

**COMMISSIONERS OF POOLESVILLE
MEETING OF JULY 12, 2010**

PRESENT: LINK HOEWING, LORI GRUBER, JIM BROWN, JERRY KLOBUKOWSKI, 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 call the July 12, Commissioners Meeting to order. Let the record reflect that all Commissioners are present except for Jim Brown. Also present are Town Manager, Wade Yost and Town Attorney, Jay Gullo. First order of business will be the Pledge of Allegiance if you'd please rise. Jerry.

Pledge of Allegiance

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

Mr. Kuhlman: All right thank you very much.

Announcements

Mr. Kuhlman: Under the announcements first I would like to extend a very good thank you and a job well done to Preston King, his son, and John our employee and Cathy Bupp for the fine job they did on the Skatepark ribbon cutting. Dr. Dillingham and his family were present and we presented him with a plaque in his honor, naming the park after him, we also presented Senator Garagiola and Delegates Dumais, Feldman and Rice with plaques for their assistance in particularly securing the grant that helped build this, as always they are ready, willing and able to help us at all times. Also on August 16 our second meeting in August the President of the Montgomery County Council Nancy Floreen will be present to give her thoughts on the State of the County and answer questions from the audience. Let the record reflect that Commissioner Brown has given us his attendance. We also had an Executive Session at the end of our June 21 meeting, present were all the Commissioners, Town Attorney and Town Manager, we were briefed by the Town Attorney on the Referendum issue and State law, time requirements and options to consider, after a discussion the Commissioners instructed the Town Attorney to draft a Resolution for the next meeting which will be introduced tonight and we also received advise on a real property issue trying to secure an easement from a property owner for the construction of the sidewalk. Does anybody else have any further announcements?

Mr. Hoewing: Just to add my congratulations and thank you as you did for the Skatepark launch, it was wonderful, it was 4 years of work all together but it really came off well and the kids I think have demonstrated real responsibility, they brought their own garbage can out there, I have been out there a couple times since then and the flow is great as you said the flow is great, the kids treat each other with

respect, I have seen no problems at all and it seems to be keeping kids off the streets quite a bit, it was still full when I came up here so congratulations to all for that I think it was a great effort.

Approval of Minutes

Mr. Kuhlman: All right anything further? All right hearing nothing we will move on to the approval of the minutes of June 21, including both minutes and the Executive Session minutes, is there a motion to approve?

Mr. Hoewing: So moved.

Mr. Kuhlman: Is there a second please?

Ms. Gruber: Second.

Mr. Kuhlman: All right any discussion? Hearing none call for question on the motion all in favor?

All: Aye.

Mr. Kuhlman: Motion carries unanimously.

Open Forum & Citizen's Comments on Agenda Items

Mr. Kuhlman: Open forum anybody have anything in general? All right agenda items we will be introducing the Resolution for the Charter Referendum is there any comments there right now?

New Business

Mr. Kuhlman: All right seeing no hands we will move on to new business and that is the introduction of the Resolution for the Charter Amendment. Do I need to read this entire Resolution Mr. Attorney?

Mr. Gullo: If that is your normal custom that you are going to read than yeah you should read the Resolution, maybe not the exhibits.

Mr. Kuhlman: All right Resolution 003-10 introduced on July 12, 2010 subject Referendum Election – Whereas the Commissioners of Poolesville have adopted Charter Amendment Resolution 001-10 containing 24 amendments to the Poolesville Charter pursuant to the authority of Article 11E(4) of the Constitution of the State of Maryland in Article 23A Section 13 of the Annotated Code of Maryland and whereas pursuant to Section 13 G of Article 23A of the Maryland Annotated Code a petition hereinafter referred to as Referendum Petition purporting to be signed by at least 20% of persons qualified to vote in a Poolesville general election requesting that the proposed amendments be submitted on Referendum to the voters of the Town of Poolesville as valid questions and whereas the Town of Poolesville did receive the Referendum Petition on May 21, 2010, which was within the statutory time period required by Section 13 of Article 23A of the Maryland Annotated Code and whereas the Town of Poolesville verified and validated that the Referendum Petition did contain signatures of at least 20% of the persons qualified to vote in a Poolesville general election and whereas pursuant to Section 13 H of Article 23A of the Maryland Annotated Code the Commissioners of Poolesville are enacting this Resolution to specify the day and hours for the election at which the questions shall be submitted to the voters of the Town of Poolesville and to specify the exact wording of the questions, which are to be placed on the ballot as required by the Statute, now therefore be it resolved by the Commissioners of Poolesville that the questions shall be submitted to the voters of the Town of Poolesville at the next regularly scheduled general election which date is November 2, 2010 with voting

hours being from 7 am to 8 pm on that day. Number two the exact wording of the questions which are to be placed on the ballot when the matter is submitted to the voters is attached hereto as exhibit A and made a part hereof, be it further resolved by the Commissioners of Poolesville that this Resolution shall take effect upon adoption. Attached is Exhibit A, our prepared 24 questions, 1 question for each one of the amendments. What is the proper procedure here Jay a motion to accept this or just start discussing it.

Mr. Gullo: I think you can discuss it because at your next meeting, you wouldn't adopt it tonight.

Mr. Kuhlman: Right ok, thank you Sir. Is there anybody wishing, any of the Commissioners wish to have anything to say about this.

Mr. Brown: In terms of open discussion I just want to make sure that we do debate the merits of 1 question versus 20 multiple questions.

Mr. Kuhlman: Any further comments?

Ms. Gruber: I agree.

Mr. Kuhlman: All right. I agree with Mr. Brown first let me say I intend to introduce the package that is sitting in front of you all tonight for consideration at a future meeting, what we have and might sidetrack a minute is the State of Maryland Board of Elections has produced on a website years ago, procedures for following a statewide or a public local law referendum petition, local meaning municipal, this is a how to book with instructions on how to do it for anybody that wants to try to circulate a petition and there is a sample petition. I am going to suggest that the Town Commissioners look at adopting this as a instrument excuse that in the future anybody desiring to try to perform a Referendum Petition may come to Town Hall they will receive this booklet on how to do it and a sample of the petition signature page. The reason for this is that in my opinion there were quite a few things wrong with this petition that we have accepted. I agreed to accept it but I think we could really have made the case to reject it. According to the instructions you are not supposed to take signatures with nicknames, the signatures have to bear the same signature as on the registration roll, if we had followed that then they would not have had ample signatures in fact they just wouldn't have. The other part is in the language that the petitioners used up in the top they cited the wrong section of the Code, they referred to the annexation section of the Code not a referendum for charter and the third thing is by State law you are required that each signature page carry a circulator's affidavit and that person circulating that page has to sign that affidavit swearing that whoever signed above signed in his presence there wasn't any affirmation block on any of the pages in the petition. So I think this would be good for us to adopt as procedures that way we should in the future or future Commissions if there is a Referendum circulated it should be uniform and hopefully the instruction booklet will help whoever wants to circulate that. With that in mind as I said you all have a copy of that and hopefully you can review it and we will bring it up at a later meeting for discussion and Wade if you could make any copies available to anybody that might want to come in Town Hall and pick that up and see what we are talking about I would appreciate it. Mr. Brown has raised the issue of 1 question or 24 questions, my personal feeling is originally to go with 24 questions, we did a lot of work and I think that a lot of questions are just very much

housekeeping. The idea that we are removing the section about dog control is just housekeeping I mean years ago we gave that authority back to Montgomery County, we haven't had the authority to control animals we exercised some years ago the authority under the County Animal Control to deal with the dogs down on the sewer treatment plant road, it worked well. The Town of Poolesville has never had a band, the Charter gives us the authority to have a band, we never have, don't see any need for it in the future so that is a deletion. Of the 24 items I feel a lot of them are just perfunctory and that is why I supported 24 questions, but when you look in reality even an educated voter of the issues I don't know that they are going to take the time to read 24 questions and answer it. So that is my opinion there will be no decision made tonight, the decision hopefully will be made at the next Commissioners Meeting and this is to allow input from the public also on this and with that is there any other comments from the Commissioners?

Mr. Klobukowski: I think Eddie has a good point in the fact that if you have ever done this when the County does their own amendments to their Charter in the past unless you have the voter guide that is provided by the Washington Post or the Gazette it is a little hard to decide to decipher the legalese that is used if it is written as it is supposed to go into effect as opposed to simple plain English, so I think what we did here we tried to put each individual one in layman's terms so anyone could understand it, however, when you think about when this is going to be proposed to the public on Election Day, which is a Senate and Gubernatorial election along with local elections or any time for that matter 24 separate amendments is quite a few to expect citizens to go through each individual one. So there is an argument for consolidating them all into one question and as Eddie said before many of these are perfunctory changes, changes to the wording, they are not --- in nature with respect to changing any way in the large degree the way the Town does business. People may argue with one or two individual amendments but if you take it as a whole I think you will find the merit it in, however as a Commission we would have to ensure that we explain this to the public so they have a firm grasp of what we are trying to do, that we are not trying to slip anything under the rug and we are not trying to hide anything, this isn't a method of some sort of madness that we have to try and take power from the people and with that...

Mr. Kuhlman: All right Jim?

Mr. Brown: No I am actually just open to what the people say I'm actually I was a 24 question person because I really do feel like if the people felt strongly enough to, you know enough people signed the petition to warrant the overturning of something that we as an Elected Body were elected to do then I do feel like each individual question should be answered, but on the alternative it is kind of an unwieldy issue so I would definitely support one question as well, I don't think there is anything to hide, I think that the without question some of the people have spoken in terms of they felt uneasy with us doing what they elected us to do and so that we are going to if we have to have them answer those 24 questions or under one question I am ok with either, I would rather wait to hear what the people have to say about it.

Mr. Kuhlman: Lori?

Ms. Gruber: I just think that realistically no one is going to take time to answer 24 so I think that 1 question with education before hand, letting people know what points are trying to be cleared up, I think 1 question would work better.

Mr. Kuhlman: Ok. Link?

Mr. Hoewing: Just a question a clarification because I didn't think of it until just now. When I was a --- on the Hill years ago and we took a Bill to the Floor and an Amendment was proposed to a Section and it was rejected you couldn't offer an Amendment to that same Section again. If we do it as 1 proposal and all of this is rejected, can we go back and work on those Sections again or does this have any impact on that.

Mr. Gullo: No either way whether this fails or you can come back and amend it legislatively at the next time.

Mr. Hoewing: Well ok in that case I guess I'm not really bothered I think 1 question would be fine from my standpoint too.

Mr. Kuhlman: Ok. I mean don't get me wrong I support 100% the work we have done on this and I think we have done a good job. I wanted all 24 to pass, I still do and I am very willing to debate anybody publically on any one of the 24. There have been numerous misrepresentations of what some of the amendments say and I am not happy about that but I have gotten used to the misrepresentations. But I also would offer that I am very willing and I think some of the other Commissioners are that we would host a debate when we get closer to the election between representatives of the Town and any representative of the petition that would have the gumption to stand up and debate their position and I would welcome that in the future. All right is there any further discussion on this?

Mr. Brown: I just it's a sideline item here. The proposed petition that we are going to look at at a later date is that going to be an agenda item to go over.

Mr. Kuhlman: Yes.

Mr. Brown: Ok.

Mr. Kuhlman: I mean this was the only thing on the agenda Jim, we are going to hear from the public on what we've talked about hopefully, I mean if any one of you want to take a few minutes to talk about this right now but it will be on an agenda at a later date for introduction and hopefully a vote at a following meeting after that. And I just wanted to make everybody aware of what I am going to put forth is hopefully to be adopted by the Town as the way to handle this and I also would like if nobody behind the desk has an objection I would like for Town Staff Manager and Attorney to go through this so that they are fully aware of what it is and see if there is any language that needs to be changed so that I can present it in its proper format.

Mr. Brown: Ok well we will have, I am sure I am going to have questions on it and I can address those either at the next meeting or offline in preparation for the next meeting so thank you.

Mr. Kuhlman: All right anything further from any of the Commissioners? Unless anybody has anything, or if the Commissioners have any objections, I think we will hold off going into Committee Reports and see if there is anybody in the audience that has anything to say about what we have talked about so far tonight. Mr. Barnes. Mr. Barnes if you would do me a favor I have a hard time hearing you so would you please talk into the microphone a little bit better, I would appreciate it.

Mr. Barnes: Is this good?

Mr. Kuhlman: A little closer.

Mr. Barnes: Is this good?

Mr. Kuhlman: Yeah that is good, thank you Sir.

Mr. Barnes: I am losing my hearing too so I have that problem all the time. I really didn't come prepared to talk tonight but I think you mentioning the voter guide that you talked about, I read that, I read that probably a little bit later than I should have and I think it has a lot of merit and I think that the Town, I would suggest and recommend that the Town does adopt something like that or recommend people to use it and the reason I do that is because when you go to the Town documentation and look for a Referendum or how to do it our Code it is not there, it is vacant and that is why we did what we did looking at the recall portion and I read some court cases of course actual appeals in the Court of Appeals where they made decisions based on that saying well you know if lack of anything else you go to whatever procedure the Town has in place to use so that is the assumption that I made or we made to follow that and you would argue if that is right or wrong but that is what we did and it is kind of the problem that I think citizens have is that we don't have a lot of the information that we need to participate in the Government. And I think you guys did a wonderful job and I think the Planning Commission and the Board of Zoning Appeals are doing a wonderful job but they are just not there yet, there are some tools that are out there that we can use that the State and Montgomery County have developed that I think if we participate and --- the philosophy --- from government, the Green Government Act, those types of things that we are going to get better at it and as you know July 1 the Planning Commission and the Board of Zoning Appeals was supposed to have completed the training for, which I actually read the course...

Mr. Hoewing: Try taking it, it is pretty hard.

Mr. Barnes: Yeah and the Smart Green and the --- Act of 2009 gives the State and the Senate and the House Bill and the chapters and I read that and I think it is great, I think probably some people that read that would learn something that they didn't know before but I have a couple questions, one is was it self administered or did you use the State provided course, which I printed out and read, or did you develop your own. The second is, was it self administered or did you have a proctor, did the members of the Planning Commission and Board of Zoning Appeals did you hand them a test and they took it or...

Mr. Kuhlman: It was completed online, it was an online course that the State runs and gives and at this time I am not required and I haven't went there, I want to go there but I had to do my own continuing ed classes for my Real Estate license, I have been busy with that but I did attend a course on it, an introduction to it and it is a course the State of Maryland mandates, the State of Maryland puts on and you take it online and once a year they do give the course down at Ocean City at the Convention as they did back in June, so you could take it there or take it online.

Mr. Hoewing: Really it is supposed to be focused on teaching you not so much whether you pass or fail, you have to pass it but you can fail a number of times in a section and come back and complete it and actually it is good because you have to read the manual pretty thoroughly to pass it anyway.

Mr. Barnes: It also makes a good reference tool for when you have to debate something or make a decision you always go back I think it is good reference, I know I will keep it and I will be referring to it in the future, because I think it is a good source of information. And I guess one thing that kind of bothers me and I feel like is about the Charter Revision and that is the concept of housekeeping and I guess when I read through the Charter there is things like parking meters, jail, debt that the Town can have or deal with, and I think if we are going to do housekeeping, lets do housekeeping, lets go through it and really look at the Town's vision, where we are going, look at the our Charter and really go through it, do a --- job on this thing, there is a lot of things that are left that I think should be addressed, we are only addressing some things, I know it is a herculean event or activity to do but maybe it is better to sit back and get public participation on the philosophy of open government, its our Town, you know it is all of ours and we should all participate in developing this Charter, this is like so fundamental to this Town, I mean people have died for the Constitution and you got to have public participation in this...

Mr. Kuhlman: And we had that.

Mr. Barnes: We want to participate, we want to help you write the words, we want to make this Town a great town, how can we help you.

Mr. Kuhlman: Well we had 4 work sessions wasn't it? 4 work sessions that were advertised in the paper, on the board out front and announced at Commissioners Meetings and not one resident showed up at any one of the 4 meetings. The meetings are open to the public, the work sessions.

Mr. Barnes: Right.

Mr. Kuhlman: And as your referring to parking meters, we don't have any parking meters in the future or right now but in the future there might be some, 20 years down the road, don't give up something that you already possess is my feeling. Now the dog thing we have already given that power away so why not remove it. The bond issue for the Town Clerk that was replaced years ago it is handled a different way now, all the tax collection and stuff that was mandated differently by the State and the County a decade ago or so, so why not get rid of the language, this is the first major revision to this Charter in my 14 years of serving the Town. I think we have done a commendable job and as I said there were 4 public meetings and not one resident showed up to hear any opinions or thoughts or anything on the work that was being done.

Mr. Barnes: I agree that is disgusting, I think the participation of people is unacceptable, that is why I think the people in the Town leadership, the Town should lead the people, they should go out and they should reach to the people and they should bring them in, they should do things that actually encourage people to participate in government. Now as you know we have talked to a lot of people out there and I will be quite honest, they have said "whatever we say it doesn't matter, the Town is going to do whatever they want to do anyway", that is the feeling that people have, now how can we change that alright, well I have a suggestion...

Mr. Kuhlman: Conversely I hear different from a lot of people and one or two say that too but just as a sideline note I mean years ago I can remember when Linda Nessel won her election to Town and she called me up one night to seek advise and I kind of jokingly told her I said Linda one thing I can tell you, if you don't manage to

make everybody in Town mad at least once you probably haven't done your job. You can't please everybody.

Mr. Barnes: Sure you are not going to do it you are right.

Mr. Kuhlman: For example I have scratched my head since this petition idea hit the news. Why didn't anyone that was behind the petition call up any of the Commissioners or all of them and say we'd like to sit down and discuss this, we'd like to understand what you meant, because evidently if what has been printed in the press is your alls understanding, there is huge discrepancies in what is being said about what this language is, for example the 7% tax thing is totally being misrepresented. The current law says that if the Commissioners are going to raise revenue by more than 7% then we have to meet specific timelines to allow the residents an opportunity to petition that increase, the only thing we were trying to do in that language is and if you look the FY11 budget has been amended twice since it was adopted, before it even really went into play, because nobody else in the State of Maryland has that rule, so they all adopt their budgets in late May or early June to late June, I mean there are a couple of them that adopt it in the last week of June. We didn't know until after our budget was adopted how much we were going to lose from the State revenue that they are supposed to hand to us, from the County, and even from the Executive's Draft Budget once he presented that to the Council they even dug deeper and kept more of our money so that budget has been amended twice before it even went into effect. The thought was if the Commissioners sit here and decide they are not going to raise the revenue by more than 7% this fiscal year then we set aside the need to meet those early dates to allow for a referendum because if you are going to keep the same revenue you had last year there is no referendum available to the people so why not hold off on doing the work until we get more concrete information about what is going to happen, that is the idea behind the language that we have in there and I challenge anybody to find it that it says differently.

Mr. Barnes: I understand what you are saying but I think part of the issue here is a failure to communicate, it's an error...

Mr. Kuhlman: I don't mean to interrupt you I apologize but when you sit down like in real estate with contracts or with this kind of stuff and you try to write legal wording, it gets difficult.

Mr. Barnes: Well the Federal Government has the Simple Language Act.

Mr. Kuhlman: It gets very difficult to understand what it means. I can remember years ago I got into a debate with another Realtor and he said well you make your language way to simple, I said if I could draw pictures I would because then it is self explanatory, there is a lot of meaning in a lot of these words, but I apologize for interrupting.

Mr. Barnes: And this is my feeling, there is an air of un-approachability, for whatever reason it could be technology, it could be not understanding the Town process, the way the Commissioners and the Planning Commission and Board of Zoning Appeals work because of lack of written procedures in a lot of cases, and I would like to offer a suggestion that possibly may facilitate communications and that is we are not a big Town, we have 5 Commissioners, we could easily divide the Town up into some quadrants, 5 picks a road pick whatever you want to but come

up with some quadrants and then label them A, B, C, D, E and that is who I go to if I live in A, I talk to, I know who I can go to when I need to talk to somebody in the Town or if I am in C I can go talk to you because I know who to talk to if I have an issue that is who I address my comments to, right now...

Mr. Kuhlman: We are divided that way. We are divided that way you would call...

Mr. Barnes: I didn't know that.

Mr. Kuhlman: You would call Commissioner Hoewing for any Planning Commission issues, Mr. Brown for any Parks Board issues, Mr. Klobukowski for any school issues, and Ms. Gruber for any CEDC issues, if you don't get satisfaction with them you can call me.

Mr. Klobukowski: But the other thing is, we are all amenable to discuss anything that is before the Town or anything that is proposed by a citizen so in a way to restrict it to just one person and say you will call Jerry for that, Lori has a different opinion than I do so you might want to talk to her about the same issue you want to talk to me about because she may see something from a different perspective than I do, so I think this idea you are sort of going to a precinct type of geographics and I personally think what we have now, people stop me at Selby's, they stop me at CVS, they stop me on the street, here at PTA meetings so its like I think with the Town newsletter I think we try to get our points across and we are always available, I am the only Pollock in Maryland with Klobukowski so it's a little hard to get me mixed up with somebody else.

Mr. Barnes: (Inaudible) not being accorded down here at the Town Hall more frequently like not at a meeting where citizens come down and just...

Mr. Klobukowski: We had that one time, we had it that we offered Saturday morning I think with donuts and no one showed up, the donuts were good and the coffee was good but not many people showed up. The thing is that each individual person has to decide how he is going to spend his time and when you look at the number of people whose children are involved in sports and other activities it's a little sometimes hard for them, for you to schedule a meeting with everybody but we could try that again where we have every other Saturday or something or once a week.

Mr. Kuhlman: Bottom line Mr. Barnes Town Staff has all of our phone numbers and all of our addresses...

Mr. Hoewing: Mine is listed too.

Mr. Kuhlman: The Chamber of Commerce just delivered the new phonebook long overdue thank God, but I reviewed it a couple weeks ago right after I got it, every Commissioner is in that book with their phone number, their address of where they live, I mean Staff is paid Monday through Friday to be in this building and as far as I am concerned the Staff we have in this building right now is very eager to answer questions to any resident, to sit down with them and Wade will back me up, other Commissioners will, I have met residents in this Town Hall during the week, during the day hours to sit down with them in a conference room and go over any issues that they have a problem about once they've called Town Hall and notified they want to talk to somebody so I mean I think, I mean I know, I don't think I know, we are a very open government, we are willing to serve, we are willing to listen, we are

willing to be educated if we need it, now when you have 4 work sessions and nobody shows up I really don't like to hear that it was a closed process.

Mr. Barnes: Well to be honest I agree I mean I would be a little disappointed if I was you and not a lot of people came to my meeting, I think I would be going out and looking for people and beating the bush to make sure because people are reluctant to participate sometimes like if they have other things to do, I think maybe the additional Commissioner for the day if you will during an important process like rewriting the, amending the Charter, maybe just for a couple of weeks or something I know you did that, but its like something so important to say well nobody showed up.

Mr. Kuhlman: And how many public hearings did we hold?

Mr. Barnes: We need to be more aggressive, how do we help people participate.

Mr. Kuhlman: What else can we do, you have 4 work sessions that are advertised by at least 3 venues, the Gazette had it, Rande's paper had it, the billboard out there had it, the website had it, you had 4 work sessions, you had a public hearing that is advertised by all the same venues, I didn't hear any comments and...

Mr. Barnes: Even if people's property values are involved...

Mr. Kuhlman: But I am the only Commissioner sitting here or Staff that served with Charles Elgin and he was the President of the Town from 90 to 92 when I was elected and he and I had this discussion quite a few times and I have had it with other people I've served with...

Mr. Hoewing: A lot. One of the things that is true though is that and I am not at all suggesting that this is not important and that people shouldn't have come to see this and talk about it, but there have been meetings, the skatepark for example where we had this whole room filled with people, and our meeting with Officer Didone when he was here talking about the crime watch, we had a lot of people out here, so if they are interested, there seemed to be lot of people for those things.

Mr. Barnes: But I think as George Washington said "Go forward and tell your men what they are fighting for and what it means" as they went into the war, so maybe we need to tell people why this is important, maybe they are not educated on it, maybe they don't know what Article 66B is, I mean they have no clue actually, what was it the other night when our State Delegates were here and I asked the question about Article 66B and they didn't know what it was, now come on, I mean these people are --- in the State and they didn't know what it was, now do you think Joe Blow on the street is going to know, maybe we need to educate the public.

Mr. Kuhlman: Well then again understand in defense of my colleagues in Annapolis they don't have a planning department...

Multiple Conversations Taking Place

Mr. Kuhlman: I mean I got a witness right here in this audience, Mr. Roit has stopped by my house numerous times to just discuss Town business, I am open to anybody knocking on the door or calling, I have had citizens do that, I have had them call me, I met them up at Town Hall, I am not afraid to meet and talk with people. I need to know and I think we all need to know that somebody has an issue they want to talk and if they keep quiet that is their problem, not ours.

Mr. Barnes: I think sometimes you need to draw people out.

Mr. Hoewing: I was the head of PTA for 22 years in this Town and we always had the same people and Jerry has been involved with the schools too, you get the same people coming out, it is usually a pretty small crowd when you think about it, unless it is something like the Monocacy closure than you get more people, but by and large...

Mr. Klobukowski: It has to do with the school, has to do with what is going on at any one particular time as to how many people you will get, and some years you will get a lot of people participating in PTA and some years you think this PTA isn't going to survive until the end of the year. But again I think we with respect to this as Eddie said we were here 4 times, we've communicated it in the newsletter, its been communicated in the Gazette, its communicated in the Monocle, its on the website, we use virtually every venue except we didn't bother to give a complete copy of the Charter to everybody in Town but at the same token we have gone out and advertised this, because this is important and at the same time a lot of people have trust and confidence in our judgment.

Ms. Gruber: We were elected to represent them.

Mr. Klobukowski: When you cast your ballot you are telling us that you trust our judgment in certain things.

Mr. Barnes: I trust your judgment Jerry.

Mr. Klobukowski: Ok and so thank you so when we went through here we weren't trying to do anything, we didn't sit behind closed doors and make any decisions about this, we looked at stuff, we talked about it maybe sometimes we talk about a couple of these too long or longer than necessary but I don't think we tried to stifle any debate among us, I don't think we tried to stifle any debate from citizens coming forward to us either talking to us individually or here during a regular meeting or during the work session and in fact lots of times in work sessions there are other places they won't let you talk, they won't let the citizens say a peep, its all amongst us here but we are pretty open about stuff and we generally do allow that to happen, citizens if they have something to offer to speak up as well as long as we may get our thoughts out first, so I think we do go the mile, I think we really try, we really do and the citizens they bestowed us with some trust and confidence in our judgment.

Mr. Hoewing: One thing if you had a specific idea and it could help us, we actually tried a couple things new this year for example and last year we had a State of the Town Meeting where we actually had all the Town Staff and the Town Manager...

Mr. Kuhlman: We did that twice.

Mr. Hoewing: Twice now this is the second year and we do actually ask people to come up and offer comments if they've got thoughts themselves, so if there is ways to improve that that is probably the best time of year when you think about it because it is early in the year, we are just starting our process for people to come in and give us comments, that might be if you can find ways to improve that I would certainly welcome that.

Mr. Barnes: Yeah you know I volunteered to participate in the one of the work sessions for the Master Plan and I wasn't picked, my feelings were hurt I guess, I thought I could have really added...

Mr. Hoewing: I don't remember that.

Mr. Barnes: Yeah I did.

Mr. Hoewing: There was a focus group but we took everybody that...

Mr. Yost: No we were going to have 2 of them.

Mr. Hoewing: That is right, we didn't have the second one.

Mr. Barnes: Talking about participation do you remember have you ever been the new guy, someone that maybe doesn't know or you don't feel you know as much as somebody else does and you go to meetings the first time, second time and you are kind of the lonely person and your kind of pushed to the side and you can see that there is the old boys the old click and you can see that, it is going to be a hard time for you to get into it, you got to really be --- to break into the good old boys. So maybe some people feel that way I know I felt that way a number of times where I go to a meeting or I want to participate in activities and get an organization and sometimes there just not completely and they don't really embrace you, you know what I mean, maybe pat you on the back but don't bring you in, they don't get you participating in a working group or a committee or whatever it may be but you kind of go well you lose interest because there is not open arms.

Mr. Kuhlman: Let me say Mr. Barnes and I apologize but we need to get to a conclusion, but let me say this if I would, I first was elected to this Town government in 1990 and the then presiding President of the Commissioners one night just threw down the gavel and decided there would be no more public comment at all during any Commissioners Meeting and we had one resident who still lives here that used to heckle the Commissioners at the time and he got up and presented testimony one night "Good evening --- of Poolesville and --- Elgin" and for some reason Mr. Elgin went off that night and he made an executive decision and no citizen was allowed to speak for about 6 months during any Commissioner Meeting. We went from that point to where the citizens have a right to discuss any agenda items before it is discussed by the Commissioners, air any issue they want to air right after approval of the minutes, and the citizens also have another opportunity at the end of the meeting before the close and as Jerry said we advertised at work sessions our work sessions and the public is here to witness not participate but we get so few people that we normally listen to whoever is here, the press has been here for work sessions before I think they will back us up that we have let the public speak at work sessions. To me this is a very open transparent government, the advertising that we do to make people aware of what is going on is unbelievable, there are other towns that just post it on the website and that is it, we have the website, the sign out front, the sign at Selby's, we've got 3 or 4 publications come out, the Town newsletter, no matter what one particular paper tries to make the Town newsletter out, its done by Staff only and its not biased, it is done by Staff, but I would very much appreciate it if you have one last closing statement or we can move on to somebody else, I would be happy to talk to you offline any time you want.

Mr. Barnes: Ok thank you. And I think what you are saying and Jerry said and our participation right now attests to what you are saying, I think it is open, we are having a dialog, my last two things is I noticed that the redline version of the Town Charter is not, is no longer on the website, I don't know where that is but it is not on there and when I worked for the government...

Mr. Kuhlman: It should be.

Mr. Barnes: I couldn't find it. You may want to check I couldn't find it and I went there today looking for it. And I have done a lot of, like yourself and the rest of you, I have done some land planning including environmental impact statements, environmental assessments, forest service plans things like that and one of the things that we typically did when we had a plan that we put out much like the Charter for public comment, we documented all the comments that came in to us, we went out and got 10 letters and when we rewrote the document and sent it out we had a little matrix in the back, this is what the person his letter said and this is our response and this is what we did and like with the Charter, Bob Pierce had some comments that he had made, now where is the documentation that indicates that the Town has actually read those, considered them, and did something with them, whatever it is, accepted them, rejected them, it doesn't matter, but some evidence that the Town did something with them.

Mr. Kuhlman: Well this entire conversation is being transcribed word for word that you are having right now.

Mr. Barnes: That is not good enough.

Mr. Klobukowski: But Mr. Barnes is having involved with government documents is what they call a common matrix where you record who made the comment, what the comment was and how you adjudicated, do you agree with it, did you find something that proves it incorrect or did you accept it sort of thing, concur, non concur, concur in intent but not in action that sort of thing.

Mr. Barnes: That builds trust.

Mr. Kuhlman: That is the Federal Government with all that money.

Mr. Hoewing: For a lot of those Jerry it depends on the body Jerry. Generally the legislative body they do not give specific matrixes and say we have this comment, but you look at what we adopted though, we clearly rejected a lot of his comments, I mean we did take action on his, I read his letter, I read everything that came in, we rejected it, you can see that in the amendment we adopted.

Mr. Barnes: Mr. Barnes if you don't mind lets see if anybody else has anything, be happy to talk to you offline. Anybody else? All right seeing no hands at this time we will move on...

Mr. Hoewing: Yeah one comment.

Mr. Kuhlman: Oh I am sorry, didn't see you.

Mr. Klobukowski: Excuse me Sir you need to step to the microphone so we can record your name and your testimony, your comments.

Speaker: Thank you for the opportunity to make a comment and I do appreciate the comments of the President respecting the guidelines on referenda, which he made at the beginning of his speaking. It will be very helpful for the future but what seems to me not to be taken into consideration is the amendments to the Charter in conjunction with the so called debt policy, which the Commissioners passed just at the close of 2009 in October I think it was. Now you may say well we were required by the State to prepare a debt policy, but did the State require you to present or adopt a debt policy that the State formulated or were you formulating your own debt policy?

Mr. Kuhlman: Sir if I could answer real quick we were mandated by the State to adopt a debt policy. Contrary to what has been written by one publication in Town

that was State mandated, we were issued a deadline to have it adopted by and I think it was 6 weeks, all we did was go to the Charter and copy word for word what was already in the Charter and submitted that to the State because they wanted it as a Resolution and the State has the authority to demand that. Contrary to whatever you heard or believed and I got the book here, I am trying to look for it now, but that debt policy has been on the books for over 40 years, we just copied it word for word and issued it to the State as a Resolution and I will be happy to meet you after the meeting and find the Charter, the Section in the book and show you what date it was put in and I believe don't quote me at the moment but I believe it was 40 years ago, that policy has been around for 40 years so its nothing new that we rammed through or potentially violated Maryland law like we are always accused of, it has been in the books for over 20 years.

Speaker: Well that to me is irrelevant, the point is what does the policy say and the policy grants the Commissioners authority to take actions which I think should be subject to the lent or hindrance of the citizens who are after all being asked to pay for the expenditures which the Commissioners aren't being authorized to make. The conjunction of those powers in conjunction with that which is being set forth in the proposed amendments to the Charter ok, view them in conjunction and you can see there is concern ok, thank you.

Mr. Klobukowski: Excuse me Sir if I understand you correctly you believe that the debt should only be taken on by the Town with the concurrence of the citizens of the Town, is that what you are saying basically.

Speaker: I am saying that there is no limit, there is no limit of what is being put forward, there is no distinction between expenditures for significant capital investments and your Town maintenance expenditures, I mean you are talking about --- issues, well some municipalities the municipal government has the authority to do that but in others they don't and so that is the thing and the budget should clearly make a distinction between capital expenditures and ordinary expenditures.

Mr. Klobukowski: Ok.

Speaker: Ok thank you.

Mr. Kuhlman: If you look in the Charter it is Section 82-18, the borrowing powers of Commissioners and that has been in there it was this way word for word back in the late 80's I know when I started following Town politics so contrary to what you may read in a known publication it is not new, its not fabricated, all we did was copy this word for word and submit it to the State. I understand your point that you feel the residents should have a right to vote on us entering into debt, I understand that, but the debt policy has been around for over 20 years.

Speaker: Thank you for that I did not know that but as I said again that's not the point that moves me.

Mr. Kuhlman: I understand that.

Mr. Hoewing: Let me get to your the point though, is it that you want all of these things to be --- referenda or is it that we should not be able to get loans for ongoing expenditures versus capital, which issue is it or is it both?

Speaker: No I'm saying that I think that its incumbent on the Commissioners when they confront what they feel is a need for a major capital investment to be made for

the Town and you talk about building Poolesville's own water purification plant, sewage treatment plants and so on which can be very significant for the few number of tax paying citizens we have here that means a debt which can be extended over a period of years more than 5 years...

Mr. Hoewing: Yeah we've got several debts like that.

Speaker: And also you indicate there that directions made for services of the Town can also be applied for whatever expenditure, in other words for the retirement of debt as well so its not the subscriber to the water and sewage system is paying not only for the cost of providing that service but also for the indebtedness that was incurred in order to build the plant so this is a problem.

Mr. Kuhlman: I see your point but hopefully you can understand of the water expansion that we have done in the last 10 years, the overwhelming majority of that expense was paid for by the developers not the taxpayers. We were the first jurisdiction in the State of Maryland back in the 90's to adopt an impact fee system where we charged the developers for the infrastructure that has to be put in play, not the taxpayers that are here today, that impact fee has a very scientific calculation and each home that pulls a building permit to build new has to pay that, right now I think it is \$10,000.00 and so dollars and change, that money is used to retire the two loans that we have out to do the infrastructure work at the sewer treatment plant, we had to have the plant done so that we would have the capacity to give the new homes, so we had to front the money to get the work done but its not the taxpayers paying the debt it's the new homes that are giving us the money to retire the debt.

Speaker: Yeah this is something that really needs to be handled with total clarity for the taxpayer I think.

Mr. Kuhlman: The way I understand it there has been numerous articles written and there are over my 14 years of serving the Town there are several people from time to time that routinely come to Commissioners Meetings and I think they know some of this stuff, maybe not as well as we do but I think they know some of this stuff and as I said when Mr. Barnes was up here, if any citizen has a question or comment or concern please call Staff that is what the heck they are being paid for to sit here run the Town and make sure that the residents are comfortable in what is going on. We are elected to represent you, we want to hear from you, my motto ever since being put in this center seat is we are here to make sure the residents get what they want within the confines of the law, we are here to serve you, if you have a question pick up the phone, come knock on our doors, we can't be any more accessible than that.

Mr. Klobukowski: I will say that I have a slightly different slant on some of the things that Mr. Kuhlman refers to with respect to the I&I and the expansion of the water treatment plant, but I will say that this Town comparatively speaking when it comes to fiscal responsibility when you look at the State, you look at the County and you look at a lot of other jurisdictions we are head and shoulders above the rest but I am willing to talk to you about my perspective on some of the things and the way they were done offline rather than take up more time.

Speaker: Thank you.

Mr. Klobukowski: You are welcome Sir.

Mr. Kuhlman: All right thank you very much Sir. Anybody else? Seeing no hands we will move on.

Mr. Klobukowski: I would like to ask one question. A couple meetings ago I asked about introducing the fee schedule because I found out that we were charging people who...

Mr. Kuhlman: Jerry can you hold that until we get to Town Manager's Report please?

Mr. Klobukowski: Okeedoke.

Mr. Kuhlman: Thank you Sir, appreciate it.

Mr. Klobukowski: No problem.

Committee Reports

Mr. Kuhlman: Planning Commission Report.

Mr. Hoewing: I wasn't there.

Mr. Yost: We worked on the Master Plan Survey. Hopefully we will have it this Wednesday when we meet and be able to post it online and get some citizen input.

Mr. Kuhlman: So that will be a survey available online for anybody that wants to take it.

Mr. Yost: Right.

Mr. Kuhlman: Ok thank you. Parks Board Jim?

Mr. Brown: Parks Board received an Eagle Scout presentation about building two benches in the skatepark, we reviewed it with Preston King. Preston is going to help guide them in terms of the location but it is up to the Scout to do the rest of the work. We had significant permit discussions that were just unbelievably long lasting and I remember that I was starved and they seemed to go on forever but we did get them resolved. We also had a follow up meeting with Tom Kettler about our overall Town signage and what the Parks Board made a recommendation to do and would like to send to the Commissioners is that they would like to and it can be an agenda item for the next meeting doesn't have to be obviously it can just be thought of at this meeting is put together a committee that would help develop a theme for future town wide signage and that is really encompassing everything. The reason why this came about is the signs at the end of Town as you enter Town from all three roads are worn and at the end of their shelf life, they are approximately 15 years old, I know they've been touched up, so the thought process was well ok eventually those signs will have to be replaced well if we are going to replace those signs why don't we develop a theme for the entire town that will be readable, long lasting, made of the latest technology, prices of the signs have actually come down considerably due to some of the technology that is involved and the Parks Board proposed that we the Parks Board be allowed to create a committee that would get into signage in general or the Commissioners could decide to put together the committee and then let us kind of run with it over a period of time. And then last but not least we had a report from Preston King on the beginning and the opening of the Skatepark in general. Preston had basically great things to say about it and that the every single person that has been there the when it comes to closing the park down everybody has been polite, they did as Link said they did bring in their own trash cans they are trying to police the place, I have been over several times talking to them about it as well and helping them empty the trash cans because they are filling

up the trash cans faster than we can empty them for the time being. So the park is heavily in use, it is drawing rave reviews, I want to thank everybody my fellow Commissioners as well as the Parks Board, as well as Wade and Staff Cathy Bupp specifically as well as Butch Zachrel for their way to put it together the whole program, the Parks Board opening etc. and for the presentation of the Parks Board etc., for the get together that we had on Saturday, luckily the rain stopped just in time, we had a great presentation, Dr. Dillingham was definitely I thought he was happy with his presentation, he had a good time that day, it was deserved and the skaters had a great day as well, as well as a great weekend a great opening weekend so thanks to everybody for their involvement and you have my pledge as well as anybody else's pledge especially those on the Parks Board that we are going to do our best to make sure the park is a success like it has been so far.

Mr. Kuhlman: Cool. CEDC?

Ms. Gruber: CEDC had an unofficial meeting they addressed Springfest, Karen just gave an update on her presentation to the Commissioners and she is working on those issues that were brought up during that meeting. The Town Map the Chamber has reprinted it I believe by now the Town Map and has put them at Whites Ferry, there is a place out here where they stock them. The Farmers' Market and the Bark in the Park was extremely successful, it was a great night, it was followed by the Poolesville Band Project, there were over 50 participants in the dog show, everybody was very excited. It was a big hit and there is going to be an anonymous suggestion box or there is a trial period now through September, a link will be added to CEDC anonymous suggestions for local businesses, the suggestions will be handled with discretion and distributed to the businesses that they concern.

Mr. Kuhlman: All right thank you? Where will that be placed again?

Ms. Gruber: It is going to be on their website, on the CEDC website and the Chamber website.

Town Manager's Report

Mr. Kuhlman: Town Manager's Report.

Mr. Yost: We need to talk about fee schedules, Jerry brought it up. I plan on having it on the next agenda, I didn't have time, it was in the mail at the last meeting and then I was on vacation last week so I need to go through that, have some recommendations prepared and what things actually cost. And as far as the grass cutting we have not charged anyone with what we had to cut so far.

Mr. Klobukowski: Well I know at least 2 people have been charged for \$200.00 to have their yard cut. One said their real estate agent possibly missed the bubble the real estate agent thought the owner was going to do it, the owner thought the real estate agent was going to do it and the owner on one instance said the grass cutter, the person who was getting paid to do it didn't do it but \$200.00 I would like to know how we came up with the fee for \$200.00 for a third acre, you know if there is going to be some sort of graduated fee for ¼, 1/3, ½ and 1 acre and more so that we can have some sort of we talk about rational nexus for everything well I think we need to have a rational nexus necessarily one size doesn't fit all because...

Mr. Yost: No it was certainly more of a factor to deter people from allowing the Town to have come do grass, we don't have the staff to do that.

Mr. Klobukowski: Yeah I understand that no, no I understand that.

Mr. Brown: I'm going to say if it is 200 bucks I'll take it.

Mr. Klobukowski: I'll be over tomorrow. I even got my own tractor. Some of those bushes might be in peril.

Mr. Kuhlman: So as I asked you to hold on I knew we were going to set it for the agenda for the next meeting Jerry so we will be able to discuss it in depth then.

Mr. Klobukowski: All right there is one other thing, I didn't bring it up earlier but I guess this is a good time to do it, I gave you each a copy of Allegheny Power rebate thing where they are saying that based on certain fixtures that you can use like in particular the LED exit signs you can get \$15.00 rebate per sign from Allegheny Power and the cost I am not sure about the cost of the thing but when you take the rebate into consideration plus the amount of power the LED sign uses versus even the fluorescent bulbs you are talking you can make up the return on investment relatively quick and there are some other instances here some other things that we might be able to use like the occupancy center I know my building has it, it's a little scary when you drive in the parking garage in the morning and all the lights come on because you are the first one there or you walk into your office area and all the lights come on but still it is effective, it helps and the building I am in is a lead building, it's a gold or silver lead building so anyway that is for your consideration.

Mr. Kuhlman: I know you are just back today but we all got an email about the Fox 5 coming out, do you know anything about that to say tonight?

Mr. Yost: I just know they are going to be here starting 7 am at the Old Bank Building, the Old Town Hall, they are supposed to spend the whole day here in Poolesville, have several different segments throughout the day on channel 5.

Mr. Klobukowski: That is on the 23rd?

Mr. Yost: Yes.

Mr. Brown: It is on Friday the 23rd and actually it is being coordinated through the Chamber of Commerce.

Mr. Kuhlman: You want to tell us what the Chamber is up to Rande please.

Mr. Davis: Rande Davis, 19713 Beall. The Chamber we have been talking to Katy Adams she is special project production for Fox Morning News, they will be here from 6 to 10, for 4 hours, they are going to do 13 segments, we are recommending 13 segments, 10 of those will be from Whalen Commons, 3 will be in Town at the old town bank, the general store, possibly one at Bassett's Restaurant and I don't know if anyone has watched the show but its called Hometown Fridays and they did Leonardtown, they did Leesburg, I forget who they have this week but then of course they have us. Katy Adams will be here this week on Thursday to get a tour of the Town with Hilary who is the President of the Chamber and right now they are very busy working on this weeks show so you haven't heard from her yet and you will be scheduled, she wants to talk to the Town Commissioners so that has to be arranged by Wade and Eddie, they will be talking to a couple of businesses, they will be talking to Brice and Bridget for the Poolesville Day Committee talking about that, they will be talking as I said to Bassett's and on the agenda they also have Hope Ballet scheduled for an event, Poolesville Band Project but this will all be finalized this week. It is going to be a tremendous program for us as a Town.

Mr. Kuhlman: Very good thank you Rande. Are you done?

Mr. Yost: I don't know if you received the message or not but Captain Didone will be being removed, he has a new position...

Mr. Klobukowski: Not removed.

Mr. Yost: Once the new Captain has been assigned I will see if we can get him up here for a meet and greet.

Mr. Kuhlman: He will be here Wednesday afternoon, I got a meeting with him on Wednesday.

Mr. Klobukowski: By the way I did find the police well Friday night, Saturday night no Friday night they are patrolling the Town.

Mr. Kuhlman: Yeah we were just asking Jerry we had talked on Saturday about doing something to recognize Tom Didone for his service before his transfer to put something together I am sure Staff will be involved with that.

Mr. Yost: I'm sure.

Citizen Forum

Mr. Kuhlman: All right anybody on citizen forum?

Adjournment

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

Mr. Klobukowski: So moved.

Mr. Kuhlman: Is there a second?

Mr. Hoewing: Second.

Mr. Kuhlman: All in favor?

All: Aye.

Mr. Kuhlman: We are adjourned thank you ladies and gentlemen.