

**COMMISSIONERS OF POOLESVILLE
MEETING OF AUGUST 8, 2011**

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

Call to Order

Mr. Kuhlman: Good evening ladies and gentlemen, we will call the August 8, 2011 Commissioner's Meeting to order. For the record all Commissioners are present except for Mr. Hoewing and also present are Mr. Yost and Mr. Gullo representing Town Staff. First order of business will be the Pledge of Allegiance, please rise, Jerry.

Pledge of Allegiance

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

Announcements

Mr. Kuhlman: All right thank you very much. Announcements, anybody have any?

Approval of Minutes

Mr. Kuhlman: All right hearing none we will move on to approval of minutes of July 11. Lets see Jim, Jerry and myself.

Mr. Brown: I'd like to make a motion to approve the minutes of July 11.

Mr. Klobukowski: So moved, second.

Mr. Kuhlman: All right all in favor?

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

Mr. Stump: Abstain.

Mr. Kuhlman: Thank you Sir.

Open Forum & Citizen's Comments on Agenda Items

Mr. Kuhlman: All right any comments from the audience on the grant request from the Poolesville Elementary School, this would be your time to speak. I need your name and address for the record please, have a seat.

Mr. Schramm: My name is Kevin Schramm, I am at 17601 Soper Street, Poolesville, and I am here as PTA President for Poolesville Elementary School. This year is the 50th Anniversary of Poolesville Elementary School. To celebrate this event we would like to use Poolesville Day as a stage, we have been working with the Poolesville Day Committee since January. We would like to hold a large tent and post you will see here, all of our former and current faculty and staff, former students, in addition we are inviting the following list you see there, our new Superintendent, our new Principal, Council members, I have that on the front sheet who we are inviting. And so we want to have this at Poolesville Day, we figure since we have 10,000 people here in Town this would be the best time to showcase our school. One of the atmosphere we are supposed to have at the tent, we are going to have a relaxed atmosphere for people to mingle, catch up with their favorite teacher, meet the new Principal, meet the new Superintendent and browse through

yearbooks, class pictures, we plan to sell and fundraise the PTA shirts for \$10.00, they are in the trunk if you want one in advance, backpacks are \$5.00 also in the trunk and bottled water. We figured this would be a wonderful time to show off our wonderful school because it is 10,000 people, we want to reemphasize the importance Poolesville Elementary School has had on the Town of Poolesville, it is the center point, it is where people get to know each other in this Town. I think we should showcase that. This is also a great time to network and lobby our --- and emphasize the work and value of PES. Why we are asking the Town for the funds is PTA doesn't carry money over each fiscal year, this is a one time request being the 50th anniversary and we will not have funds until the school year starts and people start paying their PTA dues and we fundraise, so this is why we are asking the Town to help with this cost.

Mr. Kuhlman: Ok any questions for Kevin?

Mr. Brown: I have seen the committee in action, this is probably one of the most dedicated school committees that has come around in recent times, they have done a great job, they worked very hard on this, I think Kevin you have done a nice job of working with your committee to put together a very comprehensive good game plan and I think you are very worthy of that, so nice job.

Mr. Schramm: Thanks.

Mr. Kuhlman: What other funding mechanisms have you got secured?

Mr. Schramm: For this event?

Mr. Kuhlman: Yes.

Mr. Schramm: We don't have any funds until school starts. We already have the shirts paid up from the previous fiscal year, so we have the shirts in stock and we have the backpacks to use for fundraising, everything else is going to be volunteer hours. We are going to use the same company that Poolesville Day uses, we already have a quote and the quote is attached for the grant proposal and so everything will be in concert and then like I said there is not any other cost that I can think of, most of it will be a time for people to, hopefully it will be a gathering spot, one of the few shade spots at Poolesville Day and people can come and talk to someone they haven't seen in a while or meet, you know we have a new Superintendent, the old Superintendent of Schools has retired, and a new Principal, the old Principal of 17 years retired so this will be a good opportunity for them to see the community, but yeah we don't have any funds until September.

Mr. Kuhlman: Very good thank you Sir. Anybody else on the same subject?

Mr. Brown: Kevin one question, you do have a commitment from Joshua Star to show up there for it?

Mr. Schramm: I have it on the down low he is pretty, I think, I just sent out invitations last week to all these people but I am pretty confident he is going to show up.

Mr. Brown: Wow that would be great.

Mr. Schramm: Yeah he has only done 2 tours, or 2 open forums with people and they have been down county. As always we got left out and we though this was a great time for it.

Mr. Brown: Excellent ok good.

Mr. Kuhlman: Thank you Sir. Anybody else have anything to say on that subject? All right next one is we have a request from a private business in town to use Halmos Park for a company picnic and they want to have beer for their guests and invitees, anybody have any comment there, yes sir, come forward.

Mr. Mostram: Good evening, my name is Mark Mostram, 17605 Norris Road in Poolesville and I represent Landscape Projects. I've had three meetings with the Parks Board the past three months and they have been very helpful in drafting a potential plan, an outline for how this type of function would proceed. And so it has been a very productive process, I know it may be slightly polarized topic, but I am glad it has gotten this far and we can continue the conversation. I think there are very positive aspects to our plan for the Town, for future functions, so I don't know if you folks have any questions for me, do you folks have the plan?

Mr. Kuhlman: All right any questions for this gentleman?

Mr. Brown: Mark how long has your company been in Poolesville?

Mr. Mostram: This will be our third year.

Mr. Brown: You moved here or came from?

Mr. Mostram: Came from Bethesda. We still have our main office there for a short time, we at Landscapers we fall into a very strange category when it comes to zoning in Montgomery County, but not in Poolesville. It was actually very nice, you guys more or less greeted us with open arms in terms of the zoning, in Montgomery County you can't operate in a commercial zone as a landscaper and you can't operate in an agricultural zone as a landscaper, you fall into the industrial zone, so that is one of the main reasons, we needed more space for our plant material, growing, stockpiling for big projects so Bethesda didn't give us that opportunity. So we have been very happy here, working with Wade on projects and topics and most recently obviously the plan for our company picnic. The whole idea of having it at Halmos started when we went on a tour for the parks, for the mowing, the Town was looking at potentially farming out the mowing, and I had the opportunity to show it to one of our supervisors and we realized that change is very hard to our company, there is the soccer game, the company picnic and that is the driving force behind the whole picnic really, it is the world cup every year in our company and this year is actually going to be Bethesda versus Poolesville, in terms of the company, so we realized it was a perfect scenario in terms of the setting, the pavilion and soccer field, everything is very essential, the playground we have a lot more kids coming and the bathroom facilities are right there so and as I said before we are really excited to have the picnic regardless of the outcome, we would like to be able to do this, it is a tradition that we have had without incident for 20 years, well 19, this will be the 20th. But it is not a deal breaker.

Mr. Kuhlman: All right very good. Any questions? All right Sir, thank you very much. Anybody else have anything on that issue? All right we will be presented our FY11 budget closeout tonight, any comments there? Oh for the record Mr. Hoewing is now present. And under old business, we will again be taking up Ordinance No. 185, dealing with the parking on the right of way in Town, any comments there, Mr. Conley?

Mr. Conley: Dennis Conley, 17007 Hillard Street. Is this Ordinance the one that will cause a violation for unkempt strip between the sidewalk and the street?

Mr. Kuhlman: No, this one is we have about a half a dozen...

Mr. Conley: Because it appeared to me that I would be cited if somebody would park and damage the right of way between the sidewalk and the road.

Mr. Yost: From a Code Enforcement perspective absolutely not, we know that it is a problem area all along that street and we are working towards a solution on resolving that issue, so no, no one on that street will be cited I can tell you right now.

Mr. Conley: But the Ordinance says as stated would not preclude me from being cited. Ok well I am here to say I don't think it makes any sense at all unless you exclude that part because I don't drive on that part of the right of way but everybody else does and I don't want to be cited for other people.

New Business

Mr. Kuhlman: Thank you Sir. Anybody else on the same subject? All right seeing no hands we will return to the agenda and the grant request from the Poolesville Elementary School, you have all the paperwork in front of you, any comments or questions?

Mr. Klobukowski: I would just like to say that I think it is a significant event that doesn't occur every year, we saved some money from not funding the post prom party and getting the refund check back on that, the Master Plan says we should have a continuous dedicated effort to ensure adequate enrollment and quality academic curriculum and to lobby Montgomery County Board of Ed to adopt rural school district --- policy and acknowledges that the county must protect schools in the rural area, and I think if we can get Superintendent Star out here and impress upon him with our Town and the number of people here that will probably undoubtedly walk up and shake his hand and tell him you need to support our schools, I think it is a worthy event, so I would recommend we just round it off and give them \$800.00.

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

Mr. Hoewing: Second.

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

All: Aye.

Mr. Kuhlman: Motion carries unanimously.

Mr. Schramm: Thank you very much.

Mr. Brown: You are welcome, thanks for all your hard work.

Mr. Kuhlman: All right next item would be the permit for the alcohol in Halmos Park and Jim this has been before the Parks Board a couple times, what does the Parks Board got to say?

Mr. Brown: The Parks Board voted in favor of it and voted in favor of recommending it and I can tell you why. The owner of this business, Mr. Mostram came in to, has come to several Parks Board meetings and I know you don't get points for being gracious or for being a good guy or even having your business in Town but what he did do was, he came and approached the Parks Board over a series of meetings and in the spirit of trying to help the Parks Board establish, I can't say regulations, because obviously we haven't voted on anything, but a direction for the further use of our parks. On his own time and with a zero inclination towards trying to really make it better for his own company, I know that he wants to have the first picnic, he came in and did a series of presentations, worked with the Parks

Board, helped the Parks Board put together what I consider to be a very solid game plan for potentially allowing alcohol to be used in a very, very strict guideline sense in our towns parks. The Parks Board grilled him pretty heavily on it, every time that he came in, I can't say that we ever gave him a comprehensive list of things to do and then come back to present, we gave him 5 things to do and he came back with solutions on those 5 things and then we handed him 5 more, and we did that over the series of several meetings, he was always very amiable, he was very interested in trying to find out the best way to make this work, he always said all along the time that he would be absolutely fine if it didn't happen with alcohol, that he would still have his picnic here regardless, and I know it is a polarizing subject but the safeguards that he's both been required to put into place, required or recommended be put in place, as well as the ones that he suggested on his own, to me exceeds what we had established here for our own get together a couple months ago. So my hats off to him for his stick to it ness and whatever direction these Commissioners go with it, the comprehensive plan he has come up with has been hard thought, well thought out and in the end it won him the vote of recommendation from the Parks Board.

Mr. Kuhlman: Ok anybody else?

Mr. Klobukowski: I am against it. I think it sets a bad precedent and to use Springfest as a precedent for this and then turn around and open up the parks continuously to this sort of thing is to me not the way to go. I am not saying this gentleman here would not adhere to what he has planned, however, I was involved with events with my company and we did have uninvited people come in and fights broke out and since you don't have any, I don't see anything about police here, they have no authority to restrict anybody from coming into the park, if they had a police officer there it would be a little bit more palatable but even so again I was very reluctant for Springfest but that to me was sort of a different thing to bring everybody in the Town together, not just one individual group, so I am not for this particular thing or having alcohol, permitting alcohol in the parks in the future.

Mr. Stump: I'm generally in favor of it, I don't see the need for restrictions, both Frederick County Department of Parks and Rec, Montgomery County Parks allow it with even less restrictions and controls than they've proposed here. I have been to many business events at both Frederick County and Montgomery County Parks with no problem, so I think it is a very well put together presentation, well thought out, I think using Springfest as a precedent is a good idea and I think we should allow this and consider it case by case, have the Parks Board consider it on a case by case basis, on its own merits, just as for example the Planning Commission considers things on a case by case basis on their own merits without going against sweeping the ---, so that is my stand.

Mr. Kuhlman: Link anything? All right anybody going to make a motion?

Mr. Brown: I want to make sure I word this right. I'd like to make a motion that the Poolesville Commissioners approve the alcohol permit for the park for the use of the picnic as described for Landscape Projects and approve it as a one time only permit, with no other precedents being officially set by it.

Mr. Kuhlman: Is there a second to the motion?

Mr. Stump: Second.

Mr. Klobukowski: As a --- point of order here, we don't approve alcohol permits, I think the County does, the only thing we can do is allow them to have alcohol in the park.

Mr. Brown: The use of then.

Mr. Kuhlman: Any other questions or comments? All right, I can't support this I am sorry. The rules say no alcohol in the parks and I voted against it for the Springfest, I still don't like it. I just think we are going down the wrong path by doing this, so I will be voting against the motion. Anybody else care to make a comment before we call on question?

Mr. Klobukowski: Do we need to amend the motion or did you?

Mr. Brown: I --- my motion in terms of its just, we are not permitting it but are allowing the use of.

Mr. Kuhlman: Allowing it is permitting it.

Mr. Brown: Well we are not a permitting body. Allowing it, not giving a permit.

Mr. Kuhlman: All right calling to question, all those in favor of the motion?

Mr. Brown, Mr. Stump: Aye.

Mr. Kuhlman: Opposed?

Mr. Kuhlman, Mr. Hoewing, Mr. Klobukowski: No.

Mr. Kuhlman: All right motion fails. All right thank you Sir, sorry. Closeout for the FY11 budget, Mr. Yost.

Mr. Yost: Ok. Everybody did receive their copy of the regular closeout? This presentation this evening will be the summary of the closeout, it is also available online and there are some here at Town Hall. So basically the budget is (inaudible) the General Fund and the Water, Wastewater fund, as we go through the presentation we will break down each of these. The General Fund operated this year just under 2.3 million dollars, which is about \$400,000.00 reduced from last year and basically we had anticipated reductions in income tax, which we met with County and State budget analyst who told us we should reduce that number and also we did have quite a bit of development, 30 houses were built and impact fees from those developments came in. The water and wastewater fund operates just under a million dollars a year and that basically is the way it has been for the last couple years. Most of the things are fixed costs, chemicals, truck expenses, electricity, those things. And the General Fund also funds or pays for all the capital projects in both the water and wastewater funds.

Mr. Brown: Wade?

Mr. Yost: Yes.

Mr. Brown: Just explain again the General Fund operates just under 2.3 million per year, which is a \$400,000.00 reduction from 2010, that is strictly from the, what is the reason for the reduction?

Mr. Yost: Two things, one we received more income tax...

Mr. Brown: Ok I got it on that...

Mr. Yost: And the new homes, which all that money goes to debt service, which we will get into a little bit, but we actually --- about \$244,000.00 a year in debt service, so the development fees are funding all that, so it offsets quite a bit of our costs, that is why we see the reduction.

Mr. Brown: Got it.

Mr. Yost: And actually property taxes, we will talk about those, they were actually \$10,000.00 under what the state had anticipated it would be, so that was kind of strange actually, we will talk about it.

Mr. Brown: Thank you.

Mr. Yost: So we did make some of the cuts to the income tax especially and in some of the other accounts. So overall the revenues were much higher than expected, about \$200,000.00 in income taxes. Debt service obligations were reduced, like I just said through the development. So basically at the end of the year closeout June 30, unrestricted reserves were at 1,328,000.00 and total cash on hand 3,900,055.00. In the General Fund revenue, and this has changed over the last couple of years, property taxes were about 55% a couple years ago, to 50%, now we are looking at 40% of the overall revenue stream, and income taxes has grown, it is up to 37%, and you see revenue sharing is from the County, it has been reduced over the last couple of years and then the wireless of course then it grows each year, because we have a 4% annual increase automatically built into all the leasing agreement.

Mr. Kuhlman: Wade would that revenue sharing be where the Highway User Funds is?

Mr. Yost: Yes.

Mr. Kuhlman: Ok.

Mr. Yost: And that was drastically reduced. So the breakdown, how it came in, the General Revenue 2.6 million dollars, Operations and that is of course salaries, and trucks, and all that stuff, almost 1.6 million dollars, and then for projects which we did a lot of cutting on our projects last year when we put the budget together, \$270,000.00 went to water and wastewater, and \$433,000.00 went to the General Fund. We will talk about those projects in detail. For the water and wastewater side, revenue and that is just based off of user fees, \$863,000.00, operations were over that, they were \$964,000.00, which left a deficit of \$100,000.00 which had to be granted from the General Fund to balance it.

Mr. Klobukowski: What was the cause of the overage, just normal operating, besides not taking in enough money, anything in peculiar that drove that up?

Mr. Yost: No actually the revenue was down.

Mr. Klobukowski: The revenue was down.

Mr. Yost: Right. We actually came under budget with \$964,000.00, what we anticipated for the year. We saved on the expenditure side of it, it was the revenue that was down that caused the shortfall of \$100,000.00. And we had anticipated \$117,000.00 shortfall, so we actually did better than we even budgeted for at the beginning of the year. General operations you can see salaries and trash removal are the two largest that we pick up in here, and then from that is parks, streets, and sidewalks as the next biggest cost at 10%. And then in the closeout budget there are specific numbers that are associated with each of these. As far as the water and wastewater operations you can see that 33% of the full fund itself is the water and the 67% is in the wastewater side, much more expensive to treat water before it is released to the environment because it comes out of the well much more pure. And of course salaries again, a very large part of both these pieces. And they are very much fixed as far as the operations go, like I said electricity, chemical costs, dump

fees. From the general CIP account we had quite a few cutbacks at the beginning of the year but we did spend money on office equipment, we replaced the water meter readers that was a little over \$17,000.00 and a few miscellaneous printers and things. Municipal Building, \$143,000.00, we finished up the wastewater plant roof, which was in last years budget and then the final payments on the bandshell also, which we did receive a \$100,000.00 grant for that project. Parks equipment we purchased one mower and we also purchased a half-ton truck. Again this was one thing we talked about, making some of our trucks smaller, not having such big trucks just in case you ever went from a 1-ton truck to a half-ton truck.

Mr. Klobukowski: On the water meters, why do we have readers, basically there are no moving parts right?

Mr. Yost: They are electronic readers and as the parts change and they just get obsolete, the software changes, the proprietary software we go with, census, everybody has a census meter in their home, so it is kind of one of those things, every 10 years we are going to be looking at doing something like this. Fisher Avenue Streetscape, we just had some plans on that, Fisher Avenue sidewalk, \$199,000.00 and that was all funded out of impact fees so it was carried for a while. And then we had the storms last year and replaced the street trees, that was \$23,000.00 of which we did receive \$10,000.00 from insurance. And the Parks and Rec. \$259,000.00 was spent there, the final payment on the Skatepark, we did electrical install at Dr. Dillingham Park also for \$17,000.00. Final payment for the lights that were installed out here, some of them were probably still overlapped from 15 years. We paved the parking lot, curb and gutters, and storm drain improvements at Dr. Dillingham Park also that was \$173,000.00. Halmos 3 upgrade, that is where we changed it from 90 foot baselines to 60 and 70 foot baselines, and now the Parks Board is actually talking about moving it back to a 90, after the last meeting they had a lot of permits come in for the older kids, so I haven't gone through that yet. And then we had a final payment also for Dr. Dillingham Park development, and that was part of the swales and grass and overall development.

Mr. Klobukowski: Well with respect to Halmos 3 is it necessary with the other parks coming online to change them back, we are going to have one at Winchester...

Mr. Yost: With Winchester Homes and Stoney Springs development, it is going to have a smaller ball field, it has not a big large area, and Brightwell Crossing has a full size lacrosse field not a baseball field.

Mr. Klobukowski: All right.

Mr. Yost: And then we have been updating project, \$470,000.00 for Seneca Chase also. In each of these accounts we try to carry extra money when we close out different projects and this number here is drastically reduced, if you recall last year at this time I think we had probably \$150,000.00 to \$200,000.00 of miscellaneous money and we really did a good job this year of putting the budget together and reallocating that money so we wouldn't have to spend additional General Funds. So you see all of the accounts do carry a minimal amount of money from projects that are completed and once we get into December and start putting the next budget together FY13, we will reallocate this money also similar to last year. On the wastewater side, we spent \$43,000.00 on the water system and that was basically going through the process with MDE for approving the plan to get the treatment

system for the Uranium and Alpha Emitters and the two wells that have been offline for several years. Sewer system, the ENR upgrade, \$86,000.00 and that reduces the amount of nitrogen and phosphorous released into the environment and also this was totally funded by MDE as mandated.

Mr. Klobukowski: Uhh.

Mr. Yost: Yes, your paper is wrong, I made a correction.

Mr. Klobukowski: Ok.

Mr. Yost: Water, wastewater equipment and we just made miscellaneous purchases, well transfusers, spare pumps, up to \$29,000.00, and water meters for the new homes. And then Inflow and Infiltration we did some repairs, we have a lot more to go, which we are going to be approving contracts of \$20,000.00 there, we have about \$60,000.00 to spend on repairs this year. On the water and sewer CIP leftover money, only \$11,000.00 was in the account and then in December we put (inaudible) to the budget and we will operate on those funds also. On restricted funds, we weren't using most of this when we put together the FY12 budget, like this insurance, that was for the gazebo, the final payment we had to build the bandshell first, we spent that money so this goes to the replacement of the bathroom fixtures at Stevens and Halmos. The Winchester Proffer was \$100,000.00 of that right now, which will go toward the I&I loan each year, and that is \$83,000.00 a year. Kettler Proffer same thing, it is going to go toward that same loan and we have actually paid down the Winchester, the proffer money for the last 2 years, paying against that debt service. Speed camera, we did have \$48,000.00, which was put into streetscape, or no we put that into Tom Fox repairing of the curbs we just talked about. And we had some reforestation fees, just \$4000.00 and we will have to spend that in replanting stream buffers and some street trees or something of that nature. So on hand is \$188,000.00 in the restricted funds account.

Mr. Klobukowski: With respect to the reforestation funds and replacing street trees, do we get those from the state or is there a, does the state have a program where you can get them cheaper from them or anything like that?

Mr. Yost: The trees?

Mr. Klobukowski: Yeah.

Mr. Yost: They will sell saplings and that is good enough for doing stream plantings for buffers, but they don't sell like 2 inch --- trees used for street trees.

Mr. Klobukowski: Ok so that means the deer have tasty things to eat.

Mr. Yost: Absolutely. So 30 homes were brought online this year and we collected the impact fees for that which totaled \$328,000.00, and I've kind of shown how it is collected and reimbursed or where it goes. Public Facility which paid back this building right here or a proportionate share, \$16,000.00, parks collected \$55,000.00, \$44,000.00 was reimbursed for the improvements they made to the parking lots as part of the building and different things. The wells we collected \$157,000.00 and that total was reimbursed, we still have several hundred thousand to be reimbursed and then the sewer collected \$98,000.00 and that goes toward the debt service. And here is a picture of where we are for debt service, we only have three loans, we will pay one off this year FY12, \$83,004.00 and then the other two FY24 and FY27 they will be paid off. And they will be the wastewater plant one will be totally by impact fees and the proffers will run out probably in about 10 years.

For the cash balance at the end of the year, General Fund unrestricted reserves 1.3 million, accumulated for the CIP \$826,000.00, accumulated CIP in unrestricted for the water and wastewater, so the total at the end of the year \$3,955,000.00, and that is it.

Mr. Kuhlman: All right questions for Wade? All right hearing no questions we will move on. Thank you very much for the presentation Sir.

Mr. Klobukowski: All right this is for me, but what I am concerned about is the infrastructure of the Town, basically the water, water meaning stuff that eventually has to be replaced, we don't really currently have anything in the budget where we are putting money aside specifically for that purpose do we?

Mr. Yost: No we don't.

Mr. Klobukowski: Ok thank you.

Mr. Yost: Which is a touchy subject. I think we should at this time start thinking about it, because there are some lines that are going to have to be replaced, water lines.

Old Business

Mr. Kuhlman: All right Ordinance 185, Mr. Gullo?

Mr. Gullo: Ok since our last meeting and discussion and Public Hearing on this, we had the discussion that we understand what you are trying to get at, you don't like people destroying the right of way, parking on it, that type of thing. And I've told you from the simplistic state you can hold the property owner responsible, the person who does the damage is responsible, or the Town responsible, there really isn't another party to hold responsible, and the Ordinance as it was written and distributed dealt with the property owner, saying that if the damage wasn't fixed the property owner had to fix it, you instructed me to make some changes so I worked with the Town Manager to make some changes and we changed the language with the property owner to read "responsible party" and what we are talking about now is instead of going with a property type of violation, you are going with a violator, just like a speeding ticket, you have to find out who did the violation and then you track that person down to make them fix it or fine them. And so you can see in the version two markup that the Town Manager gave you, where you see responsible party violator and violator, and that is basically it. So we have moved from property owner to actor in this case.

Mr. Kuhlman: All right any questions or comments?

Mr. Klobukowski: I have one, in that the word reasonable got us in trouble once before and I therefore have a problem with the word reasonable. Now I would make the recommendation that that language be amended to say within 2 weeks weather permitting, I would not expect someone to fix something in the middle of a drought.

Mr. Yost: How bout we go back to what we had original, Jay and I were talking about it, it said you could be 30 days or as approved or extended by the Town Manager.

Mr. Klobukowski: That would be fine with me. You know having someone do something in the middle of a drought or like now or something like that, I mean you want to be reasonable about it but at the same token you want it fixed.

Mr. Gullo: So the language that we had in the prior version that you have basically says "failure to make such repairs within 30 days or extended by the Town Manager

due to extenuating circumstances” and then carries on, and that was the exact reason, what if it can’t be done in that period of time.

Mr. Klobukowski: Again I like the idea of responsible party, I mean today with everyone with a cell phone camera, if they can’t download it directly to us they can bring it in and we can download it here from their phone to here so all you would have to do is take a picture of the license plate of the car.

Mr. Yost: It is the --- ones that we are (inaudible) very obvious of who is doing it.

Mr. Klobukowski: And this isn’t something that I don’t think any of us like the idea of having to enact something like this or think about because we assume that when people come to Poolesville suburbia that they are going to show some respect for each other, as citizens, as residents, as community members and friends and neighbors, however we have to also recognize that some people don’t and they really don’t care how they impact anyone else and you run into problems like that. And I can understand Mr. Dennis Conley’s remarks with respect to not having any sidewalk or curb and gutter along Tom Fox but we are working on that and I think we can somehow work to avoid defecting people there not responsible, I understand people going down to the middle school don’t pay attention but anyways.

Mr. Stump: Wade there are a handful of, two or three meetings back, a handful of specific concerns that were driving this and you sent out letters/emails to a lot of those property owners, how many, what was the general response to that from the property owners?

Mr. Yost: Three of them made repairs, or attempted to and the drought came so.

Mr. Stump: Out of how many?

Mr. Yost: 12.

Mr. Stump: 3 out of 12.

Mr. Yost: It was only a small handful yes.

Mr. Stump: And who is going to be deciding or arbitrating if you will, whether it is the property owner who is causing the damage or somebody else who is causing the damage, how are you going to tell?

Mr. Yost: Lets say I didn’t know who it was, in most cases we do because people complain that somebody else is parking in front of their home, but typically a warning letter would be sent out saying this Ordinance is in place, you have 30 days to repair this, either they are going to fix it or they are going to say “its not me parking here, its this guy over here” so then I’m going to have to have Code Enforcement who is going to have to watch it to see who is parking here and (inaudible) or approach that person and say you were parking here, and also do a warning, we are trying to do everything without writing a citation and we write very few citations, we try to just help them make the right decision to repair it.

Mr. Hoewing: Frankly if it does a significant amount of damage that has been repeated activity, so that you would think the homeowner would at some point say oh I better go out there and check who is doing this. So I think, although I don’t know if Dennis thinks this takes care of his problem, it takes care of the problem I had when we had the original draft of it, with my daughter’s situation.

Mr. Yost: It would be impossible to find out who did Dennis’ because everybody drives up and down the street.

Mr. Hoewing: Right.

Mr. Kuhlman: Any further comments?

Mr. Brown: Not only because I just went to a very small school in West Virginia, but I don't think I could have written this better.

Mr. Kuhlman: Probably because you went to a small school in West Virginia.

Mr. Brown: So that is why I know I couldn't have written it better.

Mr. Kuhlman: All right any further discussion, questions, or comments?

Mr. Stump: It's a lot better than it originally was by leaps and bounds, still not convinced we really need legislation for legislations sake, but its constrained enough that I think we won't be overly negatively impacting the bystanders, assuming that the town continues to be very careful and lenient in how they are approaching things, which I trust, so I could go along with that.

Mr. Kuhlman: All right anybody care to make a motion?

Mr. Klobukowski: How do we make the motion, I am not sure exactly how to propose that, should we read the entire version 2 as you just amended it with respect to the language?

Mr. Gullo: If it is version two as amended, if you want to make that motion and I can read the motion so you know what we are talking about.

Mr. Kuhlman: Yeah that is the way to do it.

Mr. Klobukowski: Please do.

Mr. Gullo: Ok so it is from your sheet that says version two. Park a vehicle with any of its tires resting off the pavement in a stormwater or drainage swale or ditch or park a vehicle in any public right of way which creates ruts, gully's, or the destruction of ground cover to cause erosion or tracking of mud, gravel, or other materials onto the public roadway, any damages to the ground cover caused by parking in violation of this section shall be repaired by the responsible party, failure to make such repairs shall subject the violator to fines pursuant to the section, for each day the property remains in its damaged state. Further if the violator does not take action to repair the property within 30 days or as extended by the Town Manager due to extenuating circumstances, the Town may take all legal actions necessary to repair the property, the cost of which shall be borne by the violator.

Mr. Kuhlman: All right that is version two of Ordinance 185.

Mr. Klobukowski: Make a motion we adopt the language as read, version two for Ordinance 185.

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

Mr. Brown: Second.

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

All: Aye.

Mr. Kuhlman: Opposed? Motion carries unanimously.

Committee Reports

Mr. Kuhlman: Committee Reports, Planning Commission, Mr. Stump or Mr. Coakley is present.

Mr. Coakley: George Coakley, Chairman of the Planning Commission. We met on July 27 and we gave a favorable response to Variance 002-11, which is the Henderson property on Chiswell, where they wanted to extend a garage 2 feet into the 10-foot side setback. We also discussed the Healthworks permit that they put in

for a temporary structure at the rear of their property, which is I think supposed to be a combination handball, outside exercise course area.

Mr. Brown: It's already there?

Mr. Coakley: Yes, but it hasn't been fully permitted yet. And then we set September 14 for our date for the Public Hearing on the Master Plan.

Mr. Kuhlman: Ok.

Mr. Coakley: Any questions?

Mr. Kuhlman: Thank you Sir. Parks Board, Mr. Brown.

Mr. Brown: During our Parks Board Meeting, I missed the very beginning of it but it had a Mr. Davis made a presentation on the Poolesville Interfaith Remembrance Celebration, Rande what would you call this?

Mr. Davis: Commemoration.

Mr. Brown: Commemoration. What was the end result, date established, was there a date established.

Mr. Davis: 9/11 – Sunday, September 11th.

Mr. Brown: Ok and it is within, a collaboration of all the area churches?

Mr. Davis: All the churches are wanting to be there, although we haven't heard back from everyone.

Mr. Brown: Ok got you. So that is how we kicked things off. We had a wonderful presentation from a landscape group that has already been shot down at this meeting and then we spend probably an hour reviewing permit applications that probably should have been handled through our Town Manager.

Mr. Kuhlman: That what?

Mr. Brown: Should have been handled through our Town Manager. So that was the gist of our meeting.

Mr. Kuhlman: Why weren't they?

Mr. Brown: They were just brought to debate, there was conflict, drama.

Mr. Yost: Parks problem.

Mr. Stump: As opposed to Planning Commission drama.

Mr. Brown: Anyway everything was sorted out via the use of electronic conversations, etc., during the meeting so everything was accomplished.

Town Manager's Report

Mr. Yost: Let's see. With regret I announce that Chris Williams, our Wastewater Superintendent has resigned, effectively August 18, he has another job with WSSC. So Craig Warfield who has been here as an understudy for about 4 years now, is licensed by the State, will be promoted to that position, and we do have an ad out for a entry level operator and we are getting applications in the last couple days.

Mr. Klobukowski: Have we advertised in the MML Bulletin?

Mr. Yost: No and the reason we do that, we want to get somebody fairly local, especially for that position.

Mr. Klobukowski: Ok.

Mr. Stump: Is there any permitting required for that particular position, licensing?

Mr. Yost: No but if somebody had a classified license they would be coming in at a better...

Mr. Stump: But there is no requirement.

Mr. Yost: No requirement.

Mr. Klobukowski: But he would be expected, the trainee, to get some licensing.

Mr. Yost: Within one year he has to get a Class 1 water, and then within, it takes 3 years to run or work at the plant before he can even get a license for Class 5.

Mr. Brown: Are there any candidates for the entry level position?

Mr. Yost: We did get a Masseuse, a personal trainer, a guy that digs ditches in Monrovia, but he has a Bachelors Degree in Psychology.

Mr. Brown: Ok.

Mr. Yost: We haven't really called anybody yet. Also we have a water operator that hurt his back pulling a sewer camera out of the sewer and he is on Workman's Comp right now, and going to the doctor, so don't know what is going to happen with that right now, it was an injury he had previously so it was a reoccurring injury. Last weekend you know typically we pump about 450 to 500,000 gallons per day of water, we jumped up over 700,000 gallons, 650 on Saturday, over 720,000 on Sunday, so Monday night I had the guys go out and do leak detection and we did find one leak on Hempstone Avenue, which has been repaired, it wasn't surfacing and then one in Stoney Springs also, a new house connection was leaking pretty bad, they fixed that immediately also, so we are back down to 450,000 gallons a day.

Mr. Klobukowski: Why was a new house connection leaking, where was it leaking at, at the house or...

Mr. Yost: It was at the corporation stop, where it ties in, like a valve in your yard, it was actually the lined side of that valve. It is not our infrastructure yet. And before we take that infrastructure, we go through with leak detection and everything before we take it over. And then we met at Stevens Park, the Parks Board and we are putting an RFP together to replace Stevens Park, they have \$120,000.00 in the budget for that we have been saving, and also a \$60,000.00 grant has been approved, it has to get final approval through the Board of Public Works this month, later this month. So that is all I have.

Mr. Kuhlman: That's all?

Mr. Yost: That's it.

Mr. Kuhlman: Thank you Sir and I apologize Mr. Hoewing I glossed over CEDC.

Mr. Hoewing: We haven't had a meeting since the last time we met.

Mr. Kuhlman: Ok.

Mr. Klobukowski: I have a couple questions with respect to Wade, with respect to what has been going on, there is some stuff in the newspapers, maybe it doesn't affect us at our level, but all this rigamarow that is going on with the budget, the Federal Budget, and the downgrading, has the County come to us since we have all our funds with the County, have they come to us and said if there are any problems or anything that we could expect or experience.

Mr. Yost: No they haven't and we contacted them and they are having meetings right now to determine how do they notify all the players that are involved with their investment fund and just how do they go about doing it, they don't have a system in place to do so. So they are having meetings right now of how to handle it.

Mr. Klobukowski: Ok and when is our trash contract up?

Mr. Yost: July of 2012.

Mr. Klobukowski: Thank you.

Mr. Kuhlman: Is that it?

Mr. Klobukowski: Yes Sir.

Mr. Kuhlman: Anything else?

Citizen's Forum

Mr. Kuhlman: Citizen's Forum, anybody have anything? Seeing no hands I entertain a motion to adjourn to Executive Session.

Adjournment

Mr. Brown: I'd like to make a motion we adjourn to Executive Session as provided for by the Annotated Code of Maryland, State Government Article, Section 10-508(a)1(i) to interview for an appointment for the Planning Commission.

Mr. Kuhlman: Is there a second to the motion?

Mr. Hoewing: Second.

Mr. Kuhlman: All in favor?

All: Aye.

Mr. Kuhlman: We are adjourned to Executive Session.