Yost: Well Mr. Quito actually came to one of the meetings and sat through it with us, looked at the plan, had comments on it and he is on board with it.

Mr. Brown: Yeah he actually helped shape it. He was a contributor, I don't think he is an issue.

Mr. Strong: (inaudible) so this is a \$1,080.00 and the sidewalk is (inaudible).

Mr. Hoewing: Wade what is a pre bid meeting, you actually try to meet first with the contractor and so two out of the three did not show up but HMF did show up.

Mr. Yost: Right.

Mr. Strong: So roughly \$20,000.00 in reduction.

Mr. Brown: I would think it is more than that but that still even if that is the ballpark that is...

Mr. Yost: There is no curbing for that area is that why?

Mr. Strong: No curbing.

Mr. Yost: That is why it is cheaper too it is just sidewalk.

Mr. Brown: It is not that much money, I think it is more than 20 too if we, how much the contract would be reduced if the two properties held out and did not go along with the cost.

Mr. Klobukowski: \$22,000.00 isn't a lot of money?

Mr. Brown: No it is a lot of money but in the scheme of the contract it is not that much money. It doesn't equal the 37 I was just talking about.

Mr. Klobukowski: No it doesn't put still it brings it down to \$157,000.00.

Mr. Kuhlman: All right hearing no further questions or comments is there a motion?

Mr. Brown: I will take a stab at it. I would like to make a motion that we approve the Fisher Avenue sidewalk trail contract to HMF Paving Contractors for \$179,525.00 and subject to an approved agreement reached with the two property owners that we are still waiting agreements on.

Mr. Kuhlman: All right is there a second to the motion?

Ms. Gruber: Second.

Mr. Kuhlman: All right any discussion?

Mr. Klobukowski: Yeah I have a question. Mr. Gullo said earlier about if we go ahead and do this well we couldn't get on their property anyway without the developer's signature right?

Mr. Gullo: It's my understanding you don't own the easements so that is what you are waiting to have signed over.

Mr. Klobukowski: Ok all right.

Mr. Kuhlman: He will build it under site plan approval, if they don't agree to it now they are going to have to do it then. All right any further questions or comments? Hearing none call for question on the motion, all in favor?

All: Aye.

Mr. Kuhlman: Motion carries unanimously. Next one is the Wastewater Treatment Plant roof.

Mr. Yost: This is a little more straightforward. What I plan to show you is removal of the existing flat roof, tar and felt paper and gravel, and replace it, we did have 4 bids come in, checked them all out, they all checked out fine as far as references go, Metropolitan Exteriors would be the lowest bidder at \$68,000.00 and this is in account 2010, you have a copy of the sheet out of the budget, we had \$60,000.00 programmed for that. What I would propose is in the Master Plan Trail System with the contractor getting approved there is also beside the impact fees there was \$6,000.00 in General Fund that were placed in their for a feasibility study, our study when the Parks Board was looking at it, that money was never expended. We transferred that money to the 2010 account and than supplement it with what is already in that account in carryover funds, you can fully fund the \$8,600.00 it is short and make a (inaudible).

Mr. Hoewing: I didn't hear that last part Wade supplement it with what funds?

Mr. Yost: If you see on the 2010 account those carryover funds up there \$5,720.00. Just carry it over and use that along with the other \$6,000.00. and be able to complete that project.

Mr. Kuhlman: How old is this roof?

Mr. Yost: It is almost 25 years old.

Mr. Kuhlman: Do either one of you know how many square feet this building is?

Mr. Yost: About 8000 square feet.

Mr. Kuhlman: Ok thank you. All right any other questions? Hearing none is there a motion for approval of the contract and then we will have to deal with the amendment of the money?

Mr. Klobukowski: Wouldn't it be better to do it the other way, deal with the amendment of the money and then approve the contract.

Mr. Kuhlman: I don't care Jerry I mean to me if we don't award the contract there is no reason to amend the money or amend the budget. I don't care whatever way you all are more comfortable with.

Mr. Brown: I don't think it matters.

Mr. Kuhlman: I don't either. All right is there anybody that wants to make a motion on the awarding of the contract?

Mr. Brown: I would like to make a motion to award the Wastewater Treatment Plant roof replacement contract to Metropolitan Exteriors for the sum of \$68,600.00.

Mr. Kuhlman: All right is there a second?

Mr. Hoewing: Second.

Mr. Kuhlman: Any discussion? Hearing none call for question on the motion, all in favor?

All: Aye.

Mr. Kuhlman: Motion carries unanimously. And you have a budget amendment recommendation written out for us, does anybody have any questions or comments? Hearing none is there a motion for the budget amendment.

Mr. Hoewing: I move that we amend the budget to transfer \$6,000.00 from account 2035 to account 2010 and use carryover funds from completed projects within account 2010 to complete the necessary funding for the project.

Mr. Kuhlman: All right is there a second.

Mr. Brown: Second.

Mr. Kuhlman: Any questions or comments? Hearing none all in favor?

All: Aye.

Mr. Kuhlman: Motion carries unanimously. All right security cameras, Park Board recommendation, Wade or Jim?

Mr. Brown: I will let Wade carry it.

Mr. Yost: Thanks a lot.

Mr. Brown: I will be glad to pitch in.

Mr. Yost: No the Parks Board has been working on this for a couple months, actually since the inception of the concept idea of the skatepark, security cameras have always been part of the conversation they've had and a lot of municipalities have security cameras also. The biggest price really in putting security cameras in we actually looked at the solar types and wireless cameras and different things, and getting power to the site itself because there is no power there. And John is giving you a plan that shows how the power is proposed to get to the site. We are looking at about \$25,000.00 to cut the road on Wootton Avenue to cross it over from where the manholes are placed by the townhouses, through the sidewalks, and carry over pour a pad on Dillingham Park, place the transformer and run conduit up to where the skatepark is and put an electrical panel in there. So that is where the biggest cost is \$25,000.00. Allegheny will come in and supply all the wire and install it for about \$3,000.00, the cameras themselves run about \$9,000.00 and we need two lights because you need some type of lighting for these cameras to be able to work even though they have nighttime lens they have to have some type of ambient light for them to work correctly and get a good picture of what you want to see. The actual Parks Board motion was to use the \$40,000.00 from the gazebo insurance reimbursement for the failure of that complex, which frees up money from the bandshell to fund the installation of electricity, cable, lights and security cameras. The cameras will do a couple things not only will it provide security, there is options within this bid here that if someone did jump the fence they will have sounding alarms that will go off for 2 minutes to try to chase somebody off and you can set the sensitivity where if someone throws a ball in there or whatever is it going to set the alarms off all the time, no they can be desensitized so they only see larger objects or whatever. And also they want it to do more than just record, there is a DVR recorder that goes along with it and start rerecording itself every 30 days but having the wireless capability anybody anytime can go onto the internet and look at the park, see if there kid is there, or if anybody, just more eyes watching the park was the idea of it is going to be a more secure environment less vandalism and things of that nature, so that is it, you got anything to add Jim?

Mr. Brown: No I couldn't have said that better.

Mr. Hoewing: Refresh my memory we did not include lights in the original park concept?

Mr. Yost: No we did look at them initially but the overall cost we decided not to go with them.

Mr. Brown: We didn't include electricity.

Mr. Hoewing: Well we weren't planning on having it open at night so at least that was my understanding, it would not be open at night.

Mr. Yost: Correct.

Mr. Hoewing: Second do we have any security cameras in any other park?

Mr. Yost: No.

Mr. Hoewing: We have vandalism in the other parks but is it a high incidence of vandalism in the last year for example?

Mr. Kuhlman: Periodically.

Mr. Yost: Periodically. As summer gets here we are going to see a wave of it come through again, the Parks Board has looked at it for Stevens Park and actually proposed it a couple years ago, we didn't fund it. So it is something they have been looking at for other parks before the skatepark even came along.

Mr. Hoewing: In the parks we are talking about that the other ones we already have, the kinds of things that can be vandalized it seems to be might be a little easier to vandalize than this, basically unless I am missing something is all concrete structures right.

Mr. Brown: And it is fenced.

Mr. Hoewing: Yeah and it is fenced, it is a high fence, and more importantly it is in an area that has got a lot of visibility, it is right in the middle of Town, it is right next to McDonalds, which is open until Midnight right, so I am wondering about the recommendation here when we have got other parks that have probably have more potential for vandalism than this park does, just a question, I am not asking, did they discuss that issue or not?

Mr. Brown: I mean we definitely did and I would have to say that there was a slim majority opinion that security cameras were they wanted to be part of the mix, I mean they kicked it around from a lot of different angles and due to the actual cost feature as well as the internet capability of it I don't think any Parks Board member wanted to be responsible for running power and the cost of running power strictly for the use of the camera that was not going to be the case, it is almost that it was time to bring power in, we have a good time to do it, we have a budgetary situation that could allow it and that since we are doing that and we have had discussions about the camera and the camera appears to be a good idea then that is why it was chosen to go that way. Plus as I said too this could be the first of several cameras that kind of make sense for the Town and we are never going to know unless we give it a go.

Mr. Hoewing: The kids park down at Halmos, which is at the other end, the lower end of the park, do we have lights there.

Mr. Yost: Streetlights.

Mr. Hoewing: Streetlights that is it, but there is no lights for the park. Stevens Park? I am talking about in the area of the kid's park so it is visible, there is no light there, same thing at Stevens Park?

Mr. Yost: We have lights on our buildings there.

Mr. Hoewing: Stevens Park?

Mr. Yost: Same thing.

Mr. Hoewing: And they both have a lot of equipment that I think is more vulnerable than the concrete structures are out here. I am talking in terms of priorities, it seems to me if there is really a serious concern about vandalism those might be the places to start rather than they are not anywhere close to any traffic, they are in the

dark, and stuff can be easily vandalized in those parks as compared to this park, which you are talking about heavy concrete structures which I mean certainly if somebody went with a spray can.

Mr. Yost: Spray paint is the big thing.

Mr. Hoewing: Yeah but other than that.

Mr. Kuhlman: Well either I am missing it or it is not on here, where are the, how many lights and where are they to be located? I see a transformer pad and I see a...

Mr. Strong: See where it says pole.

Mr. Kuhlman: Ok I can't read it John where is the other one.

Mr. Strong: One down here and one here.

Mr. Kuhlman: Ok I see it now thank you.

Mr. Strong: They are keeping that 100-amp panel up here.

Mr. Klobukowski: Why do we need the lights I still don't understand why we need the lights.

Mr. Yost: Cameras won't work without lights.

Mr. Klobukowski: The cameras won't work at all without the lights.

Mr. Kuhlman: Where was the, in the ultimate plan of this thing, where was the power going to come from later on, when further development of this property happens?

Mr. Yost: We haven't got that far yet. There is two areas, it would have to come to two different areas because you want at least two phases or maybe three phases.

Mr. Kuhlman: It just seems ludicrous I mean this concrete, sidewalk, curb and everything is not a month old, and we are talking about busting it up.

Mr. Yost: No we would shoot underneath that the new stuff.

Mr. Hoewing: It is just the main road Wootton Avenue that you would have to come from.

Mr. Strong: Yeah we would probably have to cut through there.

Mr. Kuhlman: Sidewalk, curb and gutter, and roadway cuts will be required.

Mr. Yost: Yeah we will talk about the other side of Wootton Avenue.

Mr. Brown: Wade just to be clear this would be a primary source of power, the number one source of power would have to come through this no matter what anyway correct or not.

Mr. Yost: Oh yeah you definitely have to get power from there.

Mr. Brown: For all of Parcel 840 or whatever we are calling it now, that would be the number one source, number two phase.

Mr. Kuhlman: A 200-amp panel is going to service...

Mr. Yost: Oh no, no, no, no if you put a Community Center there obviously you are going to...

Mr. Brown: There is going to be more we know this.

Mr. Yost: That transformer is not limited to 200 amps, the panel we are putting in by the skatepark is limited to 200 amps.

Mr. Kuhlman: But what I am getting at along with what Jim is asking I mean if we are going to stick a transformer there and that is going to supply the power for the whole site over the next 10 or 20 years whatever development occurs, so that means we are going to have to cross the driveway, cross the parking lot to get power back to a Community Center if it is built.

Mr. Strong: Well first of all Allegheny Power would have to determine how they want to run it but currently Allegheny Power determined that the transformer pad would be right here and remember that this is all gravel right now so it would if they were to route it I would assume they would run parallel up through here and then tie in there for the new Community Center. But they may also bring in another phase, which I would suspect, from somewhere over in this area to here, and maybe another transformer.

Mr. Klobukowski: Why couldn't they bring the power in from the upper part?

Mr. Strong: You mean from on the other side of Tads?

Mr. Klobukowski: No over here.

Mr. Strong: Here?

Mr. Klobukowski: Yeah.

Mr. Strong: Well they are going to go the shortest route to the panel, what we gave them was this right now, if we proceed we have to give them a whole in order for them to do their calculations, we have to give them the master plan for the park.

Mr. Yost: And really if you are going to put a Community Center you may have a basement or a slab in that where you are going to put your power lines or accessories that go along with all that, you don't want to put wires just somewhere when you don't know the stuff is going to go.

Mr. Hoewing: If they come the other direction next to the McDonalds could they do that, would they have to cut through any roads that way?

Mr. Kuhlman: No we don't have any right of ways.

Mr. Yost: We tried that. We looked at several options to get power there.

Mr. Klobukowski: McDonalds don't they have a, or is that Tads they have a drainage thing.

Mr. Hoewing: A swale there, a drainage swale, but that is private property the drainage swale.

Mr. Strong: That is correct.

Mr. Kuhlman: So what are you looking for tonight?

Mr. Yost: Parks Board put forth the recommendation for approval of security cameras using that \$40,000.00.

Mr. Brown: Security camera and the electric.

Mr. Yost: And electrical the whole thing.

Mr. Kuhlman: Who would do the work?

Mr. Yost: Well we would bid out the conduits and the street cuts and all that, we'd have to bid it.

Mr. Hoewing: Now the \$9,000.00 you say cameras and equipment that includes TV or something in here to see is that what that includes.

Mr. Yost: Well if it is Red Bay Systems (inaudible) yes the computer is set up here too.

Mr. Hoewing: So you don't any equipment in the office here at all.

Mr. Yost: Yeah there is a computer that goes in this office here as part of the proposal.

Mr. Hoewing: So it would be dedicated to this.

Mr. Yost: Yeah and I really don't know the logistics of how they hook it up and how that works but yes it is part of...

Mr. Hoewing: It is wireless or is it high-speed Internet service of some kind.

Mr. Yost: Comcast is what they suggested over Verizon.

Mr. Kuhlman: So any parent or anybody can pull this up on their computer and see what the camera displayed.

Mr. Yost: Yes my understanding of it is you can go onto our webpage our home page and there will be a click this to look at the skatepark and they will pull it up like a webcam.

Mr. Kuhlman: So I seem to remember some parents at one meeting talking about they would go up and discipline the children if they saw something they didn't like, what is to prevent this vigilante attitude I guess.

Mr. Yost: Not a thing.

Ms. Gruber: Montgomery County Police.

Mr. Kuhlman: That really bothers me.

Mr. Brown: I don't see that being an issue.

Ms. Gruber: No.

Mr. Hoewing: So no matter what we do with the Community Center, you are saying that something like this would have to be done to bring the power there at some point anyway.

Mr. Yost: Yeah if we end up doing some parking lot lights or lights across the back side between the tot lot and they are looking at doing a dog park right now so there is going to be people walking through this on the sidewalks you are going to want some lighting back in there. That 200-amp panel can serve quite a few lights, it would take care of all your lighting. The Community Center is a whole different thing.

Mr. Strong: Or if you want music up there for some event.

Mr. Yost: Which we are, we are planning the Grand Opening event, there is going to be some microphones and speakers, a band plays.

Mr. Brown: This is the power supply for every single thing that is going to happen on that piece of property until the Community Center if and when the Community Center gets built correct?

Mr. Yost: True.

Mr. Kuhlman: So the lights would be on all night?

Mr. Yost: Yes.

Mr. Hoewing: They couldn't be on a motion sensor so that they only turned on if, that is a lot of power too just sitting there wasting frankly.

Mr. Yost: They could.

Mr. Brown: Right that is how it would have to be, periodic. As long as that is possible I couldn't see it any other way. Once that park is shut down lights should be turned off and they should not come on again until the camera tells them too, I would hope that is how it works.

Mr. Yost: I'm not sure about that, that sounds pretty...

Mr. Brown: Than a motion sensor.

Mr. Klobukowski: Well it seems like I am hearing we need a motion, we can shut them down but we can't shut them down, the lights are required for the cameras but then we are saying it is going to be on a motion sensor.

Mr. Yost: I did look this up, the motion detectors there is actually a delay in how long it takes those lights to come on because they are all sodium vapors and it takes a few minutes for them to heat up.

Mr. Klobukowski: Then that leads you to the question as to how many frames per second do these cameras take because if they don't take at least 15, 10 to 15 seconds a frame it is like you are going to miss it.

Mr. Yost: Well the camera will be taking the pictures but if the light is not on all you are going to see is a shadow.

Mr. Klobukowski: Yeah but even so you have got townhouses, residential townhouses across the street and one of these cameras looks like in the way it is positioned right now it would be more or less...

Mr. Hoewing: When is the scheduled open at this point?

Mr. Yost: We are looking at the weekend of the 26<sup>th</sup>.

Ms. Gruber: Of June right?

Mr. Yost: Yeah but this electricity I am guaranteeing will not be in by then.

Mr. Hoewing: I wouldn't think so.

Mr. Yost: Just working through the Allegheny issue will take 6 to 8 weeks, 12 weeks.

Ms. Gruber: Another issue with the past activity along Wootton Avenue with drug activity along Wootton Avenue, I would think that a nice big open area would draw hangout and that...

Mr. Brown: So you are saying you would want lights on all the time?

Ms. Gruber: I would want lights on and I would want cameras in.

Mr. Kuhlman: Well that was one of the subject matter that got my vote to build this thing was there would be no lights at nighttime to disturb the people across the street, that was one of the issues I raised and was heavily concerned about. I oppose this I will be honest with you right up front, I think it is ludicrous, I think it is I mean we have had damage at other parks that have buildings and we've had to spend money and I thought that was where Link was going if there is damage up here they are going to have to be inside the structure to create the damage, and the gates are locked at nighttime supposedly, so how are they going to get in to do the damage, it seems like to me the Parks Board would be more worried if they are worried about security getting cameras on the buildings that are routinely or sporadically getting vandalized.

Mr. Hoewing: Because McDonalds has lights right next to this you are going to be able to see what is going on, you just are.

Mr. Brown: How bout this, does anybody have a problem with moving forward with the electricity onto the property and bagging the security cameras and the lights.

Mr. Kuhlman: Yes I do.

Mr. Brown: You have problem with electricity on the property too?

Mr. Kuhlman: Yeah there is no reason to have electricity back there if there is not going to be no lights.

Mr. Klobukowski: I thought the park was going to be closed at a certain time anyways therefore there would be no lights period.

Mr. Yost: Lights would be for security only.

Mr. Klobukowski: Well security only I agree with that.

Mr. Kuhlman: Because Jim if we are not going to have lights back there then there is no need to have electricity until other development happens up here where there is supposed to be electricity.

Mr. Brown: With all due respect here you are going to make a decision if you decide not to move forward with the electricity to cease all debate about this for the future and I don't know if that is right either. We are looking at something we have not built before, taking on because I mean the centerpiece of a property that we haven't done anything with and you are going to put the kibosh on electricity and whatever needs that electricity may bring to that property by saying not moving forward tonight at least with the electricity. I am ok with giving up on the camera and I am ok with giving up on the lights but I think it is kind of silly especially when we have a park related budget item that can be transferred over, that will end up feeding a source that I think in order to have anything go on at that property that requires electricity we are going to be missing it.

Ms. Gruber: Community events.

Mr. Kuhlman: I see your point of view but you want to spend \$25,000.00 of \$40,000.00 found money to bring electricity when there is no use for it for the foreseeable future.

Mr. Hoewing: I think there might be though Eddie because if this thing is going to be successful I think they have to have a lot of events there and the only way to have events is to actually have electricity so they can have...

Ms. Gruber: Sound systems.

Mr. Hoewing: Those kinds of things and you are going to need that at some point.

Mr. Brown: And it will never be cheaper.

Mr. Hoewing: I do think they probably need that I don't know what the lights, they are basically we put those in if we have the power there right.

Mr. Kuhlman: Well it would be Town Staff installing the lights anyway.

Mr. Hoewing: So I just don't think the cameras at this point make a lot of sense to me, I think it is a little bit too much and frankly if we are going to do it I would put it in other parks where there is more chance of vandalism than this one is going to have.

Mr. Klobukowski: Well I don't like the idea of lights period. This is supposed to be closed at night and I would like to see it kept that way.

Mr. Hoewing: Well try without it but I think the power is a good idea because I do think they are going to have to do events here and I think they are going to need power for those events myself. You need music you need sound system and I want these events to be successful, otherwise this thing is not going to be as useful as it could be to the Town. We want to attract people to the Town for other reasons, they come here and go to the skatepark they are more likely than they are if they go to the soccer fields to buy something in this Town frankly. That is one of the few places we have got other than baseball and stuff like that to get people to come to Town.

Mr. Kuhlman: That might be your --- position on the electricity, my fear of it is if we go ahead and approve the \$25,000.00 tonight or look at or wait for a bid to see what it is really going to cost and then in 3 months, 6 months down the road we are back

having a discussion about the cameras and the lights because the power is there now.

Mr. Klobukowski: That is right.

Mr. Hoewing: Well it's at all these other parks too and we haven't done any security cameras yet right, we have power at those parks, we don't have cameras there and we should have if we are going to do it anyplace those parks to me.

Mr. Brown: Eddie there is no question that you run the risk of that happening, there is no question you run the risk of it happening because once we see how the skatepark is used, once it becomes a part of the community in terms of how many people go there and whether we move forward more quickly or not quickly with a pavilion or other activities there I mean yea this is going to evolve.

Mr. Kuhlman: And Jim I would be much more in agreement to deal with this and I probably would support it like next spring after we have time to see if this facility is going to get used, I am still very worried that we are building something that is going to be used by 5 to 10 kids sporadically during the week, I am still very concerned about that.

Mr. Brown: We have lights at the tennis courts and I guarantee you we don't get 10 to 15 people there.

Mr. Hoewing: No and I have been down to Stevens Park every Saturday I never see anybody there at the baseball fields or anything even in the springtime until summer, there is nobody out there so we have a lot of things that are not used.

Mr. Kuhlman: I understand.

Mr. Hoewing: This is more likely to get used than a lot of those facilities are.

Mr. Kuhlman: Well you think that but I will say of the kids that I have talked to and I voted to build it, but of the kids that I have talked to they still intend to me in the parking lot on the sidewalk through town, this will not be the only venue they will be skating. Like I said you all can vote to do it I am not voting for it tonight, the electricity I see your point of view but I would much rather see some track record of use before I agree to spend another \$25,000.00 on this park, that is my position, and if the thing was being used and it was a track record established I would definitely support it because I can see what you are talking about, about having tournaments or whatever and needing power.

Mr. Hoewing: The other point about lights that we have to consider is that if we do build a Community Center there is going to be a lot of lights for that because of the parking lot and everything else, if you are worried about lights they are coming.

Ms. Gruber: Do the lights behind Selby's stay on?

Mr. Hoewing: Yeah they have lights back there and the McDonalds lights are on all night long.

Ms. Gruber: They are on 24 hours.

Mr. Kuhlman: So all right unless there is anything further to bring up is there anybody that has a motion they would care to make?

Mr. Brown: I would like to go ahead and make a motion that we approve as per Wade's memorandum power to site, road cut, transformer pad, electrical panel, permits and conduit for \$25,000.00...

Mr. Kuhlman: Approve up to.

Mr. Brown: That is fine, up to \$25,000.00 that we allow Allegheny Power to supply and install wire up to \$3,000.00 and that is the extent of my motion.

Mr. Kuhlman: All right is there a second to Jim's motion?

Ms. Gruber: I second.

Mr. Kuhlman: All right so we got a motion to move forward with transformer pad site, construction and installation of a panel up to \$28,000.00, is there any further discussion or questions? All right hearing none call for question on the motion, all in favor?

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

Mr. Kuhlman: Opposed?

Mr. Kuhlman, Mr. Klobukowski: No.

Mr. Kuhlman: Motion carries 3 to 2. And no old business.

### **Committee Reports**

Mr. Kuhlman: Planning Commission Report, Mr. Coakley Planning Commission.

Mr. Coakley: Good evening. George Coakley, Chairman of the Planning Commission. We met last Wednesday evening and we had Election of Officers and I was reelected as Chairman and Cal Sneed was reelected as Vice Chairman of the Planning Commission.

Mr. Hoewing: Unanimously and with applause.

Mr. Coakley: Jan Maloney from Poolesville High School who is a math teacher and also teaches a architecture class as part of the Magnet program I believe, came in and gave a little preparation, she had asked us and was working with Wade, she has her architecture class an assignment for them to develop a site plan for the parcel where the skatepark is and we agreed to basically hold a mock Planning Commission meeting and that students will come in and make their site plan presentations and we will review them like any other plan. We will be very gentle. And we got a heads up on the establishment of the Conlon Forest Conservation Bank and it is a parcel of property which I believe is owned by the Jamison's down on Cattail Road that runs parallel to Dry Seneca Creek and they are discussing about turning that into a forest conservation bank. We also approved site plans for wells 7, 9, and 10 treatment system site so we did that and we are working on the Master Plan review and we are in the process of trying to establish an e-survey where the survey that we had done prior to the 2005 revision of the Master Plan cost approximately \$10,000.00 and we would prefer not spending that much money so we were looking at the possibility of sending out postcards to the Town residents that would be approximately 600 or 700 dollars and asking them to participate in an e-survey and they would send the information back to us electronically and then it would be for us to analyze it and use that, and we would try and replicate as best we could the survey that was done in 2005 Master Plan asking more or less the same questions to see if the pulse of the Town has changed any in the last 5 or 6 years and that was it, any questions?

Mr. Kuhlman: When is the Master Plan revision due, the deadline for it?

Mr. Coakley: Well 2005 was the last one so it would be 2011 I am not sure what month.

Mr. Hoewing: I thought it was February.

Mr. Coakley: Like February 5 or something like that I believe.

Mr. Kuhlman: Ok.

Mr. Hoewing: And actually George is, I think we actually made a lot of progress in going through some of the sections, the vision section in particular and we did some real solid work on that, I think we are making progress on starting the process of revising it.

Mr. Kuhlman: Ok thank you Sir. Any questions for George? All right thank you Sir. Parks Board Jim.

Mr. Brown: Ok we had a general discussion about the Spurrier Avenue parking situation which included a number of high school students parking on both sides of Spurrier Avenue which led to a very tight choke point basically from West Willard to General Custer and there was some email banter on it but in general discussion but Wade do we ever have is that pending the next meeting or did we...

Mr. Yost: It was two things, Tim Pike had looked at it one bad morning and we contacted Montgomery County Police a few times and they did issue warning tickets which really did seem to curtail the parking, either that or the students are at a week that they are doing something.

Mr. Brown: And literally there is one week left so I am not sure that there is going to be any further action taken on that.

Mr. Yost: Every year in the Spring I think all the new kids get their licenses and cars and they don't have a parking pass so they all stack up on Spurrier.

Mr. Brown: Yeah they don't buy a permit at the High School my son included. Ok so we had a discussion about that and then we actually did have an election as well where Doug was elected as the Chair again and Tim was elected as the Vice Chair and there was one clap.

Mr. Kuhlman: For each or?

Mr. Brown: Yeah just one and it was actually just one handed.

Mr. Kuhlman: That is a pretty quiet clap.

Mr. Brown: It was you could hear nothing. Connor Kirby came in and talked to us about his Eagle Scout Project that he has taking place. We approved a park permit for a graduation party at Stevens Park, which sounds like they are going to have really good food there so I might stop in there.

Mr. Klobukowski: What school was that again?

Mr. Brown: For Poolesville High School.

Mr. Klobukowski: Ok.

Mr. Brown: For a Poolesville High School graduate, yes good question. We had a what turned out to be an ill-fated discussion and recommendation on security cameras. We also had a review for the Farmers' Market the planned Farmers' Market just an update with basically a very similar update to what the Commissioners have received. The Master Plan review we discussed that actually that our methodology for reviewing as well put we are actually going to be pending the Planning Commissions questions and recommendations as they filter through. And that was it.

Mr. Kuhlman: All right thank you. CEDC Lori?

Ms. Gruber: CEDC has not met again since our last. But as a result of some conversations actually here and within the CEDC meeting I spoke with Rande Davis I

think it was early last week, concerning the Sign Board coming up with suggestions for relaxing the Sign Ordinance for our local businesses, give them a little help.

Mr. Hoewing: Not a bad idea.

Mr. Kuhlman: Is that it?

Ms. Gruber: That is it.

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

Mr. Kuhlman: All right Town Manager's Report.

Mr. Yost: Lets see tomorrow night just a reminder there is a neighborhood watch meeting going on. Officer Dixon will be here with a group of residents that are entertaining the idea of getting a program going in Town here for some neighborhood watch, it starts at 7:00. I sent around an email today about the water tank being painted with the Class of 2010 Seniors Rule. Didn't get the guys, they started climbing the ladders today they wanted to go up and check it out but it was kind of wet and slippery and they chickened out so I let them. We will get up there tomorrow.

Mr. Hoewing: But it hasn't washed off with the rain.

Mr. Yost: No it hasn't washed off. Depending on what we can do we have some goof off and different removers, we'll try it but it is a lot of paint that they used, if it doesn't come off we will probably have to sand it and put a base down and then try to color it, it could be very expensive.

Mr. Klobukowski: And how did they get up there?

Mr. Yost: Well we don't know because obviously they got over the fence that is not a problem but there is a security guard over the ladder that is about 25 feet tall, so they had to bring their own ladder to get...

Mr. Hoewing: A huge ladder they had to have.

Mr. Yost: Yeah to get to it.

Mr. Klobukowski: What about crawling up the guides?

Mr. Yost: I guess...

Mr. Brown: No way you'd have to have bigger guts than anybody I, I mean than any of those kids that I know by far. I know it is going to cost.

Mr. Klobukowski: I don't find this funny at all. Have we talked with Deena at the High School?

Mr. Yost: Yes I put a call in to her and we also notified Montgomery County Police and they came out and took some pictures.

Mr. Brown: And the high school was vandalized as well.

Mr. Yost: Oh I didn't know that.

Mr. Brown: The high school has spray painted above the gym 2010.

Mr. Yost: Oh.

Mr. Brown: So not good.

Mr. Hoewing: Wade is that paint we use on there a real expensive type a paint, variety of paint?

Mr. Klobukowski: It is not so much expensive as you...

Mr. Yost: It's setting up and the equipment to do it.

Mr. Hoewing: So you got to spray it.

Mr. Klobukowski: To try and match it.

Mr. Yost: It will never match it will be off just a little bit because the paint is (inaudible).

Mr. Brown: But you are not going to spray it, it will be buckets right, you are not going to spray that?

Mr. Klobukowski: Well you might. If you want to do it right...

Mr. Kuhlman: We are going to cover it up.

Mr. Brown: Yeah but I wasn't even thinking about how we are going to be bringing equipment up there and like a compressor and have to run lines and all that crap.

Mr. Yost: It was \$30,000.00 to paint Poolesville on there.

Mr. Brown: Wow.

Ms. Gruber: Oh my gosh.

Mr. Yost: So that is what that is going to cost to get that off, it is the same size letters all the way around.

Mr. Brown: That is just amazing to me.

Mr. Klobukowski: Well I don't find anything amazing I find it rather disgusting and I find it rather really upsetting that someone would do that to their own Town. I know there is probably a lot of people that say its grandstanding but I personally think there is things that we could do that wouldn't be very pleasant but if we are going to do it we are going to do it right.

Mr. Brown: Well what do you have in mind, something draconian?

Mr. Klobukowski: Well no, in a way yeah, there are things that could be done. You don't know who it is but the thing is I guess I would like to see someday, do we have a plan that we are going to come up with for a better way of not enabling anyone to get up there, I don't know how you would do that.

Mr. Hoewing: I think we ought to have --- up there and we ought to sleep there during their graduation.

Mr. Klobukowski: Considering graduation is up at Mount St. Mary's you can go and have a good time if you want.

Mr. Brown: Security ought to make the ladder impressive.

Mr. Yost: It is I know to get past it.

Mr. Brown: I use the word amazing only because I am still amazed by it having tried it myself, it is not easy to do.

Mr. Kuhlman: You tried it really?

Mr. Brown: Yeah somebody had to carry the paint. No seriously it would be a difficult thing to climb up and without a (inaudible).

Mr. Kuhlman: Ok anything else?

Mr. Klobukowski: I have one question with respect are you going to incorporate Sarah and the Cluster's input into a letter?

Mr. Yost: No.

Mr. Klobukowski: I thought you said you were?

Mr. Yost: No he asked and I said no.

Mr. Kuhlman: No we asked that question and the response was no.

Mr. Yost: Only because they were kind of far reaching and really not facts that I could grab hold of. It seemed like it was a real stretch.

Mr. Kuhlman: This is your position letter.

Mr. Klobukowski: No I understand that but their recommendation was is I wanted to get it on the record to why you weren't going to do it other than no.

Mr. Yost: And I thought overall the way the letter is written it is very matter of fact and adding some of these opinions takes away from the letter in general. I don't think you want to add anything to it.

Mr. Klobukowski: Ok by the way what is the estimate to do the water tower?

Mr. Yost: I don't have one yet. I got to get up there and see what it is first, is it paint or is it marker, I don't know yet.

Mr. Kuhlman: All right what else you got?

Mr. Yost: Ok back to the plan up here you know when we first came up with this we would write grants all the time and we received a notice from Community Parks & Playgrounds they want to give us \$50,000.00 for a tot lot on this property, Dr. Dillingham Park, which was part of the Master Plan concept and I find it hard to believe that the State wants to give us money.

Mr. Hoewing: They want to give us \$50,000.00?

Mr. Yost: It still has to be approved by the Board of Public Works.

Mr. Kuhlman: Matching?

Mr. Yost: No it's like 80/20. I don't have all the information yet...

Mr. Hoewing: What is this for?

Mr. Yost: Tot lot.

Mr. Hoewing: Oh but where.

Mr. Yost: Right next to the...

Mr. Hoewing: Next to the skatepark, that is cool.

Mr. Yost: We always planned for a pavilion and a park and maybe the Parks Board is looking to put a dog park next to that. You guys should have the copy of the latest, which was not approved by the Planning Commission. And lets see I do have one problem and I have a solution to the problem also. Well number 2, it is one of our oldest wells and the pipe that feeds the distribution system is underneath the slab and it is leaking probably about 20 gallons per minute, which is about a million gallons per month. We don't have a way to shut it off because the valve was never installed, it goes straight out of the well house and ties directly into a 6 inch main that feeds the 500,000 gallon tank. So I am working and trying to get some contractors in here to get some prices, it is going to be about \$6,000.00, what we will do is dig it up, it will have to be hand dug too because there are all kinds of power lines and fiber optics for the cell equipment, put a valve in and then take out part of the wall and put the inlet to the distribution about 2 foot inside of the wall that way we don't tear the whole slab up and makes it easier to put it back together. Now we are looking at probably around \$6,000.00 to do this and right now our Water RM account is maxed out so it is definitely going to take us over in that Water RM account, but I really have no choice we have to fix it, we have got water getting out now.

Mr. Hoewing: Is it capped down?

Mr. Yost: (Inaudible).

Mr. Brown: Are you not going to use like a top hat method, that is not a serious question. I do have a serious question though did you put on the sign for the neighborhood watch meeting by chance or did you not think that was...

Mr. Yost: Its on there.

Mr. Brown: Its out there I didn't see that. Just want to make sure people know.

Mr. Yost: And that is it.

### **Citizen Forum**

Mr. Kuhlman: All right Citizen's Forum anybody have anything?

### **Adjournment**

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

Ms. Gruber: Motion to adjourn.

Mr. Kuhlman: Is there a second?

Mr. Hoewing: Second.

Mr. Kuhlman: All in favor?

All: Aye.

Mr. Kuhlman: We are adjourned.