

**COMMISSIONERS OF POOLESVILLE
MEETING OF MARCH 21, 2011**

PRESENT: JIM BROWN, LINK HOEWING, EDDIE KUHLMAN, JERRY KLOBUKOWSKI AND CHUCK STUMP. ALSO PRESENT WAS TOWN MANAGER, WADE YOST, TOWN ATTORNEY, JAY GULLO, AND TOWN ENGINEER, JOHN STRONG.

Call to Order

Mr. Kuhlman: Good evening ladies and gentlemen we will call the March 21, 2011 Commissioners Meeting to order. For the record all Commissioners are present except for Mr. Brown, oh he is coming in the door now, so Mr. Brown is now with us. Also present is Town Staff Mr. Yost, Mr. Gullo, and Mr. Strong. First order of business will be the Pledge of Allegiance if you'd rise, Jerry.

Pledge of Allegiance

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

Public Hearing

Mr. Kuhlman: All right thank you. First order of business tonight will be a public hearing on the budget. The purpose of this public hearing is for the Commissioners of Poolesville to hear public comment on the proposed budget for the next fiscal year July 1, 2011 to June 30, 2012. We intend to maintain the 2011 constant yield tax rate of .159 cents. Copies of this proposed budget have been available at Town Hall and online at the Town's website, the record in this matter currently contains Resolution 001-11, the proposed FY12 budget and tax rate, copies of the March 9 and 16, 2011 issues of the Poolesville Gazette containing the notice of public hearing. All persons interested in offering testimony regarding the proposed budget and or tax rate will be restricted to 3 minutes per speaker. Written testimony will be accepted at Town Hall, at the hearing, or before the Commissioners close the record. We have 2 people signed up. Mr. Gole.

Mr. Gole: Rudy Gole, Oxley Farm Road. Turn to page 34 please, next to last page of your budget, employee salary structure.

Mr. Kuhlman: Yes Sir.

Mr. Gole: My testimony tonight does not primarily concern the salaries up through grade 16, because in FY10 the Commissioners added substantial increases to those salary ranges. A justification stated in the budget document then was to make them closer to industry standards. Ok now here is where my testimony really begins, but that adjustment in FY10 in the various grades did not include and does not include grade 20, the Town Manager. Now because of the FY10 adjustments it appears to me that the salaries for FY12, which include another 5% increase are adequate except for grade 20 the Town Manager. Here is the point I want to make, the gap or difference between the Town Manager and his administrative staff has narrowed, as an example in FY07 the difference in the top step between grades 16 and 20 was \$15,000.00, \$15,000.00 spread, in this FY12 budget the difference is \$2700.00. Now refer to the, in the salary structure look at the last column that we are referring to,

maximum level for FY12 you see the \$89,225 grade 16, you see the \$91, 902 for grade 20, \$2700.00 between 16 and 20, not enough, not enough difference. The Town Manager is worth more than \$2700.00 above grade 16. Another problem was created because of this narrowing of the gap you don't have any room to add salaries for grade 17, 18, and 19. To solve this situation you need to increase grade 20. Now look at the organization chart on the right, the Clerk Treasurer grade 16 supervises 1 person under her, yet the Town Manager has the responsibility of everyone on this chart, all the employees, the Town Attorney, the Town Engineer, the Code Services, plus involvement with developers, contractors and federal projects and individual citizens like me. And additionally he has to assist and contend with the various Boards and Commissions and regularly attends meetings and workshops in the evening and weekends. I don't know where the Town Manager's current salary falls in the various steps of grade 20 but regardless the gap should be more than \$2700.00. With the structure the way it is the top step for grade 20 should be at 6 figures, the \$91,902.00 top step is too low for a Town Manager when you compare it to \$89,225.00 for grade 16. I hope you can understand the point that I am trying to make tonight, that is all I have to say on that.

Mr. Kuhlman: Thank you Sir.

Mr. Brown: I have another question for you Rudy. Is that the end of your testimony?

Mr. Gole: Yes.

Mr. Brown: In your research and the way you have looked around I am sure you have studied this in other places, other towns, what would you, do you think there is room for an increase for our Town Manager for grade 20, do you think that makes sense?

Mr. Gole: I said it should be in 6 figures now.

Mr. Brown: Ok got you.

Mr. Gole: He is worth a lot to this Town.

Mr. Brown: Agreed.

Mr. Hoewing: On the worth part, not the a lot part.

Mr. Brown: I just wanted to leave it exactly as I had it, he is a lot bigger than me.

Mr. Kuhlman: Mr. Roit go ahead.

Mr. Roit: Bob Roit, 17301 Dowden Way. I would like a clarification if I can get one regarding the budget. I noted this evening on the agenda you've got the mowing issue, I either am unable to read a budget and see where there was a contract line item for mowing for the coming year and then it raises the issue if its for this season, it was not in last years budget, the current budget either and I am seeking a point of clarification how it is going to fit because I know the Commissioners in the past have always said that we can handle everything from within our own resources and all of a sudden we are going out on a mowing contract which is going to, I don't think you are going to be able to do it for less than \$50,000.00 a year and where in the budget is that \$50,000.00 or some number.

Mr. Kuhlman: It is not in the budget, we would need to amend the current budget and the new budget if we decided to go with a contract. The concept and the reason behind securing a bid was looking at our town crew does a wonderful job today, but

in the past they have gotten so busy some things aren't getting done quite as well as we are used to, and with the thought of having to take over responsibility of more mowing and stuff with the two new subdivisions either late this summer or definitely next summer, the idea was do we hire some more people or do we contract this out and free our guys up to do more work, that is why we secured some bids to look at it and we will be discussing it later this evening.

Mr. Roit: Ok I am just curious because in looking at the budget it wasn't there.

Mr. Kuhlman: And as you can see our audience is made up of the Town Staff they are interested too. All right anybody else on the Town budget? All right seeing no hands that will conclude tonight's public hearing and the record will be held open until close of business this Friday at 4:00.

Announcements

Mr. Kuhlman: Under announcements we have some re-appointments tonight for volunteers to different Boards. Mr. Gullo is there any problem with taking them all in one motion or do we need to do each one individually?

Mr. Gullo: You can make them all one motion as long as no one objects to doing it that way.

Mr. Kuhlman: All right does anybody have any objections to doing that? All right we have a vacancy on the Board of Zoning Appeals for the expiration of term Dennis Minor's term is up, he has agreed to re-volunteer and that will be for a three year term. On the Sign Review Board we have one persons term expiring, Rande Davis and he has agreed to serve again. Community and Economic Development Committee, two year terms Lynne Bodmer as a business member, and Helen Gunther as a resident member, both of those have volunteered to serve again. We have a vacancy on the Planning Commission, Bob Bachman's term is expiring and he does not wish to be considered. The Ethics Commission, Judy McKenney has put in her letter of resignation, we need a volunteer there, and on the CEDC, Mary Beth Dewey has gotten too busy and regrettably cannot serve. So with that I would like to have a motion to reappoint Dennis Minor, Rande Davis, Lynne Bodmer, and Helen Gunther, to their positions.

Mr. Brown: So moved.

Mr. Kuhlman: Is there a second?

Mr. Stump: Second.

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

All: Aye.

Mr. Kuhlman: Approved unanimously and we still need volunteer for one position on the Planning Commission, one position on the Ethics, and one resident member on the CEDC. Are there any other announcements? We had our annual meeting the Montgomery Chapter of MML had our annual meeting with the County Executive last month and the County Council last week, right now the draft budget shows us being reduced by 5% on our revenue sharing money. The Council is battling trying to close a 300 million dollar deficit and worried what is going to happen in Annapolis with the teacher's pension, whether any part of that will fall on the County. I was down in Annapolis and testified on the Bill for the advertising in the newspapers, MML would like to get it so that we only have to advertise online

instead of the newspapers, that Bill is not been completely heard yet. And the other one on the school one Jerry where the School Board would not be subject to our rules and regulations in any municipality is still in limbo, they are trying to work out a solution with the City of Rockville who really was the catalyst behind this situation.

Mr. Klobukowski: I talked with Aruna Miller's office on Friday and did the Bill get reported out of committee at all or is it still in committee.

Mr. Kuhlman: It is still in committee, they have given Rockville and MCPS I think 6 weeks, right close to the end of session to come to terms on their problem.

Mr. Klobukowski: Why do they have to assert themselves are they going to just then make it...

Mr. Kuhlman: I believe what will happen Jerry, Rockville was the catalyst for the problem, I believe if they can get an MOU exercised that both sides agree to then the legislation will die.

Mr. Klobukowski: What about the rest of us?

Mr. Kuhlman: Then we go back to the way we were, they will still be under our...

Mr. Klobukowski: No, no if the legislation does not die, are they willing, if they don't get this MOU, to continue with the Bill to bring it to the floor.

Mr. Kuhlman: Nobody is speaking on it, I mean as I told them and it really shocked me, the Senator Rich Madaleno that produced this Bill, he was unaware that municipalities were at different levels of approving authority, for example he thought we had full authority as Rockville, Gaithersburg, and Takoma Park do and had our own building inspector. I made the committee aware that that is not true, I told the committee of our uniqueness here in Poolesville that we are the only municipality in the County that operates both a water system and a wastewater system and if the MCPS could just come in here and build a school without having to ask us anything, then what happens if they are exceeding our withdraw or discharge permit, who gets the fine, MDE, MCPS, or us, so it has raised a lot of questions and concerns and I truthfully don't think the legislation is going to pass but I get an update on it almost every day.

Mr. Klobukowski: What really disturbs me about this is I talked with Brian Feldman at our 9 December meeting and luncheon we had with our delegation, he basically told me at that time, it will never get out of the --- Montgomery County legislative caucus to become a Bill during the legislative session. He basically said it will never happen number one, number two I can't believe that anyone would not inform Senator Madaleno of the true impact of the Bill that he was so myopic and only saw one municipality and figured no one else would be impacted, didn't he bother to ask, or didn't anybody in our legislative delegation, Senator Garagiola, Mr. Feldman, Dumais, Miller, say anything to him, I mean they are familiar with our situation here and everything else and they just fell down on their --- in my opinion. And then the third thing is I spoke with Bruce I forget his last name in Takoma Park...

Mr. Kuhlman: Williams.

Mr. Klobukowski: Williams, thank you, on Friday and he said that at that time and really right now there is no real coordination mechanism between the Montgomery County legislative delegation and MML, but we have not MML Montgomery County Chapter, Maryland Municipal League has a Legislative Committee but even so I just

and however he is hoping, he didn't say it was going to happen, he says he is hoping that this Legislative Committee will be notified and will have some input in the future.

Mr. Kuhlman: The MML Legislative Committee?

Mr. Klobukowski: No the Montgomery County Chapter. I would think, you know we talk about all this partnership between our legislative delegation, our District 15 delegation, they are quick to tell us how they want to work with us and everything else, that no one came to bother and ask, that really sort of disturbs me, it shows a complete blindness to what municipalities are all about, and what we really do, and not to ask the question of anybody, I mean I can't even believe that somebody in Kensington didn't say anything to them, one of their Councilmember told them, didn't say did you bother to check with anybody, do you know, and to just go off and do it I am flabbergasted. And the bottom line is regardless of whether Rockville I hope and MCPS comes to some agreement, but I hope this never comes to the floor because I could see it be tinkering not only with our little County, there could be other legislative people there from who might say you know this might not be a bad Statewide thing to take up, now you are affecting not only one county and 4 or 5 municipalities, you are affecting an entire state. But the bottom line is I don't understand why no one in our delegation really said anything to put the kibosh to it, and as Mr. Feldman is the Chairman of the legislative caucus for Montgomery County I really have a problem with that. They are the ones who vets the Bills, they were supposed to vet the Bills and he told me it would never get to Annapolis.

Mr. Kuhlman: It is a matter of counting hands and when the hands go up and it goes to a committee, it goes to a committee. The only one of our delegates that is on the committee right now that it is in front of is our freshman delegate, Delegate Miller and I have spoke with her numerous times, she is fully aware of the Town of Poolesville's position, she has received our letter that we agreed to put in on it and I've spoke to all the other members of that committee that I know personally, and I spoke to a few that I don't know that well while I was in Annapolis. I really don't think this is going to go anywhere, I spoke to the Mayor of Rockville Phyllis Marcusio and they working feverishly to try to come to an agreement with MCPS.

Mr. Klobukowski: Yeah well you got one side, you got MCPS saying we don't have the money to get rid of the portables and the other side Rockville saying we want to get rid of the portables as I recall.

Mr. Kuhlman: Now this all started when MCPS wanted to put portables at a school down there and Rockville said it violated their adequate public facilities.

Mr. Klobukowski: Yeah right. But anyway this shouldn't happen in the future, why do I say that, because Eddie is probably going to be the next President of the Montgomery County Chapter of MML, so Mr. President...

Mr. Kuhlman: No not this year.

Mr. Klobukowski: Not this year?

Mr. Kuhlman: No.

Mr. Klobukowski: Ok. Well anyway...

Mr. Kuhlman: I have been Vice President for two meetings.

Mr. Klobukowski: Well that is good enough, close enough. I hope that this next year that somebody grabs a hold of Mr. Feldman if he is still the Chairman of the Caucus

and --- him with something that there needs to be some vetting, some coordination and just simple question asking before they go jumping in with both feet.

Mr. Kuhlman: Well it is a different climate in Annapolis this year, I have had lunch with all the Delegates and the Senator and fortunately this year it was just the Senator and I and then the Delegates and I and I've set down over the years with all of them except Aruna who is new and this year was very different, they all have a different perspective and a different look on things and really Senator Garagiola I was scratching my head wondering if it was really him sitting there with some of the stuff he was saying but I am definitely keeping a close eye on this, Aruna's assistant and I talk once a week, I get an email almost every other day and I'm watching over this and it is the best we can do at the time. Anything else?

Mr. Stump: What was the general sentiment on the advertising this year?

Mr. Kuhlman: The advertising?

Mr. Stump: Yeah.

Mr. Kuhlman: State law requires certain things to be advertised in the newspaper of weekly circulation, there are quite a few municipalities that are asking that this be changed to several possibilities, the best one would be that we be allowed to advertise strictly on our internet, the 2nd level would be internet with a small ad in a newspaper announcing that you need to check the website for further details of the public hearing, of course the newspapers are totally in opposition because in all defense to them they claim that if they are protecting the information and its not about revenue, but if it isn't about revenue why aren't they volunteering to do it for free. It will be interesting this Bill has been discussed for the past 3 or 4 years but this is the farthest it has gotten. Mr. Gullo if you want to chime in, Jay is the past Chair of the Legislative Committee and for the Maryland Municipal League last year and he has been in on quite a few of the hearings over the past few years regarding this and other things, so he might know more than I do.

Mr. Gullo: That is very accurate what you said, it's a stalemate I would imagine at this point.

Mr. Kuhlman: It is really a cost saving measure for the municipalities in this time where the Highway User Funds are going away, the County started last year keeping our Revenue Sharing money or our portion of it and I did notice this afternoon that I forget the committees title, but one of the committees in the house that is dealing with the budget right now voted to increase the highway user funds from what was it Jerry 1.5 million to 10 million...

Mr. Klobukowski: Yeah I thought it was 1.5 to 100 million or...

Mr. Kuhlman: 10 million yeah. So that has got to be debated on the floor of the house and then if the house passes that, then it has got to go to Senate and make it through there.

Mr. Klobukowski: But a couple other things I think we ought to mention based on that meeting we had last Thursday night with the MML Montgomery County Chapter MML had with the County Council, they said something that to pack people out here is that they use the ride on buses those rates may go up, is the way I understand that they were saying, and they were saying also that they were going to hire more Police Officers.

Mr. Kuhlman: For Silver Spring and Wheaton. But they are going to take away all the Police Officers in the schools.

Mr. Klobukowski: Right that was the other thing, no schools, we don't have one here, but none of the schools will have MCP Officers present and then the last thing was the tax duplication because for those of you who weren't here, Mayor Katz of Gaithersburg made a good argument, needs to be the Police saying that we have 55 police officers in Gaithersburg and MCP dispatches those officers, so we are taking the place of 55 of your officers doing work in our area or even areas that are adjacent to us and then the point was made about the parks that we have parks, we do have parks but our parks we maintain and help supplement what you have and reduce the loads on your parks, so it is like you know you are taking money and we are taxing our constituents, our residents for parks and you are turning around and taxing them for parks too and we already got them, so the argument was made before the County Council however whether they heard it or not...

Mr. Yost: That was the exact same issue we had with the task force meetings.

Mr. Klobukowski: And then the last thing I mentioned the library to George Leventhal after the meeting was over, you know I said we need to increase the funding and his eyes just sort of glazed over but that is another story. So they are looking at increasing the property tax I think 4 cents.

Mr. Kuhlman: All right just a quick follow up on that, April 21 the evening of April 21 the Maryland Municipal League Chapter will be meeting here in Poolesville we will be hosting it so hopefully everybody can make it to that meeting. Anything else under announcements?

Mr. Klobukowski: Oh one other thing I will be testifying either on the 6th or 7th before the Montgomery County Council on the Cluster, support of the Cluster and also have some words in there about the library as well, so I am going to try to get in Rec extra program and something else I can't remember off the top of my head. I am still trying to coordinate with the Poolesville Cluster Coordinator.

Approval of Minutes

Mr. Kuhlman: All right moving on, approval of minutes of the March 7th meeting.

Mr. Klobukowski: So moved.

Mr. Kuhlman: Is there a second?

Mr. Brown: Second.

Mr. Kuhlman: All in favor?

Mr. Kuhlman, Mr. Klobukowski, Mr. Brown: Aye.

Mr. Kuhlman: Mr. Stump you were absent?

Mr. Stump: Correct.

Mr. Hoewing: I wasn't here either.

Open Forum & Citizen's Comments on Agenda Items

Mr. Kuhlman: All right open forum, citizens comments on agenda items, we will take citizens comments on agenda items first, we have Ordinance 122 the Forest Conservation, a public hearing was held on that and we will be discussing that tonight, does anybody have anything they want to say on that? All right we will be looking at the Seneca Chase paving bids and possibly awarding a contract for that paving tonight, any comments? And the municipal mowing proposal, any

comments? Any comments in general on anything? All right seeing no hands we will move on to Ordinance No. 122 Forest Conservation, Wade.

Mr. Yost: We did not have any comments or any speakers at the public hearing for this and as you are aware this is a two part Ordinance change, one is to update it to meet the State regulations, and the 2nd is to initiate standards for forest conservation banks.

Mr. Kuhlman: Ok any questions or comments from the Commissioners?

Mr. Klobukowski: Where do the words come from?

Mr. Yost: Which words?

Mr. Klobukowski: All the words in here, all the yellow stuff that has been added in.

Mr. Yost: Part is from the State and then part is from the State Forester for the forest conservation aspect.

Mr. Klobukowski: So in other words the State gave us all the words in yellow here that we put in, we didn't change anything from what the State gave us.

Mr. Yost: It was right from the State Forester.

Mr. Strong: Instead of forest conservation, it was forest bank conservation easement that was corrected from (inaudible).

Mr. Klobukowski: I have some questions concerning the Planning Commission, it says may approve or deny the application...

Mr. Kuhlman: What page are you on Jerry?

Mr. Klobukowski: I'm sorry page 29. I've got the complete Ordinance, the other one that we had was just excerpts from the pages that had changed. I've got 30 pages here. The Planning Commission is this the right place for, I in a way think the Commissioners should be involved in this. It says here on paragraph C the last sentence "Planning Commission may approve or deny application based on these considerations".

Mr. Yost: And again that has kind of trickled down from 66B, it gives the authority to the Planning Commission for complete site plan reviews and approvals.

Mr. Klobukowski: Ok so what if the Commissioners object.

Mr. Hoewing: Isn't there a 2/3 rule, I think we can.

Mr. Yost: You are right.

Mr. Klobukowski: This is covered by the 2/3 rule ok. Now I am assuming here, I understand this but don't understand it, they are saying with respect to the forest bank, it appears to me, lets go down to paragraph G, that you could have an area that is designated as a forest bank that doesn't have any forest on it right at the moment.

Mr. Yost: Right.

Mr. Klobukowski: And that you could then either plant trees or allow the area to naturally regenerate, which would only take maybe a couple hundred years.

Mr. Yost: True. You cannot use those credits until it meets the requirements of a forest by the State.

Mr. Klobukowski: I would rather see if we are going to do something like that and we are serious about it that plantings take place as opposed to waiting for it to happen naturally myself. Yes Mr. Gullo.

Mr. Gullo: The way I understand this is that a person who owns some land wants to create a forest bank for profit and that is the way I understand it, its not always for profit meaning that just to use an example, you own some land and it is barren, it

doesn't have any trees on it so you are going to create a forest bank and you are going to go through the process to get it set up and delineated and create the easement and now you are going to be the receiving area for somebody like me who is the developer and needs to plant trees somewhere and I (inaudible) so I am going to pay you to plant the trees on your area, more or less, and so that is why you have people setting up banks that are barren, so it is a certified receiving area and the reason it wants to be certified in advance is that the easement so that it doesn't get mowed it gets maintained and all that is set up prior to getting the trees on there so that they are maintained.

Mr. Klobukowski: But when you say for profit it is strictly like a TBR basically is what it is except you are saying you are going to allow somebody to plant trees, or you will plant the trees for someone but at the same token somewhere in here it says that, I can't remember where now, but if it was growing seasons, that is what it was, it was 1 year or 2 growing seasons, I marked it, I did I did, and my question is like how do they pick, is that a sufficient time.

Mr. Yost: All those come out of the forest conservation technical manual that is written by the State. It is kind of like their standard.

Mr. Klobukowski: Ok so that is I am thinking like it says, you know that is my question, they said 1 year or 2 growing seasons, are they counting the fall as a growing season and the spring as another growing season or are they counting 2 years, 24 months.

Mr. Strong: When they submit a forest bank plan or any forest conservation plan they submit a planting schedule if you will that tells you how the trees are supposed to be arranged and what types of trees are supposed to be planted, and that has to be adopted as part of the forest bank.

Mr. Klobukowski: Ok so it is two years we are saying. My only concern is if you have a drought and they are toast so what does that get you. Is that sufficient time.

Mr. Strong: According to DNR it is adequate time.

Mr. Klobukowski: Ok but then the other one is on page, that is on page 26 by the way and that is paragraph D. Paragraph E it says at the end of that time any part that has not been used to meet the afforestation or reforestation requirements shall be returned to the person who provided the money, and the way I read that is oh excuse me I think basically you have to start at the top, let me start at the beginning, money contributed under this article shall remain in the account for a period of 1 year or 2 growing seasons, whichever is greater, at the end of that time any part that has not been used to meet the afforestation or reforestation requirements shall be returned to the person. So basically he is making a commitment to use his land and if this is in relationship to something somewhere else in other words you have a developer who is looking at the land but he has...

Mr. Yost: That is in brackets correct?

Mr. Klobukowski: Yeah.

Mr. Yost: Brackets are to be deleted.

Mr. Klobukowski: Oh ok I am sorry. So what is it then, there is no period of time.

Mr. Strong: (Inaudible) that was what the change was.

Mr. Klobukowski: Ok my misunderstanding, thank you very much.

Mr. Kuhlman: Anything else Jerry?

Mr. Klobukowski: No.

Mr. Kuhlman: Ok any other comments or questions? Chuck the Planning Commission has taken this up too?

Mr. Stump: A couple times.

Mr. Kuhlman: And what was their recommendation?

Mr. Stump: In favor.

Mr. Kuhlman: All right any further comments? Hearing none is there a motion of support for Amendment No. 122?

Mr. Hoewing: I move the adoption of Amendment No. 122.

Mr. Kuhlman: Is there a second?

Mr. Stump: Second.

Mr. Kuhlman: Any discussion? Hearing none call for question all in favor?

All: Aye.

Mr. Kuhlman: Motion passes unanimously.

New Business

Mr. Kuhlman: Seneca Chase Paving Contract, Mr. Strong.

Mr. Strong: John Strong, Huron Consulting, Town Engineer. We had a bid opening on March 7, we had a total of 10 packages picked up, it was one of the better bidding processes that we've had, lots of people out there looking for work. We had a total of 6 bids submitted and of that 6 bids we have M.T. Laney as low bidder, M.T. Laney is a well known repaving contractor, they have done work in Howard County, Carroll County, Anne Arundel County, and each county agent and project manager spoke very highly of their work. Very similar to the type of work that we are putting the bid out for, which is repaving of residential roads. They work well with the community, the Better Business Bureau has no complaints in the past 3 years. The bid price was \$486,848.40, that also included the paving and placing of gutter at Dillingham Park, which their work when I met with them went over the scope of the work to make sure they fully understood what was to take place and they did and their approach was adequate. They do plan to come in as soon as possible and get to work and be out very quickly and I think that is where they are making up their difference, the asphalt prices are increasing but they have long term contracts with the suppliers and also the labor that they have is the correct amount of labor for a project of this size.

Mr. Kuhlman: All right questions? John on Dillingham are we getting curb and gutter on both sides of the driveway coming in?

Mr. Strong: Yes we are.

Mr. Kuhlman: And the non parking lot area?

Mr. Strong: Yes we are. I can show you the diagram if you wish.

Mr. Kuhlman: No I am asking you a question.

Mr. Strong: There will be curb and gutter on both sides with areas for the flow to go through, it won't have an inlet, it will just be curb cuts.

Mr. Kuhlman: All right very good.

Mr. Yost: And they are mountable curbs.

Mr. Strong: They are mountable curbs because the Town tends to use that area especially for Poolesville Day those type of days for additional parking. This way

somebody can mount the curb if necessary. The curbing is what they call a Type F type curb.

Mr. Yost: And the 2nd importance, the curbing was, so skateboarders don't soap it and oil it and curb on it and actually destroy it, that was one of our first (inaudible).

Mr. Kuhlman: You are very comfortable with this Laney outfit?

Mr. Strong: We are aware of Laney and the type of work they have done in the past.

Mr. Kuhlman: HMF has done a lot of work in town and it concerned me reading this if they are like \$250,000.00 above.

Mr. Strong: Correct.

Mr. Kuhlman: Anything missed?

Mr. Strong: No nothing was missed. What it comes down to is their approach is going to be in and out, whereas some of these other contractors tend to use smaller amount of manpower, and this is what M.T. Laney does, they put down asphalt.

Mr. Kuhlman: Ok. All right any other questions. All right so is there a motion to award the bid to M.T. Laney Company for the amount of \$486,848.40?

Mr. Stump: So moved.

Mr. Kuhlman: Is there a second?

Mr. Klobukowski: Second.

Mr. Kuhlman: Any discussion?

Mr. Klobukowski: I just have one quick question, when will they start, how many days out?

Mr. Strong: Once we get the bid packages to them they have 10 days to fill out the paperwork and get it back to us, then shortly thereafter once we review and make sure everything is signed and correct then they will start. So I will say if everything goes well in 20 days they will be going and may have started sooner?

Mr. Brown: And started where?

Mr. Strong: They will start down on...

Mr. Brown: Just will it be Dr. Dill last.

Mr. Strong: I would suspect it will be either last or concurrent depending on how they work. The question where they would start was they were going to start on Spates Hill and work their way in.

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

All: Aye.

Mr. Kuhlman: Motion carries unanimously. Thank you. Municipal Mowing Contract or proposal, Mr. Yost.

Mr. Yost: Ok as instructed by this Body I developed an RFP and sent it out for the contracting of Town mowing. We did have a mandatory meeting for anybody interested in submitting the bid to tour the facilities with Preston and answer any questions to make sure everybody knew exactly what they were bidding on. On March 15 we had 3 bids come in, we had about 6 or 7 contractors come in initially to do the tour, but only 3 went ahead and submitted the bids. The bids came in from Brickman Inc. for \$37,000.00, with an additional sport field mowing of \$275.00 each time, Haga Lawn & Landscaping came in at \$44,980.00 and Landscape Projects came in at \$76,900.00.

Mr. Kuhlman: A couple questions if you don't mind before you go further. It wasn't clear to me on the Brickman bid is that \$37,000.00 and an additional \$275.00 every time they mow the sports field?

Mr. Yost: No the initial bid is for 26 mowings.

Mr. Kuhlman: Right.

Mr. Yost: So anything above those 26 mowings for sports fields, which we do...

Mr. Kuhlman: All right in reviewing the submittal by the bidders it appears to me that Haga Lawn & Landscaping did not have the required insurance.

Mr. Yost: They did (inaudible) but included in their bid that they knew that they would have to have that insurance.

Mr. Kuhlman: All right thank you.

Mr. Yost: Ok so what I have done is just kind of laid out some pros and cons of developing or allowing this to go forward and with a recommendation from me, looking at all aspects of it, after talking to a bunch of these different contractors they are just flabbergasted the bids came in so low, at least the top 2 and whether they were just going to drop off a couple guys with mowers and let them just run and do a terrible job who knows what or they are just trying to get their foot in the door and you know the price is going to go up over time because they had to be losing money on this, it's a lot of land they were talking about mowing. And which a lot of companies do for commercial projects they try to get their foot in the door and then raise the contract price over time. My biggest concern is that we lease all of our equipment if we use it in the contract and what kind of stuff would be holding to going out for bids constantly and whatever the price is, its going to be, we lose our flexibility, having our guys be able to mow on special occasions, we do extra mowing, and it is going to cost more in the budget, even initially as low as these are unless we drop an employee, we are certainly going to pay more money in the long run. We have also addressed it in the budget how we could take care of the mowing of the additional fields that are coming online without hiring a new full time person by using the 2 part time people for 18 weeks, which we do have programmed into this budget. So all in all my recommendation is not to move forward with this mowing contract and to leave it as it is, and just use the 2 extra personnel.

Mr. Klobukowski: All we need is 2 extra, we wouldn't need anymore?

Mr. Yost: No I think for right now we can definitely do it.

Mr. Brown: And these are part timers no benefits?

Mr. Yost: Right. In the future we may look at having a new employee coming in and being cross trained because we have not hired anybody for the water and sewer with the new wells and pump stations either, so maybe we could have someone come in and cross train them for both. That is something we may look at in the future.

Mr. Kuhlman: All right any comments or questions for the Commissioners?

Mr. Stump: I tend to agree with Wade after reading through and thinking through it, it feels too low and the risk if we do get rid of the equipment now we are stuck. And the upside the short term just doesn't seem worth it at all in my opinion. I'd like to hear more of what Staff has to say, the sentiments from the rest of the folks.

Mr. Yost: Oh definitely our guys take, I did try to put a personal the aspect but it is a huge thing with the guys, they take pride in what they do with mowing the grass and

they do a great job, they always want to do more and Preston and I talked about this, this is why we bring them the extra help on and that is taking away from them, something that they take pride in all summer long.

Mr. Stump: Concur.

Mr. Brown: Here is the other part of the coin is, we don't have to buy anybody's services for a year anyway, if things get out of hand you can buy them for one go round or two go rounds or just hire out on an individual basis, never have to spend 35 or 40 grand or 50 grand or whatever, if it gets looks like we are losing it or we have the best grass growing season in the history of the world then we can always contract out on a per case basis.

Mr. Hoewing: I don't necessarily disagree but Wade when we talked about this during the budget review I thought you said something about some things weren't getting done every year that we wanted to get done, like the trimming and things like that.

Mr. Yost: Exactly and that is what we are trying to address with these 2 part time guys, extending that.

Mr. Hoewing: Oh ok.

Mr. Kuhlman: For a longer period of time, we haven't had the two part time people but for a short time.

Mr. Yost: An 8 week and a 10 week, now we have 2 18 weeks.

Mr. Kuhlman: Preston as Director would you like to say anything before we go further? Since you made the trip all the way down.

Mr. King: My name is Preston King, Director of Parks and Streets, I work for the Town of Poolesville. This has been a process going on for the last couple months, discussion with Town Manager, Wade Yost and Eddie Kuhlman. I think we have kind of got a feel for what the future is coming for the Town and we've been thinking a little bit back and forth bouncing things off and also I am speaking of the two summer help coming on and other municipalities they also --- long term part time work and they don't obtain permanent benefits for several years and to save cost, I understand about the benefits and everything and sometimes people work 2 or 3 years before they are brought on full time and that is something we might want to think in the future is having a longer period of time when somebody comes on as a part time and because we do have larger parks and parcels coming on, but I do believe given enough personnel and enough time we can maintain the Town and actually raise the standards a little bit just given the chance and we do look forward to the challenge and our personnel as you can see this evening all of my guys came here because they have a stake in the Town, most of them were born here, lived here, or have parents or and when you have people like that they are invested into the Town, even though they might not be living here now due to cost, but basically this is there home town, this is their parents hometown, grandparents home town, so there is a lot of pride, you can't a contractor comes in you won't have the same pride but I do understand economics and how things do develop, but there is a personal touch that goes along with our personnel and how they interact on a daily basis with the people in the Town, so any questions for me Sir?

Mr. Hoewing: The two temporary people, we are talking here about how much cost for them during the 18 weeks you said they are going to be brought on?

Mr. Yost: At \$9.00 an hour, I forget exactly what the number is off the top of my head but its relatively inexpensive.

Mr. King: One more side note, one thing about Poolesville we are starved for jobs for young people and just people trying to enter into the workforce and not everybody in this Town is going to be a nuclear physicist or bioengineer and they are good kids but having a job and fortunately we have jobs that allow us, we will be able to send our kids to school and buy a house and live a productive life, we don't have them in the Town here and the kids they travel they have to get out of here so it would be nice to have to keep jobs in the Town to hopefully young people that do graduate high school have a chance to have a reasonable job.

Mr. Yost: Those 2 part time helpers are \$12,960.00.

Mr. Kuhlman: It is already in the budget?

Mr. Yost: Yes.

Mr. King: And we do hire young people in the Town for those jobs.

Mr. Hoewing: So again looking at this from a budget standpoint, Brickman is at \$37,000.00, these folks you said are \$12,000.00 plus equipment.

Mr. Kuhlman: Yeah the big thing I am wondering about is, as the bids came in a lot lower than I expected myself to see and I think it relies in the property management field I see this lot you get some new or people looking for new clients they come in also low try to get you bought into their work and then start increasing the prices over the years to where you are too reliant on them.

Mr. Hoewing: Its called low-balling I've seen it.

Mr. Kuhlman: Preston do us a favor while you are here, introduce your gentlemen to the Town please.

Mr. King: This is Rick Davison he has been with the Town almost 13 or 14 years. John Smith he is a 20 plus man. Brendan McMinn he has been here 7 years and Matt Warfield he has been here 10 years. So as you can see our staff has been here awhile they like working for the Town, thank you.

Mr. Brown: Preston if I get you a Poolesville basketball shirt will you wear that to a meeting.

Mr. King: Yes I will.

Mr. Brown: All right good I will get you one, XL or XXL?

Mr. King: XXL.

Mr. Brown: All right got it.

Mr. Kuhlman: All right I think I know where we are going but just as a matter of formality is there anybody that cares to make a motion on any of these bids? Hearing no motion the issues dies for lack of a motion, we will stay with what we have been doing. Thank you guys very much, you do a good job.

Mr. Brown: Yeah you guys do a great job thank you.

Committee Reports

Mr. Kuhlman: Committee Reports, Planning Commission, Mr. Stump?

Mr. Stump: We reviewed and recommended to the Zoning Board a...

Mr. Kuhlman: An educated report.

Mr. Stump: And we have, we did another work session this past week, we have one tomorrow and probably one next Tuesday, we are doing one a week as long as we can on the Master Plan. The one tomorrow and next week that should be interesting

if anyone wants to stop by we are --- some of the meatier issues finally dealing with the downtown areas.

Mr. Brown: This is tomorrow?

Mr. Stump: Tomorrow yes and probably next Tuesday.

Mr. Brown: 7:30 or 7:00?

Mr. Stump: 7:30.

Mr. Kuhlman: Parks Board Mr. Brown?

Mr. Brown: Just back to Chuck real quick. Do you have an ETA on the when it is going to be done, I am not trying to pin you down I am just curious.

Mr. Kuhlman: Mr. Coakley said a meeting or two ago he figured a couple more months.

Mr. Stump: Yeah once we get through these issues this week and next week I think that will, we will have a much better feeling for how much further out it is. I really hope it does not take all the way to the fall but...

Mr. Brown: And this will eclipse the end of Bob Bachman's term and the new whoever we appoint.

Mr. Stump: That is why we are pushing to do as much as we can while Bob is still around this week and next week.

Mr. Kuhlman: Parks Board Mr. Brown.

Mr. Brown: I wasn't there and neither was Town Manager, Wade Yost but the agenda says that they reviewed a race permit for the Autism Speaks triathlon right?

Mr. King: Yes Sir.

Mr. Yost: Preston was there.

Mr. Brown: Oh Preston I am sorry, you want to give a report go ahead thank you.

Mr. King: I think it came in they were waiting for a check, a \$250.00 check on that, they were also talking about and I talked to Cathy Bupp, they were talking about involving some of the local businesses, setting up at Whalen Park I don't know if that has been followed through yet, but once again using Whalen and having local businesses involved, I think is a good idea. I brought it to Cathy's attention that they were talking about it and maybe she can talk to the Chairperson of the event.

Mr. Klobukowski: Where is the route going to start at?

Mr. King: What is that Sir?

Mr. Klobukowski: Where are they going to start?

Mr. King: The route actually I believe it is at the swimming pool, they swim first...

Mr. Brown: Well they are probably going to get staged, the last time I checked it is staged at the high school, start swimming, do the swim portion first and go on from there.

Mr. King: Yes Sir. So but all the parking has been addressed at the High School.

Mr. Brown: And they got a good date, the date has been vetted through other events.

Mr. King: I can't remember anything else...

Mr. Brown: The other was a discussion about Dr. Dillingham Park and the potential RFP or development of an RFP for playground equipment.

Mr. King: Yes the playground equipment and we spoke about mirroring the Bodmer Park and that covers the two age groups, and it was the same color scheme, same type of equipment, swings, slides, and it is going to stay within what we have

done in the other parks, so we will have the same style, color, and then it stays within the ---, also there was a discussion about the area that is when we do the parking area there is going to be an area of grass, there was a discussion maybe of leveling that at some future time to make it maybe a small scale soccer field for the 7 year old kids, 8 year old kids groups, they don't need a full soccer field and that is one thing as you know we are starved for is athletic fields and just try to utilize that park to its fullest and I think that is a good idea and also I don't think we are going to build the Community Center for several years so utilizing that park to its full potential right now I think would be a good way to go.

Mr. Klobukowski: What about using Campbell Park for fall soccer?

Mr. King: It is being used but not for soccer, it is being used for T-ball teams in there, several years ago Wade and I had a fence put up all the way around because they were concerned the residents about balls and stuff traveling into it and with the T-ball it fits in there perfectly.

Mr. Kuhlman: So in other words you are saying they would use the identical style equipment that is in Bodmer up here at...

Mr. King: Similar they want to follow similar traits that are in it.

Mr. Brown: Similar but more modern.

Mr. King: Yes.

Mr. Brown: You know whatever is the latest.

Mr. Yost: When I put the RFP together basically I just kind of outlined the types, we definitely want a swing set in there they said, we have to have the fiber engineered for access, handicap access, and they want two age groups and some color schemes. We normally send it out but not doing --- allows the playground folk to come back to us with there best interpretation.

Mr. Kuhlman: Just the way I understood what he was saying we were just going to have a mirrored set up and I thought maybe we should look for a variety of equipment.

Mr. Yost: Oh yeah it will be.

Mr. King: It was more of the age is what I was talking about. My experience in the past when they come back, each company that comes in they normally have one or two different things that we look at that are unique to the company and then we will draw off of that also.

Mr. Brown: Did we talk about installation deadline? That seems like my only question for tonight is when is something going to happen.

Mr. Yost: Well we still haven't closed out the stormwater permit for that project since the site development because the grass has to grow around some of the stormwater inlet structures and things, we are addressing those, we will have sod in those to get it signed off, so you can't do anything on that lot until we get that stormwater signed off. So as soon as it is signed off I would prefer hopefully to do it this spring, to have the tot lot and the pavilion installed. The budget would have to be approved also before we can...

Mr. Brown: Spend money right.

Mr. Kuhlman: All right thank you Preston. CEDC Link?

Mr. Hoewing: We had a very successful Business Fair that the CEDC and the Chamber of Commerce jointly sponsored, I thought it was extremely well done and

it was at the Baptist Church which turned out to be a much better venue I thought, there is a stage at one end and it was big enough to have a big crowd so it was very effective I thought, good turn out. I don't know if any other Commissioners, you came Jim, I thought it was very good. We also had the spring event that they are trying to put together is coming along well I think, at this point they have a already putting an advertisement out for anybody who is a good chili cooker so please apply for that because that is part of the contest is a chili cook-off and there is also working on now for the summer activities especially the movies and the events for the music up here, so I think everything is coming along well there too, so they have got some good movies chosen so it should be nice.

Mr. Klobukowski: The Business Fair was very nice.

Town Manager's Report

Mr. Kuhlman: Mr. Town Manager?

Mr. Yost: A couple things, March 28 Monday we will have street sweeping coming through Town doing the full Town again. And you will probably see those folks going down 107 they started doing a lot of patching they have marked off areas, they are going to be repaving that as soon as the patchwork is done, as well as the patches in through Town here and on 109.

Mr. Klobukowski: So they are going to pave all of 107?

Mr. Yost: They didn't say for sure whether they were paving the whole thing or just stopping it north of Partnership. I have a call in to the supervisor and I am waiting for him to call me back, today 2 of the workers came in and I talked to them some.

Mr. Klobukowski: Because all those stakes there what are they widening it or something they have got stakes all through?

Mr. Yost: They do and it is planned for either the raising of Partnership it does have a little passing lane on the right hand side as you are coming into Town, right near that triangular are where Partnership and 107 all meet together, they are going to raise that up.

Mr. Klobukowski: Down around the bridge past the sod farm there are markers on either side.

Mr. Kuhlman: I think that is the "Do not disturb beyond here".

Mr. Klobukowski: Oh ok I was just curious.

Mr. Yost: And that is it.

Mr. Kuhlman: That's it?

Citizen Forum

Mr. Kuhlman: Open forum anybody?

Mr. Klobukowski: I have a couple questions? In this past, it wasn't today, maybe it was last week or the week before, MML Bulletin, they had a thing about MML compensation and survey update. I asked Wade about that earlier today, he said we participated in it a couple years ago and there is a cost now, which I didn't think there was it is between \$40.00 and \$80.00 but I think it might behoove us to participate in that every now and then and get a report so that when we do work through our budget work session we have something to compare salaries to benefits.

Mr. Kuhlman: Ok open forum anybody? Seeing no hands I entertain a motion for adjournment.

Adjournment

Mr. Stump: Move we adjourn.

Mr. Hoewing: Second.

Mr. Kuhlman: All in favor?

All: Aye.

Mr. Kuhlman: We are adjourned.