

**COMMISSIONERS OF POOLESVILLE
MEETING OF FEBRUARY 16, 2010**

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

Call To Order

Mr. Kuhlman: Good evening lady and gentlemen we will call the February 16, 2010 Commissioners Meeting to order. The 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.

Mr. Kuhlman: All right thank you very much. For the record Mr. Klobukowski, Brown, Kuhlman and Hoewing are present. Ms. Gruber had her grandmother die and she is on the road to the funeral. Also Town Manager and Town Attorney are present.

Announcements

Mr. Kuhlman: Under announcements we have 3 vacancies, we need a Board of Elections volunteer, an Ethics Commission volunteer to fill the remaining term of Judith McIntyre who has gotten tired, and Tom Kettler has decided not to return to the Community and Economic Development Committee so we need three new volunteers hopefully to fill those. Also I would like to remind everybody because of the storm our budget work session has been postponed until this Saturday morning the 20th at 9:00 am here and I would also like to congratulate our local Scouting Organization celebrating their 100th anniversary and then I would like to congratulate our Town Staff on a job well done with the snow removal and citizens need to remember we don't have equipment sized for what we went through the past week and a half so I think our Town Staff did a truly remarkable job with equipment that wasn't designed or built for the snowfall that we had, I'd like to thank the residents for their patience and understanding when they had to re-shovel their driveway a couple times but it is very important to get the roads open, not so important to have your driveway open, if you had a family member that needed medical emergency or something we need the roads open with the weight of the snow luckily we had no roofs cave in in Town but the roads need to be open for emergency purposes and we appreciate the residents that persevered with having to re-shovel their driveway and you got to remember we had a couple situations during the storm where some residents got out and cursed and were just outright belligerent to Town Staff over this driveway business, you got to remember these guys spent days away from their families, sleeping in the trucks, eating out of McDonalds, eating sandwich meat they weren't home with their families kicked back on the recliner in front of a roaring fire with a nice hot shower, they were out here doing the job so that we had passable and clear roads before the County or the State Highway, so I would ask those citizens and residents that decided to vent their anger to please remember that the next storm, these gentlemen are out here

doing us a service and they are here non stop until it is done and if you saw their little sleeping arrangements down there at the Town building where they would catch an hour or two of nap I don't think many of our residents would do that. All right are there any other announcements?

Mr. Klobukowski: Yeah their accommodations down there at the garage is not quite the Waldorf Astoria quality it is somewhere between something that has been thrown out it looks like maybe by at least 10 or 15 families, springs showing and everything else, but I also want to echo the thing is I have talked to residents down county, people who live in the Glenmont area of I guess that is Wheaton, Silver Spring and there are streets down there that are still not plowed, there are cars that are not, there are sides of the streets that aren't cleared and to have driven down there after the first storm and then after the second storm, none of us have any reason to complain up here, we are able to get around Town, we have our own supermarket, our own McDonalds, our own pizza places, our own restaurants and for a lot of people down county the only place they were at was their home and that was it and they have been there for quite some time and a lot of those roads still need to be plowed it will be quite some time before they are. And since I have the floor let me make one more announcement. Tomorrow night I testify before the Montgomery County Council at 7:00 PM at the County Council hearing room in Rockville on the operating budget for the Poolesville Cluster and I haven't found out when the operating testimony is, somebody told me, operating budget testimony is I heard tonight it might be 1 March but I think that might be incorrect but anyway just to let you know.

Mr. Kuhlman: Thank you Jerry anybody else?

Approval of Minutes

Mr. Kuhlman: All right move on to the approval of the minutes of February 1st is there a motion for approval.

Mr. Klobukowski: So moved.

Mr. Kuhlman: Is there a second.

Mr. Hoewing: Second.

Mr. Kuhlman: All in favor?

All: Aye.

Citizen's Comments on Agenda Items

Mr. Kuhlman: Citizen's comments on agenda items, we are going to have a presentation tonight from our Ethics Commission on some proposed changes, an update from the Ethics Commission on the automation of the Financial Disclosure Forms, CEDC budget amendment request they want to use some of the money they didn't spend to do a Farmer's Market, any comments there? And then we will be back to the alternative energy, any comments there, yes Ma'am. As long as you are not Mr. Speelman you are welcome. He can wait.

Ms. Breiner: Joyce Breiner, 2 Hackett Court, Poolesville. Regarding Alternative Energy Ordinance I request that you please be mindful that as you deliberate today on a 21st Century issue your actions and votes will either establish Poolesville's leadership or follower status for the Town for years to come. I encourage the Commissioners to participate in the Montgomery County Sustainability Working Group whose membership includes a wide cross section of community, business, and government representatives, thank you.

New Business

Mr. Kuhlman: Thank you. Anybody else? All right anybody have any comments or questions in general, all right seeing no hands we will go on to new business Ethics Commission proposed Code changes, Ms. Gail Allen and Ms. Judy McIntyre please.

Ms. Allen: Good evening. I think you all know me Gail Allen.

Ms. McIntyre: Judy McIntyre.

Ms. Allen: On the proposed amendment changes we are going to ask Alan Wright to go through them initially and then we can hopefully answer any of your questions that might come up later.

Mr. Kuhlman: Ok why don't you go over what you are proposing for the public.

Ms. Allen: I can do that.

Mr. Wright: Do you want me to...

Ms. Allen: Yeah you know the legal mumbo jumbo.

Mr. Wright: I'm happy to do it. I want to give you a little feedback, the proposal tonight is a draft State law requires that Amendments well it requires that municipalities have an Ethics provisions that are similar to the State's and so if we amend our Ethics Provisions we are required to send this by the State Ethics Commission for review, they have to tell us that it is similar to what the State has and so that is why we are bringing it to the Commissioners at this point not for introduction but for some feedback on what they are proposing. It started back in the summer I believe the Commissioners, our Ethics Commission consulted with the State Ethics Commission about some proposed amendments among other things and then the State Ethics Commission reviewed our Ordinance and sent us a letter dated November 10 of last year which is in your packet in which they found that some of our provisions basically the Confidentiality Provisions of our Ordinance were not similar to what the State has. First of all the Financial Disclosure Statements must be public as opposed to ours which allow 2 categories, private and public; the complainant in any ethics complaint must be disclosed to the subject of the complaint as opposed to ours which provides for confidentiality in the initial stages; and third decisions of the Ethics Commission on any complaint must be public, as opposed to ours which allows confidential orders prior to any hearing to resolve a complaint and that orders were confidential. So I was a little puzzled by this because I knew that Montgomery County law allowed all these things that we had just heard from the State Ethics Commission were not compatible with the State Law and we had in fact modeled our Law in many ways on the Montgomery County Law, so I responded with the letter which is in your packet pointing these discrepancies out and we did get a call back from Jennifer Algair, their attorney, on December 10 about a week after the Ethics Commission had reviewed this and she basically told me that the Commission, that the Montgomery County Provisions are she termed it a bone of contention with the State Ethics Commission but that they had not really done anything to resolve it, nevertheless as far as our Legislation was concerned they stand by their position that our Confidentiality Provisions are not quote similar to State Law and they promised us a written response to my letter, which we have not yet received although they keep telling us that we are about to get it, we still don't have it right?

Ms. Allen: That is correct. I expect in the last week that well they were closed.

Mr. Wright: Nevertheless we expect that it will follow the oral advice that I got from Jennifer Algair and so we've incorporated the changes that they had suggested in the

Ordinance that the draft that we provide to the Commissioners and so if you want to refer to that I will tell you what is in there. On page 2 we just added a couple of definitions, one a business and one of immediate family, which was not currently in the Ordinance. On page 3 we added number 6 to also require disclosure of membership on any Board or Committee of any Homeowner's Association or it's equivalent and this was a result of a dispute that we had and realizing that the Ordinance was not as clear as it could be with regard to this, previously we had to rely on the definition of a business and of course a Homeowner's Association is not exactly a business, so there is a little bit of a gray area that we are trying to correct. On page 4 we've added with regard to the Officials and Employees required to file Financial Disclosure Statements the Ordinance presently specifies the Town Manager in addition to elected and appointed officials, we added the Town Clerk and Code Enforcement Officer and the Board has added a provision that allows for inclusion of other persons as required to file Financial Disclosure Statements and it could be done by Resolution with approval of the Commissioners but would not require an Ordinance and we've listed several criteria that would a person would need to meet in order to be included among people who have to file, someone who is involved in contracting or procurement, administering grants or subsidies, involved in land use planning or zoning, or regulating licensing or inspecting a business, other decisions with significant economic impact, code enforcement, or controlling access to confidential information. Then at the bottom of page 4 that change is basically to simplify the wording that requires people to file an amendment to their Financial Disclosure Statement if their situation changes. In the middle of page 5 we've eliminated confidential financial disclosure per the State's advice. At the bottom we eliminated confidential complaints again to conform with the State's advice to us and on the last page we have required hearings to be open to the public and eliminated the provision allowing confidential orders to resolve ethics complaints where they could be resolved prior to a hearing. And on the last page the paragraph specifically mentioning the Ethics Commission is simply --- because they are subject to this statute as well as anyone else, we just took that out. On the beginning at the bottom of page 7 and top of page 8 we put in a provision for failure to file timely and complete financial disclosure, which basically requires the Ethics Commission to refer names of people who are required to disclose to make financial disclosure and have not to the Commissioners who then have the responsibility to remove or suspend such a person from their position subject to an opportunity to be here and explain why they are late or incomplete and to file it and correct the omission. And those are basically the changes that are proposed in this draft, it is still a little bit of a work in progress, I mean it is not ready for introduction and there could be some changes based on any feedback that you have or that the Commission might think of in further review, particularly when we get their letter back from the State.

Mr. Kuhlman: Anything to add ladies?

Ms. Allen: To Alan's point we have researched with other municipalities as well as the State came back and indicated that we were not really in compliance with the State Law, just so you know we believe that there was the hierarchical structure where we go to the County which we were doing initially and then County kind of pushed us to the State and that is when we realized after meeting with the State that it was not a hierarchical structure but that we had a reporting relationship directly to the State so that is why we have been engaged in those kinds of conversations. But what we did when we learned

that the State was indicating that they had a bone of contention with the County, we all including Alan did some research on our own to see how did we compare from a reporting perspective to other municipalities from a closed session for reviewing Financial Disclosure Statements to some of the other things and what we found is that the County is really the one that is out of sync, the other counties the other municipalities with a small look we were being advised appropriately by the State so that is why we believe that we really do need to come into compliance with those rules.

Mr. Kuhlman: All right anything Ms. McIntyre. All right any questions or comments from the Commissioner in general.

Mr. Hoewing: Alan I think, I can't remember now exactly how this came about but I remember at one point there was a discussion about the confidential reporting of ethics violations by a citizen for example and I think we did that because if they were making a report on a Commissioner for example there might be some fears that there might be retaliation or that is why we said confidential, not because we wanted to keep it secret, they don't allow anything, it has all got to be on the public record, you got to publicly say I accuse this person of violating the statute or whatever.

Mr. Wright: That is basically what they are telling us, I mean that is the way I am reading their letter and when we get their follow up written response to my letter we may find something a little different.

Mr. Hoewing: And what happens right now when there is...

Mr. Kuhlman: Like, excuse me if you don't mind I just mean in general I was going to go page by page so we can discuss specific things. Does anybody have anything just in general, all right any comments on page 1 or questions.

Mr. Hoewing: I have a process question not on the specifics of this, I got a question about mechanics and I don't think it is covered by this, I think this is just amendments to the existing. When somebody reports a violation what happens does it go to the Ethics Commission first or does it go to the Commissioners.

Mr. Klobukowski: It should go directly to the...

Mr. Kuhlman: We are never notified.

Mr. Hoewing: We are never notified.

Ms. Allen: It comes directly to us.

Mr. Hoewing: And what happens when you make a decision, like if there is some kind of, we have some kind of role in saying that that person is off the Commission then if they are an Advisory Board to the Commissioners, if it is determined they were in violation.

Ms. Allen: Are you talking about a complaint or financial disclosure?

Mr. Hoewing: Well somebody says for example you didn't fill the form out and you could have potentially have lied...

Ms. McIntyre: They are 2 different things, situations ok.

Mr. Hoewing: Ok.

Ms. Allen: The Financial Disclosure Statement the bone of contention that we have is 1) that they are not submitted on time; and then 2) after nagging people to turn them in when we finally do get them that they are this year I will say they are grossly erroneous and incomplete, this is the worst year that I have ever seen in my 8 or 9 years doing this. So that is one piece and I believe in that what we would do is when we have delinquent filers we would bring those names to you through Wade and then discuss how it is going

to be dealt with. The other side of this is the complaints, if someone files a complaint against a Commissioner or someone else, those can go either directly to the Commissioners, they can be sent in right now anonymously, they can be sent to us directly.

Mr. Hoewing: Ok.

Mr. Wright: Well they should be made directly to the Ethics Commission.

Mr. Klobukowski: Right I would think so number one but you said anonymously I thought...

Mr. Hoewing: Right now they can be.

Mr. Klobukowski: They can be right now but I thought under the new process the person who is making the complaint is no longer anonymous.

Ms. McIntyre: It can be anonymous.

Mr. Klobukowski: It still can be anonymous.

Ms. McIntyre: Yes we can accept anonymous complaints but we cannot the confidentiality will not extend to our judgment or if they are not anonymous we have to disclose who made the request.

Mr. Klobukowski: Ok because I have known situations where it's a little hard to answer a complaint if you don't know the specific person who is making the complaint because you cannot put the complainant in a specific framework and then it is hard to answer, I have seen that happen.

Mr. Wright: With regards to the confidentiality they are telling us they can't have, if you know the complainant you have to divulge the name but there is nothing to prevent someone from making a complaint and not divulging their name. The Commission can still investigate those but it makes it a little difficult to get very far with it if you don't have someone who, you don't have access to full information, so it is really limiting as far as what you can do with it.

Ms. Allen: And we aren't trying to vent that part of it right now.

Mr. Kuhlman: Ok anybody have any questions on page 2? Mine is immediate family members, spouse, children, or parents, does that mean if your parents live in California I mean to me there has got to be some locking down of that.

Mr. Klobukowski: Well to me that means just like what you used to hear out in the old Price is Right when they used to have those giveaways or something, no one affiliated with this channel, this station, this network, this organization, parent, sibling, whatever can do that to me because you can have a brother, a sister, a father, a mother on the other side of the country who is in a business that can bid on something directly here so to me that is open game, that is something that would have to be disclosed.

Mr. Kuhlman: I understand that Jerry and I think that the amendment process that they are getting at in a later point I mean how are you to know that your son in law who lives in North Carolina is going to bid on something in Town. Now to me you ought to be responsible for the people in your household, under your roof the day of filing.

Mr. Wright: I think you have to look at the specific questions that you are asked to give disclosure about.

Mr. Kuhlman: Yeah but I mean the Town has no jurisdiction over, we have already brought it out, Jerry's son in law that lives in North Carolina, so that is what the form is asking is to disclose any information about somebody that is governed or lives in Town or does business with the Town. So how are you supposed to know that this son in law

who lives in North Carolina might end up in October next year doing business with the Town, that is what I think the amendment process is for later, to amend the disclosure form after you find out about it.

Mr. Klobukowski: I think you have to put something in the contract where the contractor has to disclose whether he has any people working for him that are family members of the Commissioners of Poolesville.

Mr. Hoewing: Well that is the Commissioners responsibility.

Mr. Kuhlman: I just think this is way to open ended that immediate family member encompasses, naturally should be spouse, but children and parents, I mean we have got Commissioners here that have no children living at home anymore. I think you should only have to be responsible to answer for the people that reside in your residence personally. Because I mean my son is outside of Town, he owns a business, I don't have anything to do with it, I don't know what is going on.

Ms. Allen: No but I think it is incumbent upon you as a Commissioner to make sure that your family is informed of your responsibility not the specifics that you are engaged in but in the capacity of this activity that there could be a potential conflict and that if they are going to be engaged in any kind of business activity with the Town of Poolesville to at least let you know so that you can properly disclose. There is a responsibility, there is a responsibility on every one of us who are sitting here to make sure that we disclose when we believe that there could be a potential conflict and the only way for this Committee to evaluate that is if someone at least puts the necessary information down on his form.

Mr. Hoewing: I think there has to be a nexus to the Town though so I reported my Mom because she is in the Town, she obviously could benefit by a change in the regulation so I reported her, but if she was not living in Town and didn't have any business here I would not have reported her if she has no relationship with the Town.

Mr. Kuhlman: Yeah but Link it says that your children are included.

Mr. Hoewing: Well only if there is a nexus to something where there is (inaudible).

Mr. Klobukowski: Which I think is what Eddie gets to is when he says when your situation changes then you have to report it.

Mr. Hoewing: Yeah right now your son has no contacts that you know of with the Town right?

Mr. Kuhlman: Right.

Mr. Hoewing: So right now is not a problem but I would think there could be a problem, he has to be aware of it if he gets a contract or he is bidding for one...

Mr. Klobukowski: At that point then the thing would be for Eddie to abstain.

Mr. Hoewing: Right exactly.

Mr. Kuhlman: I just want to make sure I understand what you are getting at. All right any further questions on page 2? All right page 3?

Mr. Klobukowski: Since I think we only have one Homeowner's Association but we have Architectural Review Boards I think that ought to be mentioned here as well.

Mr. Wright: Well we try to capture that with equivalent.

Mr. Klobukowski: Its equivalent ok.

Mr. Kuhlman: Just out of curiosity why are we worried about that since we the Town of Poolesville have no authority over Homeowner's Associations, Architectural Review Boards or anything? I understand we have one resident that is upset that there is an

Architectural Review Board member on the Board of Zoning Appeals but I don't see how they dovetail or intertwine at all I don't see where there is a conflict of interest.

Mr. Wright: There is probably not a direct monetary conflict which is the normal criteria but I think the feeling was if somebody is making decisions that have to do with a particular development in the Town and they are also might be sitting on the Planning Commission or the Board of Appeals that is also making decisions for that same subdivision then it ought to be known.

Mr. Hoewing: You got to be careful too, it is not monetary alone it is can they, does the position they have that can influence what this Body decides to do, so if there is somebody in a well the Chamber of Commerce if you are on the Board of the Chamber of Commerce as well as a Commissioner and you are on the Board making decisions for the Chamber, they decide to submit legislation or a legislative proposal that influences and you wouldn't know it as a Commissioner that I did that...

Mr. Kuhlman: That is a different scenario.

Mr. Hoewing: Well I don't know a Homeowner's Association could do the same thing and citizens could get together and say you would have totally no idea that I was orchestrating this, that is influencing, that is a conflict of interest, I shouldn't be having somebody there representing my interest through Homeowner's Association where I live pushing legislation for the Commissioners and you don't know anything about it, you should know that I am doing that.

Mr. Klobukowski: That is right.

Mr. Kuhlman: I understand but are you really I mean the Town of Poolesville has no authority, jurisdiction, input any contact or business pull.

Mr. Hoewing: We don't have a Chamber of Commerce either technically, we don't, they are a non-profit independent Body but again if I was on the Board and we decided to push legislation and I was the one who went to them and said do this for me because it is going to help me with the Commission, I mean...

Mr. Kuhlman: Yeah but the Architectural Review Board can change its laws 180 and the Town has got nothing to do with it. We don't ever see them, we don't ever give any input, we have no authority of jurisdiction over it. I am just questioning why are we concerned about it.

Mr. Hoewing: I am not concerned about it I just think these are Bodies that can influence what this Commission does and you should understand that I'm a member of that, when they come here and say I am making a presentation for this Homeowner's Association nothing we do you guys influence, but as a Homeowner's Association representing these citizens we want this being done right and I'm on the Board, you don't know that, I think that actually is a conflict of interest, you should know that, I should recuse myself from that because I pushed that in that Homeowner's Association, that is an influential Body in the Town, individual citizens is a different issue, I could talk to anybody I want to and if they come up here that is fine, that is individuals. Not groups like that, they have influence, by nature had influence because they are a big organizations, they are representing bodies of citizens, so I think it is worth putting them in there, I don't have a problem with that. All they are saying is let us know that is all, I am on that Board.

Mr. Kuhlman: And I am just asking why because to me the whole financial disclosure thing has to go with doing business with the Town or having authority over.

Mr. Hoewing: It is more than that it is influence in the Town too and you should know that somebody is on that Board and as a Commissioner I influenced them to do that. I should tell you I am on the Board too by the way, they are speaking for me and I am recusing myself because they are pushing legislation that I care about. That is a conflict of interest potentially.

Mr. Kuhlman: Ok.

Mr. Klobukowski: Yeah a good example of that is if Link was on the Board of the Homeowner's Association when Summerhill came over here and wanted us to pave their driveways.

Mr. Hoewing: Right that could happen.

Mr. Kuhlman: All right ok. All right page 4?

Ms. Allen: Speak up Eddie.

Mr. Klobukowski: Let it be known, let it be known this is the first time (inaudible).

Mr. Kuhlman: The Town Clerk and the Code Enforcement Officer, the Town Clerk is an employee that has no authority to do anything, she can't make any decisions without direction from the Town Manager. It takes 2 signatures on the check to make a check good, either hers, his, or mine and Maggie also, it has got to take 2 of those 4 have got to sign the check and so I am wondering again why.

Ms. Allen: Well first of all I still am waiting to get a copy of her job description.

Mr. Kuhlman: I'm having a hard time hearing you.

Ms. Allen: Getting a copy of her job description, but given that we still don't have that, it is our interpretation that she does have access to confidential information and having access to that information could conceivably put her into a position of a potential conflict.

Mr. Klobukowski: The idea that she would see the bid packages come in to the Town and stuff like that and could alert somebody before they submit the bid package to adjust their rates.

Ms. Allen: It is a little stretch but it kind of goes to insider information.

Mr. Klobukowski: Yeah.

Mr. Kuhlman: Well seeing how all bids that come in are sealed and opened in front of more than one person.

Mr. Klobukowski: That is true.

Mr. Kuhlman: I don't know how that plays out.

Mr. Klobukowski: Yeah if that doesn't play out then good question.

Mr. Kuhlman: I mean because if it is a construction bid the bids are open up in front of the Town Clerk, the Town Manager, and the Town Engineer in one group, and generally the bid submitters are here also. I truly and I am not picking on you believe me but there are people that have balked over the years that they don't want to serve if they have to fill out this form so I am just trying to keep it to the key people and given the Town Clerk cannot make a decision that would indebt this Town, she can't make a decision on anything other than her daily job routine without Commissioners approval or Town Manager's approval.

Mr. Klobukowski: She has no procurement authority or anything like that.

Ms. McIntyre: She can make a recommendation though that you buy from source xyz, can she make that recommendation?

Mr. Kuhlman: Yeah and that decision ultimately falls to...

Mr. McIntyre: Ok if her husband owns company xyz or her relatives own that company then should that not be disclosed, if she is making recommendations to that budget...

Mr. Kuhlman: But that could also fall to any employee in the Town. I mean we have 2 kids that work part time in the summertime on a weed wacker all day every day I mean they could come in and suggest that the Town buy weed wackers from this person it could be there father I mean that is just going to happen in my opinion I mean maybe I am making myself look bad but I am questioning why, and they can't make a decision or steer anything I wonder why we are going to require them to fill out this form.

Mr. Wright: I mean I agree with you she doesn't have a position that is as official designated decision making or advisory functions but she is at the hub of everything that goes on in Town Hall and she has a Constitutional or a Charter created position and so I think that was part of the feeling that she would be an appropriate person to require disclosure from.

Ms. Allen: That too.

Mr. Hoewing: So in terms of Town employees it is just Wade and the Town Clerk you are talking about covering by this.

Mr. Wright: Currently just Wade.

Mr. Hoewing: Just Wade, so it would add the Town Clerk.

Ms. Allen: And the Code Enforcement Officer.

Mr. Kuhlman: Currently it is the 5 Commissioners, the Town Manager, the 4 members of the Planning Commission and the Board of Zoning Appeals.

Mr. Klobukowski: Lets ask the question, do other towns require this of their Code Enforcement and Town Clerks as well?

Ms. Allen: We are in the process of doing that research but we are finding that it is a very diverse...

Mr. Kuhlman: I asked Jim Peck today to figure all that out and send it to me.

Ms. Allen: I have been in touch with Peck and he referred me to Tom and...

Mr. Kuhlman: Tom Reynolds.

Mr. Yost: There has been an email chain that has gone out to all municipalities.

Ms. Allen: Right we are slowly getting information and what we will do is compile that to give you a written summary of what comes out of that. It is across the board and we are trying to make the evaluation based on whether or not they are actual Town employees, Elected Officials or volunteers.

Mr. Brown: What other Town employee has access to the type of confidential information that the Town Clerk does I mean that is only you correct.

Mr. Yost: That is correct.

Mr. Brown: That is a pretty strong position to be in.

Mr. Yost: I just can't see why it would hurt I mean err on caution if anything.

Mr. Brown: Right when there is a high level of confidentiality involved than this should fall under the umbrella just for that reason alone.

Mr. Kuhlman: I am not going to war over this I am just asking a bunch of questions.

Mr. Brown: You've just gone to battle, you haven't gone to war.

Mr. Kuhlman: And for those in the audience Jim Peck and Tom Reynolds are members of the Maryland Municipal League Staff in Annapolis and we have asked them to do some research. Code Enforcement Officer all he does is issue citations or make decisions based on the black and white of what the book says.

Mr. Brown: This is a pretty easy one I would think that the Code Enforcement Officer should have this done I mean he is enforcing Town Code against people that may be relatives, friends, business partners undisclosed etc., I mean this is a pretty...

Mr. Kuhlman: Yeah but for the same matter Jim we could sit here and have a resident come in here and just go 180 against what is right because we don't like that person or a Commissioner or several Commissioners didn't like that person, to me that is human nature, but you are talking about a part time gentleman who can't spend money, cannot indebt the Town.

Mr. Yost: Lets say the Code Enforcement Officer worked for one of the beer stores and so he started writing citations to the other beer store all the time to run them out of business.

Mr. Hoewing: Right which can happen.

Mr. Kuhlman: Say that again.

Mr. Yost: Lets say that the Code Enforcement Officer worked for a beer store and so he went to the other beer store in Town and started writing citations and antagonized that owner over and over and over until he closed shop or whatever.

Mr. Kuhlman: So I guess a 2 x 4 upside the head.

Ms. Allen: There is a Bullying Prevention thing going on next week.

Mr. Kuhlman: This all goes to a public hearing. All right anybody else have anything on page 4?

Mr. Hoewing: All I can say is I would not want to be the Code Enforcement Officer and not have listed my mother on there.

Mr. Kuhlman: All right any questions on page 5? One little simple one, how long is the retention time for these forms, is it perpetuity?

Ms. Allen: That is another bone of contention with the State. The State indicates that they should be forever and I will tell you just to go on the record, just before meeting with the State we decided our files needed to be brought into compliance with the Ordinance so we were going through a record retention review and had started shredding stuff. So if we get this through in compliance with the State than anything from here on out would be retained forever.

Mr. Klobukowski: There is nothing saying that if the person is no longer a Commissioner or has passed away that you would still retain this stuff.

Mr. Kuhlman: No cuz we won't find out what you did when you were in office Jerry 20 years later. Believe me I got questioned about a form that was turned in in 1993.

Ms. Allen: That is correct.

Mr. Kuhlman: All right questions on page 6? Going along with what you were asking about or Jerry one of you, if there is a complaint filed shouldn't the person or the persons that the complaint is against be notified.

Ms. Allen: Typically they are.

Mr. Kuhlman: Because the way I read this is you could receive a complaint about anybody covered by this and you never have to tell them that a complaint was filed, because it says on request by the subject of the complaint the Ethics Commission at anytime shall disclose the identity of the complainant but it never says that at least I didn't read it that if a complaint is filed against a person that has to file I think they should be notified that the complaint has been filed.

Ms. McIntyre: Is there something for this in the Ordinance.

Mr. Wright: You may be right, anytime a complaint is filed against somebody they should be notified and we can certainly add that. I think the thinking was if a complaint comes in and its frivolous we don't get into any of that.

Mr. Kuhlman: Well there was a complaint filed late last year against every member of this Body and nobody knew about it for months.

Ms. Allen: It wasn't against everybody.

Mr. Kuhlman: Over the ok.

Ms. Allen: It was not against everybody.

Mr. Kuhlman: We will talk about that one later. I think that if there is a complaint lodged the person that the complaint is about should be notified.

Ms. Allen: They may not be notified right away because what happens is if you do have a complaint and you notify the person right away you could open it up such that the individual could destroy documentation, information they may have access to data that they could destroy, so it is important that you see that but you have to make there is a discretionary period where you have to decide when to actually notify the people.

Mr. Kuhlman: In the spirit of dotting I's and crossing T's I would like to see something in here that specifies that the person will be notified that a charge was levied against them at some point.

Ms. McIntyre: I don't have the entire Ordinance here right now.

Mr. Wright: I don't recall a specific provision requiring notification of the subject of the complaint, we can look back and check it.

Ms. Allen: Yeah we will look back and check that and if it should be added we will.

Mr. Kuhlman: Thank you. All right any questions on page 7, 8? So are you guys ready to finalize this and have a public hearing on it and everything?

Mr. Wright: What we would do would be to send it to the State and say does this meet your requirements for similarity to State Law.

Mr. Brown: Versus waiting for a response from them you are going to send it forward?

Mr. Wright: Well no I think we should wait until we get that promised written response.

Mr. Klobukowski: Well also don't you want to get the stuff from Jim Peck and MML too?

Mr. Wright: Yeah. I think we have a few things to finish up before we send it off.

Mr. Klobukowski: So we are looking at a couple months at least before this would come back again I would think.

Ms. Allen: We definitely have to take it to the State before we go for anything public.

Mr. Wright: Yeah and the State has taken awhile.

Mr. Brown: So when you get the MML response as well as the response to Alan's letter then does that come back to us to be discussed and then once we have that discussion then it goes to the State and then depending on what the State says then it comes back for what we end up doing, I mean this is a several month timeframe.

Mr. Wright: We can bring it back at another meeting or we could just send it out to everybody and solicit comments, however you like.

Mr. Brown: From the MML as well as the response to your letter.

Mr. Wright: Once we get all of the information in and make any changes that we have talked about here then we can either bring it back to the Commissioners at a meeting or just send it out and solicit any comments or however you would like.

Mr. Brown: I think we should send it out for comments but we should probably have another meeting to talk about those things and it might just be a sign off but...

Ms. Allen: What I would like to do is give you a summary where we have compiled the feedback from the MML and then our own input, because we have actually gone out and collected some of the municipalities ourselves and have made personal contact to those individual municipalities, there is 11 of them, and getting them to respond directly to the question where the MML took questions that we presented and they loaned them out to City Manager's and so on and Tom Reynolds is giving us feedback and once we get a good portion of that we should compile that, send you a summary of that, and then if you want to rule based on that that is fine.

Mr. Klobukowski: I think that is a good way in my opinion, I think that is the way to go.

Mr. Brown: That is fine.

Mr. Kuhlman: Good all right anything further on this. Hearing none you ladies can stay put. Update on the automation of Financial Disclosures.

Old Business

Ms. Allen: Ok on the Financial Disclosure Statements again part of our process of going out to the municipalities is to ask questions about whether or not they use an automated system, a soft copy, are they entrenched in hard copies, who actually has to file reports and again we have very limited information right now so in that same summary that we will give you for the previous item it will include information about the financial disclosure automation. So far what I am finding is one municipality I believe it is Gaithersburg yeah I think it is Gaithersburg are in the process of moving from a hard copy format to an automated format but it will not be for sharing. So I think what we are going to find is that as we did with the County, they are investing money into their own automated systems but because they are doing that they are not going to be willing to share these automated systems. Hard copies I know you really want to keep hard copies, it is not just about the ease of using it to fill out a piece of paper but it is also to get to the effort that is required of this Committee and the people that you have filling out the forms in doing so. This year and I have already mentioned this but I am going to say it again, these are the worst financial disclosure statements that we have received on the Committee. The day after this meeting, February 8 we met the Committee to review statements that were due by the end of January. We had 12 of the 13 on that day, the 13th one came in the next day. Of those 12, 2 passed mustard, 2 made it through and were approved. They were absolutely atrocious I have never seen a worse set of submittals in my life, in the 9 years or so that I have been doing this, and it is really it is creating more work for this Committee, we are volunteers too. We value our time, we would rather be spending our time doing more important things which are like making sure that our Ordinance is in compliance with the State and we are following their rules, we would like to make sure that our people are following the rules to be in compliance with the financial disclosure statement instead we are having to spend our time on grading school papers, and that is about what this has become, and quite frankly the condition of these forms are appalling I mean I can actually see the hate and I am using a very strong word here I can see the hate that comes through on the pens that touch these papers, with an automated system and I realize the money is in time, with an automated system you eliminate that, you eliminate people making mistakes because the system won't allow you to move from point A to point B unless you have done point A correctly, an example there is a question

on the disclosure statement that has to do with whether or not you own a home in Poolesville, Montgomery County, you start out by answering yes or no, well if you answer yes the system will require you to fill in the schedule --- that coordinates with that, but now that doesn't happen, someone actually has to think that gee I checked yes so I need to fill this out, we end up with that scenario and not just once this time, but then we also end up with somebody checking no and then filling it out, automation is not going to allow that, it will do more than that. Anyway I will get off my soapbox, they were the worst that I have ever seen, we sit here tonight and still have only 2 approved forms, I don't have any others back yet, now these are supposed to be reviewed in a timely manner, and then to add to the financial disclosure statement automation I went back to BerKora who was the lowest bidder of the two and asked him if he could take a look at it to see if there was something that he could possibly find where we could save money, either an element that could be removed from it that we don't really need, what we could do to streamline it, he took a look and while he did not reduce his cost for the total project, \$6,900.00, he could take \$1,000.00 worth of effort out of it bringing it down to \$5,900.00 but quite frankly you'd rob Peter to pay Paul and you are either going to pay today or pay tomorrow, it would cost you more to add this item back in and we believe that it is an important element of the actual process. Certainly we could go out to another vendor but I don't have any other information about what other municipalities are doing so far until I get more back from MML and from the municipalities that we are checking with. This Committee is I believe is being, we have a responsibility to make sure the forms are right, and not just that they are right but do we see that there is any potential conflict, it is not just making sure that box A, B, C, and D are filled in and checked, we are not just looking at that, we are looking at do we perceive this could be a potential conflict, which I think is what you want us to do I hope, ok I am done. Do you want to add anything?

Ms. McIntyre: You said it well.

Mr. Kuhlman: Comments?

Mr. Klobukowski: Well I know it is a tight budget year but I am going to say that I believe that it is worth spending the \$6,900.00 because I see the what Gail is saying with respect to making certain, checking certain boxes, which forces you to enter other things, and doesn't allow you to exit unless you have completed it, I think we have all had those forms on the Internet or somewhere where it said kicked it back because you didn't put your phone number down, didn't put your street number down, didn't put your zip code down, you left off your email address, what else have I forgotten in the ones that I have done, but I think what this is about is it is about the people's business, the people's trust in us and the people who serve us or who serve them and I think this is something that seems like \$6,900.00 is a lot and it is but when you amortize it over x number of years plus the maintenance fee the gentleman is charging and I assume did you say it was open code, in other words if we all of sudden decided to do this on our own because we were super smart or whatever we could do it ourselves.

Ms. Allen: Yes in fact if there was a minor change that needed to be done to it and Berry Thompson who is your web developer had the skills to make those changes he could do those changes or it could be someone else.

Mr. Klobukowski: My only thing is transportability between contractors because sometimes they write stuff and I have seen this in my own company, they write it in a proprietary manner and you can't change it without them.

Ms. Allen: We have it in writing in the proposal from BerKora that is not the case.

Mr. Kuhlman: Jim?

Mr. Brown: I am like Jerry I am in favor of it but considering where we are in the budget process I would like to see how it fits in in the overall scope of the budget that we are working on right now so I am not prepared to make a decision or a recommendation tonight based on that.

Mr. Kuhlman: Link?

Mr. Hoewing: I could definitely support it, I have to fill out every year a financial disclosure form and ethics form and quarterly report on what we spent because I have a pretty big budget I have to manage so I have to do this all the time and I think it is a lot better because it makes you catch errors as you fill the forms out. I support it.

Mr. Kuhlman: I still want the paper form.

Ms. Allen: And we also found that there are others who are still living in the dark ages and want hard copies.

Mr. Kuhlman: (Inaudible).

Ms. Allen: I did not single you out.

Mr. Kuhlman: I know you didn't but I know who you were talking about.

Ms. Allen: No that is not true. I will tell you all 5 of them yours was not the worst, ok I am not picking on anybody put there are still municipalities that are still using hard copy form so there are some that want to do that and it makes sense for them. They are obviously not having these kinds of issues.

Mr. Kuhlman: Well I still, not trying to make fun of anybody but I still think it is wrong to spend \$7,000.00 to make 13 peoples lives easier. Yours is a different story but if the Commission wants to vote to go that way that is there business but I still would like to find some way to have paper or a hard copies available for myself or those that might have problems with putting that information on the world wide web because it goes some place, its not here on a private computer.

Ms. Allen: Right it is on a secure server. It is actually and I am not a tech person but it is less safe on your Poolesville computer than it is on a secure server and your own computer.

Mr. Kuhlman: Whatever. All right anything else? Thank you very much ladies. Have a good night. All right CEDC oh we get to have fun with Cathy.

Mr. Whitehouse: Hi my name is Tim Whitehouse I am with the CEDC and we want to talk to you a little bit about the Farmers Market, follow up on our meeting a couple of Commissioner meetings ago and some of the questions we read about in the transcript from your last meeting. I believe all of you should have attached a draft planning document, which we submitted for the possible establishment of a Farmers Market at Whalen Commons in Poolesville. This document is a result of informal discussions among members of the CEDC and the questions and comments raised at the last Commissioners Meeting. If the Commissioners agree to go ahead with this project this document will be further developed and modified based on input from the Town, potential vendors, community residents and businesses and will be used as a basis for the development of a formal business plan. What we are doing in terms of the Farmers

Market is proposing a 2 stage process to help move this proposal forward, the first stage involving initial planning and outreach would last until April 5. On April 5 we are proposing that the CEDC brief the Commissioners on our progress and that the Commissioners make a decision on whether to continue planning for a Farmers Market. If the Town decides to move forward the CEDC will then move into the 2nd phase, which would focus on continued outreach, implementation, and advertising. So stage 1, the first stage of the planning process would involve initial planning and outreach, our outreach to date has been extremely limited as we have been reluctant to move ahead without your approval. In this first stage the CEDC will: appoint a manager or managers within the CEDC, responsible for overseeing the development of this plan; we would survey local farmers and merchants about their interest in participating in a farmers market and their attitudes toward a market, and that would include local merchants who may not actually be vendors but may feel they are affected either positively or negatively by a market; we would draft a list of the types of items that could be sold; we would set up proposed times and dates for the market; we would gather ideas for additional activities to accompany the market, such as having local authors come, sports registration, local artists, car seat safety checks, etc.; we would create a list of logistical issues that need to be addressed; and we would develop a draft business plan which would include the above items as well as a marketing and financial plan. The total funds needed for this stage will not exceed \$200.00 and that would be mostly I think all for mailings. We would propose that this stage would end on April 5. On April 5 we are proposing that the CEDC brief the Commissioners on stage 1 to let you know what we found and that the Commissioners make a decision about whether we should continue with stage 2 of our planning. Stage 2 would focus on continued outreach, implementation, and advertising. In this stage the CEDC will continue to outreach to interested farmers and local businesses, again those that have a direct interest in agricultural products, but also those that again may benefit or feel they are negatively affected by such a plan. We would set up a steering committee to finalize a business plan, we would begin advertising and we would finalize a work schedule for managing the weekly operation of the market. The total funds needed for this stage will not exceed \$3,000.00. We did want to wait before developing a specific detailed expense report or marketing plan until we sort of knew what we were dealing with since right now we don't. We gave you some very, very rough numbers a few meetings ago but again those are very, very rough and we felt by delaying the final decision to see how much interest we had both positive and negative in a farmers market we could give you better numbers after April 5 if you decide to move forward. Thank you.

Mr. Kuhlman: Questions?

Mr. Klobukowski: Yeah go ahead someone else can go ahead I was just thinking of something else here for a second.

Mr. Brown: I like it and I like it just as is and I think it makes sense especially in terms of two things, first of all thank you for coming back with a much more detailed proposal and a plan, that is nice and then secondly I actually still want to emphasize that our local merchants and farmers must be approached with complete you know that they get every opportunity to participate and thrive in terms of the farmers market, if not take a leadership role in it, so with those two concerns covered I have no issues with it whatsoever.

Mr. Hoewing: In Potomac they have a Farmers Market I think it is every Thursday is that what you are thinking about a regular series of days.

Mr. Whitehouse: Fridays, right.

Mr. Hoewing: At the last, when this first was raised you guys didn't present it but the idea was floated, a concern was raised by somebody in the audience and I forgot who now, but somebody raised a concern about what if one of the farmers is extremely concerned this will affect their business negatively, how would you respond to that, I suspect it will probably a little bit but not it is hard to gage how much.

Mr. Whitehouse: It is hard to gage at this point how much. I think our goal in this process is to provide you with as much honest information about both the positive and negative impacts as people view them. And then if we do decide to go forward certainly I think one year during the first year we would have to maintain close contacts with our local merchants and farmers to see how it is affecting them. We have also been starting to look into how other farmers markets deal with this issue.

Mr. Hoewing: Ok.

Mr. Kuhlman: Jerry?

Mr. Klobukowski: Yeah like I said I think I mentioned last time I can remember going with my father to the Albany, New York Farmers Market where I don't know if it was at a fairgrounds or I think it was called a Farmers Market it was specifically for that and you had trucks upon trucks of people with melons and cucumbers and tomatoes and dill and tons of different vegetables that they sold right out of the back end of their flatbed stake trucks or pickups or whatever. But there are a couple things and it was a great thing but we had to go a long distance from where we lived to do that and that was only once in the summertime that we ever went there but don't we already know the interest of the existing farmers around here, what we have experienced already with them I mean I thought you said at the last meeting you had already talked to Kingsbury, Lewis and a few of the others that indicated they did not want to participate, that they were content with what they had. I would hope they would if we were going to have something like that because they are a couple of the marquee places up here where they have that much, and would you possibly talk with them about maybe having other groups like the PTA possibly if they didn't want to put their people down here because they would rather have them at the stands, where they sell out of right now, that they could allow some local groups to do something on consignment sort of thing, is that a thought at all.

Mr. Whitehouse: Yeah that is, we have not actually talked to the local farms, there have been people here that previously a few years back have approached the farms about a possible farmers market so I think that is the information you were hearing that some of the larger farms had said they would not be interested that the demographics weren't strong enough in Poolesville. So we have to again approach them and then there are a lot of smaller farmers, there is people that produce goat cheese in the area, there are local farmers that travel to Clarksburg or Potomac to sell produce, so we have to approach everyone and if they see we are serious they will be more likely to want to participate but we don't know.

Mr. Klobukowski: All right. The second question I have is where was this going to be located.

Mr. Whitehouse: Whalen Commons was our initial thought.

Mr. Klobukowski: Ok because Whalen Commons as I recall in the agreement has a “no commercial” clause. You can’t do anything that can make a profit out there, now what happens on Poolesville Day may be a little different I don’t know but I am not sure if we would get into something there.

Mr. Kuhlman: Yeah you can Jerry. What it says is we cannot build a, we would have to pay for the property if we built a commercial building.

Mr. Klobukowski: Oh a commercial building. Not commercial activity then, ok, all right that answers the question.

Mr. Brown: Just one more thing too Tim internal to your game plan we just definitely want to make sure that maintaining obviously working with our neighbors as well as maintaining the quality of the park itself would have to be a primary situation in terms of even alerting people you know torrential downpour no farmers market this Friday, you know making sure that we really protect because that could be an ongoing maintenance cost as well as I think once you mess up grass it is really hard to get it back sometimes.

Mr. Klobukowski: Right so you would expect someone Jim then to be there when these people are coming in to prevent them, because if somebody decided well I am going to park my truck there I don’t care.

Mr. Brown: Yeah somebody would have to have the order and make sure that it is taken care of.

Mr. Klobukowski: So if you guys are going to honcho it, it will be one of you guys.

Mr. Whitehouse: Yeah you would obviously need a manager to work with the Town on the actual physical layouts and you’d need a Farmers Market manager, you would need someone responsible and we would need to know the Town requirements for having it at Whalen Commons.

Mr. Klobukowski: Ok.

Mr. Brown: And you know anybody can tell you that walks on Whalen Commons that there is low spots and high spots and wet spots and everything else and we have got to make sure that we coordinate the use of that as best as possible. Because there may be areas this spring you just can’t drive on there. So that is all.

Mr. Kuhlman: All right I favor moving forward for the investigation. One question, one comment, yes Wade and I visited several farmers years ago and we went down and had a meeting with the Farmers Market Association and the farmers markets that we did go and talk to their comment was no we are set up for sales here, we don’t have the staff to be at two locations at once and everything is here, we don’t want to truck it all over there, so I mean good luck and I would advise you to get a hold of Jeremy Crist over there and talk to him. But what is the \$200.00 for?

Mr. Whitehouse: Mailings. What we plan on doing to show seriousness is send a letter to the local farmers and I know Cathy has compiled a list and then we have a list of other potential vendors and so it is for mailing and then we would follow up with phone calls.

Mr. Kuhlman: Ok now is this going to be open to anybody and everybody that wants to come, I mean could a truck from Albany, New York come down and sell or are we going to restrict this to local?

Mr. Whitehouse: Well certainly we don’t plan on going to Albany but no I mean we are focusing local, we are focusing Upper Montgomery County that is where we are going to focus for outreach. It is important that we get a steering committee together with some of

the interested businesses to develop those exact criteria, like who is eligible to participate and be very clear on that.

Mr. Brown: Like crafts versus or farm related crafts etc., that is something you have to have developed.

Mr. Whitehouse: Right and so that there is, you know you want to encourage the local people and not and you want to encourage the locally grown produce and the local crafts people in the Town so that is the goal.

Mr. Hoewing: This is a small town so I don't think we are going to have to worry too much about a lot of people coming from all the way down in Arlington or someplace like that.

Mr. Klobukowski: Well if they are passing through. But if a certain market develops a following, people will come.

Mr. Brown: Plus we are talking about offering programming at the same time, I mean this is part of the mix.

Mr. Kuhlman: Do we need a formal motion here or is it just a consensus to move forward?

Mr. Yost: A consensus would be fine because it is just one line item.

Mr. Kuhlman: All right well then I think you have the consensus to move forward but I know the one thing I am going to be very interested in and I think several others is how this perceived competition is going to impact local stores here and one of your members has promised to go and have a face to face with some of those people and I for one am going to be very interested in hearing what you found out. And that will have a lot of weight to me.

Mr. Whitehouse: Right.

Mr. Kuhlman: All right thank you.

Mr. Whitehouse: Thank you very much.

Mr. Kuhlman: All right Wade naming of Parcel 840 or is it Jim?

Mr. Brown: That could be Wade.

Mr. Kuhlman: Ok.

Mr. Yost: The Parks Board did have quite a list of volunteers that have served the community, they went through them, just like what to name Parcel 840 and the final straw came down to two names, one was Ray Hoewing and the other was Dr. Dillingham and at the end Dr. Dillingham won out as far as a recommendation moving forward from the Parks Board.

Mr. Kuhlman: I like this. His daughter calls Town Hall to see if anything was going to be named after her daddy.

Mr. Yost: Well the Parks Board wanted to reach out to both of the individuals when they narrowed the list down to make sure that they would be ok with the park being named after them.

Mr. Kuhlman: All right Jim as a Parks Board representative do you have anything you want to add?

Mr. Brown: No that is pretty much the way it went. I am not disclosing my vote you can look in the minutes.

Mr. Kuhlman: I didn't ask.

Mr. Yost: And before you you have how long he served 20 years to this Town and was on the Parks Board for several years and did several things with the Parks Board starting the tree board and all kinds of things and so that is why the Parks Board leaned.

Mr. Brown: Yeah with the absence of the other discussion being public right here in our hands I mean there was substantial support for Dr. Dillingham within the Parks Board and he has got the resume to back it up.

Mr. Kuhlman: So if this went forward what is the official name you are going to put forward?

Mr. Yost: Dr. Thomas Dillingham Park.

Mr. Klobukowski: I can see maybe the Community Center named after him but the park, I will go with whatever the consensus of the Commissioners are I just...

Mr. Brown: Well there are other parks obviously named after people and there is going to be more opportunities to name portions of this.

Mr. Yost: Go skate the Dill.

Mr. Brown: There was plenty discussion trust me.

Mr. Klobukowski: Ok.

Mr. Yost: There was it went on for 2 months and we contacted individuals.

Mr. Klobukowski: All right.

Mr. Kuhlman: Link any comments?

Mr. Brown: Abstain.

Mr. Hoewing: I recuse myself.

Mr. Kuhlman: Is there any motions?

Mr. Hoewing: I move we adopt the name for the new park.

Mr. Kuhlman: Is there a second?

Mr. Brown: Second.

Mr. Kuhlman: Any comments, questions, hearing none call for question on the motion, all in favor?

All: Aye.

Mr. Kuhlman: Opposed? Carries unanimously. All right John, Alternative Energy Ordinance Wade where are we at here.

Mr. Yost: Ok this is back before you, you gentlemen sent it back to the Planning Commission and when it came to you the first time you had Special Exception for energy systems within the CBD and general commercial, said you didn't want it but capture that in guidelines what they were trying to do with the Special Exception so if you have the Ordinance in front of you on the last page 6, it is spelled out exactly, the request is for commercial and CBD as well as residential for the solar systems within those areas. And then the other thing we needed to cover were if windmills themselves is still on the Commissioners plate where they would be allowed.

Mr. Kuhlman: All right questions or comments.

Mr. Klobukowski: I guess I have a question on page 6 paragraph 2 – E2E where it says “systems must not extend beyond the roofline, shall be limited visibility” I guess maybe that is covered in the one above aesthetics of the building design because you see some of this stuff they could be mounted on the front of the building or if the building has a slight sloped roof you could mount a solar panel there, now to me that is not really wouldn't be unappealing on something like John's Hardware now you put it on Linda Nessul's house or the Dietz' house I think yeah that would be unappealing.

Mr. Yost: And that is exactly why it was written like this the Planning Commission wanted to make sure they had a full review and it wasn't just a sign off as a regular permit when it comes into Town Hall for like a shed or a fence but it definitely has a full review from the full Planning Commission to accept it or deny it.

Mr. Klobukowski: Ok.

Mr. Hoewing: And the discussion Jerry about language distinguishable too to try to make it blend in essentially, so you could maybe come up with technology that even on the front of the buildings still look fine like it was a period piece or something, that was the idea.

Mr. Klobukowski: Ok.

Mr. Kuhlman: Any questions Jim?

Mr. Brown: No.

Mr. Kuhlman: Back on that page 6 E2A "no permit shall be issued for the construction"

Mr. Yost: Except in accordance with an approved site plan.

Mr. Hoewing: Yeah you have to get one, it is not issued until you do the following, site plan review essentially.

Mr. Kuhlman: Oh ok. The other one I wanted to raise is on page 5 letter C number 2 dealing with the wind generators. You are going to limit the height 75 feet if located on an acre or less and then 150 feet maximum height if it is on a parcel greater than 1 acre, you have parcels in Town in subdivisions that are over an acre.

Mr. Yost: Right so it depends where you allow it. When this came forth the only place this was allowed was RDT, you guys said ok we are taking that out and we are not agreeing with anything as far as --- at this time so really until we know where we are going to place them we need to, and that is why it came forward, it was RDT only at that time.

Mr. Klobukowski: The thing is like seeing something like a 150 foot pole up there and if you use the idea of the fall radius it has to be 150 feet from any structure I don't know if it can fit anywhere within a persons yard without their own the house or outbuildings or neighbors house or outbuilding being within that fall radius and as I showed in the last meeting that other sort of roof mounted wind generator seems to me would be more fitting with the residential area than something on a monopole that is a 150 feet high. And I understand people want to go green and I don't want to prevent them from going green but I don't want to end up creating a problem with unintended consequences.

Mr. Kuhlman: So in essence all we are doing is allowing wind generation in the RDT?

Mr. Yost: Right now no because the last time we took this up the first meeting in January we said the Commissioners didn't agree with what the Planning Commission had sent forth for wind generators that is why it is all blank right now it just says Commissioners in there. So really a lot of the definitions and the requirements you know we talked about adding stuff, taking stuff away, until we really kind of see where we are going to allow them then we can kind of formulate what parameters we want to place on them if any if you are going to have them.

Mr. Kuhlman: So the Planning Commission is asking us to decide?

Mr. Hoewing: There was no consensus at all. There were some Commissioners who were totally opposed to any wind generators at all and others who wanted to come up with some and there is just no way to get a compromise.

Mr. Yost: Well the recommendation came forward RDT only.

Mr. Hoewing: Right.

Mr. Klobukowski: I would agree with that myself.

Mr. Yost: But then you guys said you didn't agree with that at the last meeting.

Mr. Hoewing: Right.

Mr. Yost: But we didn't change it, we just said we didn't agree with that.

Mr. Brown: We didn't agree with that because Eddie didn't feel, you were against it, allowing it in the RDT but not allowing it in the...

Mr. Kuhlman: Yeah I mean this is a very hard one to answer because I mean when you talk about aesthetics I'm not real wild about them but then looking at what is happening globally with energy and everything we need to look forward and I rode on Cattail Road today and that lady's out there it is getting less and less visible to me in the scenery but yet I always pay attention to it to see if the blades are turning and as John said at that last meeting that women was making money today because that thing was spinning like crazy.

Mr. Speelman: I could have paid my electric bill this morning.

Mr. Klobukowski: But the thing of it is you are talking Cattail Road, you are talking rural, you are not talking in the middle of a town.

Mr. Kuhlman: I understand that Jerry.

Mr. Klobukowski: There is a big difference and to say you want to do something just because it is green I think is the wrong way to approach this whole argument or issue. I think you need to blend a little bit of everything and you need to look at what would be fitting for the area and yeah I was in Toronto Canada on Columbus Day and I saw the vertical type wind generators, there was a store like one of those crazy electronic stores you can find anything and everything in it and they had them on either side of the store but there was a difference, it wasn't a blade rotating at 30 feet dipping down, they were vertical there was a difference there, they sort of fit in, something like this again people way well small town ambiance doesn't mean anything, I think it does, I think when you say you are just going to approve it for one person I think you can't do that, when you say this person is going to put it up and then if somebody complains take it down, I don't see that happening because once it is up it is going to stay up and I just I don't know how you write a business plan I don't know how you basically say you are going to spend \$60,000.00 on something or more to have it installed and then one year later just all of a sudden say yeah fine I will take it down that to me you are spending \$60,000.00 now maybe that is even with all the grants ok so you are spending maybe \$10,000.00 out of your own pocket because you are getting grants from the State and the County and the Feds but still to go through all that trouble the permitting process and everything else and just say yeah no one wants it or doesn't like it we will take it down and the other issue is safety I think to say that as a teaching tool that high school students can come down and see it, that teaches them nothing really about electricity, you want to learn something about electricity do what we used to do in high school and build your little motor out of your little kit that runs off of a battery, go to a power plant and learn how they make the electricity either using wind or coal or gas or whatever and how they tie it all into the distribution system, that's learning something but watching a generator go around you know you got a rotor and a stator and you have magnetic fields and they are interrupting and etc., etc., your basic physics you know to me that is not really a teaching tool. Again I just have real reservations about putting one up and how are you going to deny

everybody else, somebody else comes in with the same criteria I will take it down within a year, and to me that is not the way to go.

Mr. Hoewing: So when you say moving forward are you saying we should do something beyond the RDT or you don't have any suggestions at this point.

Mr. Kuhlman: Well as I said at the last meeting I just have a real concern that in all honesty the way I see it you have a person in the CBD got us here, right, wrong or indifferent, and now the outcome is no he can't ever have it but oh we will go over here and allow these people to have it only because they are in this magical zone where they got a bigger parcel of land and then to talk about aesthetics if they have over 1 acre which that brings in quite a few properties well I think there is 18 properties in Town that are still zoned RDT so that means you could have 18 150 foot towers sticking up and if you approve that I don't see how you can argue about the aesthetics of one being in the CBD.

Mr. Klobukowski: Well I think if you want to do the process right then what you need to do is get those properties and draw and pick a place and then take a thing to scale and draw a 150 foot circle around where that thing would be located on each individual property, see if they would ever be located be able to be located safely on those properties.

Mr. Kuhlman: Sure they can Jerry I mean you got one right there on Hughes Road that is 92 acres.

Mr. Klobukowski: That is right 92 acres Hughes Road rural place come on now you are mixing apples and oranges.

Mr. Kuhlman: No I said there are 18 properties zoned RDT in the Town that are over 1 acre.

Mr. Klobukowski: Over one acre.

Mr. Kuhlman: Over one acre. So you could potentially see 18 150-foot towers so if you are arguing aesthetics...

Mr. Klobukowski: I'm not for having it really in the RDT yeah but on somewhere say on somebody's property on Tom Fox no I am not for that, Tama II no I am not for that, Westerly, Wesmond no I am not for that. There is a difference, there is a difference and to say that it doesn't matter and we are here to this point because of this or that no you need to look at what is being...

Mr. Kuhlman: Well I agree with what you are saying Jerry...

Mr. Klobukowski: And there is technology out there as I showed before, there is technology out there that is made for homes that is much less of a visual impact, operates at lower speeds, wind speeds which means it could operate in this area according to the article in the Post and produce energy so I mean we are looking at the technologies are still evolving and you know.

Mr. Kuhlman: Yeah but we can't govern what people want to buy I mean there are very cheap cars out there brand new to buy but you have the right to go and spend your life savings on a Rolls Royce if you want one, or you can go and buy a \$13,000.00 brand new car if you so desire.

Mr. Klobukowski: To me you are mixing apples and oranges.

Mr. Kuhlman: I'm not getting into to me its whatever they want, what they want to spend their money on is there business.

Mr. Klobukowski: No, no, no, no, no...

Mr. Kuhlman: Wait a minute I will be honest with you I have had quite a few residents come up and tell me I am wrong for opposing the windmills any place in Town they should be allowed and I've had probably equal numbers come up and say please don't allow them to be in Town. So its not an easy position sitting here because its sort of like other things we have done in the past there is no consensus, clear consensus on one side or the other coming out of the residents, we can get it out of Mr. Speelman yes but not out of the residents. Yes you have your petition I understand that.

Mr. Brown: May I interrupt and make one suggestion.

Mr. Kuhlman: Please.

Mr. Brown: I know that I have been in the headlines I guess on this one in the past and although it has died down that has been good too but what it comes down to for me is what we would think since we are not getting a clear signal from the Planning Commission how bout this for a compromise for discussion purposes. Yes to a historic style structure to be determined with limited height in the CBD and the Commercial, yes to anything in the RDT with restrictions in terms of height but could be a monolith pole and then yes only to roof mounted and that is to be determined as well wind turbine style generators in the R 1/3, 1/2 and the 3/4. I mean we would be promoting our greenness and I think in a responsible way that way. Once again historic style structure with limited height in the CBD and Commercial, RDT yes to anything that could include a mono style pole but with height restrictions and then only roof mounted at this time in the 1/3, 1/2, and 3/4.

Mr. Klobukowski: But you carry it beyond that if you say historic structure so does the CBD, so St. Peter's Church does that fall in the CBD I can't remember the outline.

Mr. Hoewing: St. Peters?

Mr. Klobukowski: Yeah.

Mr. Hoewing: Sure.

Mr. Klobukowski: So you could have a windmill there, you could have one at John's, then you could have one over on the property behind the Dietz' or the Dietz' and then you could have one somewhere else so.

Mr. Kuhlman: Old Town Hall.

Mr. Klobukowski: Yeah Old Town Hall I think again you could say windmills fit in the rural character I don't know how many farms had 15 windmills aggregated all in one area at one time, the most I ever saw was one per farm. I don't know I just think it is...

Mr. Hoewing: Yeah the Planning Commission did look at that issue too because there is a windmill type structure, looks like an old farm windmill and I think part of the issue was, John can correct me but I think it was a lot more expensive than the monopole, that wasn't true?

Mr. Speelman: It is more expensive?

Mr. Hoewing: Yeah.

Mr. Speelman: (Inaudible).

Mr. Klobukowski: Yeah and we can understand that, we can understand why because if I could put one on my roof and I could deduct all the taxes and the depreciation and everything else like another business I probably do that.

Mr. Kuhlman: No you can't depreciate it because it is not a business.

Mr. Klobukowski: Well that is what I am saying I said if I was a business than I could depreciate it but I don't get the tax credits for it and no one else will either so we are talking...

Mr. Kuhlman: But I don't think that should enter in our consideration Jerry.

Mr. Klobukowski: Well I do, I do because I look at more than just, I am sorry.

Mr. Speelman: You want to be my partner?

Mr. Klobukowski: No.

Mr. Kuhlman: Yeah but whether somebody can do it cheaper or make money off it shouldn't be our concern.

Mr. Klobukowski: Our concern is yes it sometimes ends up being our concern by the nature of the beast and this is the beast that we have to look at. And there are other things that John could put on there, he could put a row of those smaller turbines on there and I probably wouldn't have a problem with that but having a monopole right in the middle of Town and having 15 of them right in the middle of Town I would have a problem with that. I am sorry. And even I have heard people complain now, I have heard one gentleman it was George he was talking about people complaining about flutter and people are like what is flutter, flutter is like when you are driving down the road in a wooded area and the sun is shining off to the side of your face and you get that constant bright, the constant shade and brightness and it keeps on going and that can drive some people to distraction.

Mr. Kuhlman: All right we are bringing this to a head.

Mr. Klobukowski: I got a couple things on page 4 under abandonment I think we could write that a little simpler, a little easier to understand maybe I am wrong but if we just said take out the if and said "the energy system is considered abandoned if it is A) out of service for 12 months it shall be deemed abandoned or out of service for 12 months period and the other one B) in disrepair deemed unsafe or abandoned. Ok in either case upon written notice from the Town the owner must physically remove the system within 30 days" and then there is the other sentence where it says "failure to do so is a violation of the ordinance" and I think it could be written a lot simpler. You can have this.

Mr. Yost: I got it.

Mr. Klobukowski: Take out some of the words.

Mr. Yost: Yeah this Ordinance went through several revisions back and forth so the whole thing needs to be reworked once we see where we are going here.

Mr. Kuhlman: In trying to find a way to pass the buck the Planning Commission basically surrendered or are they still looking at this coming back with another recommendation?

Mr. Hoewing: There were 2 implacably opposed Commissioners, I think it is fair to say that did not want any windmills at all and I think one of the Commissioners was of the view that we could try some kind of a middle ground approach where you maybe have it for a year but if we can't you aren't allowed to do that so I don't think they can make a decision bottom line.

Mr. Kuhlman: Ok.

Mr. Brown: That is a well expressed opinion Sir.

Mr. Hoewing: Well public policy is about making choices and that doesn't mean that you have to approve everything that comes to the Commission. We have approved a number of green initiatives here in this Ordinance and John could choose some of those if

he wanted to and that is what happens with public policy, not everything has to be approved so just because we are not saying if we decide this that we can't support a wind powered generator sometime in the Town doesn't mean we haven't tried to deal with the green issue, I think we have.

Mr. Kuhlman: And I never said we didn't I just my comment was that everybody wants to move greener anyway.

Mr. Brown: Well let me finish one thing. Just to address it and make sure we are clear cut on this the majority of objections that I think we have heard have dealt with the aesthetics.

Mr. Hoewing: Right.

Mr. Brown: I hear Jerry on the flutter.

Mr. Hoewing: Not safety.

Mr. Brown: I'm also on the sound and the safety has been something that has been discussed at a low level, it really just comes down to aesthetics. That is why my proposal I think deals with the aesthetics and I can't tell you how many people I have spoken to who said oh yeah there is no way I want a pole up there sticking in the middle of town, and then I said what about the old style ones they are 3 and multi-blade, oh that sounds good, you know that is a good idea. We have the aesthetic issue is what we keep hopping around, it is probably the main reason why the Planning Commission couldn't come up with something on it and I think it is a worthwhile compromise.

Mr. Hoewing: Yeah it wasn't safety or any of those other reasons.

Mr. Brown: Yeah I don't think it was either. I mean I understand the other ones and I hear you.

Mr. Klobukowski: I think there is a safety issue, I really do, I really, really do, never say never, never say always.

Mr. Hoewing: I don't think that is the primary issue though.

Mr. Kuhlman: All right is there a motion out of any Commissioner to move forward with adopting this with the wind generation system in it?

Mr. Hoewing: Jim under your proposal we would have to work to define what a traditional structure would look like right?

Mr. Brown: Agreed.

Mr. Hoewing: And you would essentially allow it to be anywhere in the CBD because once you approve one there is no reason somebody else couldn't come up.

Mr. Brown: I don't have an issue with that. It would have to be strictly in terms of defining terms of height and what does traditional/historic mean.

Mr. Kuhlman: But where I was trying to get to Link is if there isn't a motion tonight to move forward with some sort of wind generation thing than my other question or quest is to try to get the rest of it approved tonight so that anybody could move forward with solar or geothermal if they want to and we will still argue, debate, or agree of wind energy and see if we can come up to some decision but I would like to get something moving forward. This Body and the Planning Commission came to decisions on solar and geothermal pretty easily and fairly a while ago.

Mr. Hoewing: Well the solar piece took a lot of work.

Mr. Klobukowski: I will support the solar and geothermal, I have no problem with that as long as we make the amendments to make the wording easier to read there, I have no problem with that.

Mr. Yost: Depending on what happens there will be a lot of amendments though.

Mr. Klobukowski: I'm sorry say it again.

Mr. Yost: Just wait to see what happens.

Mr. Klobukowski: No what did you say.

Mr. Yost: If you save them and do the windmills right now then definitely all the windmill language will come out of the Ordinance. There has to be a clean Ordinance and then it will be an amendment to the Ordinance and we start over again.

Mr. Klobukowski: Yeah.

Mr. Yost: If you approve this. Ok as long as we are on the same page.

Mr. Kuhlman: Realize that.

Mr. Klobukowski: Order me a set of hearing aides for me too.

Mr. Kuhlman: What I am looking at is you have 3 parts of this Ordinance, geothermal, solar, and wind. It is kind of evident to me we are not going to come to a decision tonight on wind and we have been hypothecating on this thing for many months.

Mr. Speelman: A year.

Mr. Kuhlman: Lets at least move something forward in fairness to anybody that wants to do solar.

Mr. Hoewing: Well do you want to try to take a stab then Jim at your proposal for the next meeting or are you just throwing it out there and trying to see what reaction you get. If you are serious about it than it probably is worth waiting for another meeting.

Mr. Kuhlman: I am willing to wait another meeting if somebody is going to put something forth.

Mr. Hoewing: But if you are not and you just threw it out there to see what reaction you would get.

Mr. Brown: I definitely threw it out there to see what reaction I'd get but I am serious about being able to support it and I don't really know what else there would be left to do besides determine what historic style structure really means.

Mr. Kuhlman: Well let me make this we have a budget work session Saturday morning at 9:00, it truthfully isn't shouldn't be a whole lot of time needed.

Mr. Hoewing: No we could do it then.

Mr. Brown: Yeah lets do it then.

Mr. Kuhlman: We could add this wind generation to the work session.

Mr. Brown: I love it that would be fine by me.

Mr. Kuhlman: And hopefully you will have some language to bring forward.

Mr. Brown: I will.

Mr. Kuhlman: You can have Jerry's comments taken care of so we can sit down and read them and look at them and we will just add that to the work session.

Mr. Brown: Link you are well versed enough in terms of the Planning Commission's discussions on the height restrictions that had been kicked around so you could represent.

Mr. Hoewing: 150 was not, I don't know how that ever got in there.

Mr. Brown: I don't know how that did either but that is not part of my plan.

Mr. Yost: That was on, you know we looked at other Ordinances that was on the high end of it, most of them are around the 75 mark, and traditional ones are around 40 or 50.

Mr. Kuhlman: And hopefully we can come out of the work session with a clear path.

Mr. Klobukowski: I think maybe too it would help is when we talk about historical is to have some pictures, diagrams.

Mr. Brown: Well there is one in Wade's office right now.

Mr. Klobukowski: Yeah but I mean the thing is there is also, I guess too this whole area is moving so fast to a degree that there are varieties having looked on various websites of configurations of these things, one that Honeywell has got, one like what Honeywell has got but it has got like a tail on it like a aircraft tail to guide it to guide more into the wind, you've got the historic windmill structure, you have got the monopole structure, you have got the horizontal structure, the drum one, etc., etc., I think it would be good when we are discussing this stuff that if we had an idea of what these things look like.

Mr. Kuhlman: They look like windmills.

Mr. Klobukowski: Not all of them.

Mr. Kuhlman: That is all for a work session.

Mr. Klobukowski: Well lets have some see what we are talking about.

Mr. Brown: Wade can you research that at all or do I..

Mr. Yost: I am on it.

Mr. Brown: Thank you.

Mr. Hoewing: One final comment on this. I do want to get back to this issue about the green, how the Commission has dealt with the green issue because one of the things that has been unfortunate about this discussion is that John's proposal has been treated as if it's the green issue for the Town, that it means we are green if we adopt wind generators and just let me point out my company has spent a lot time on this and there are a lot of tradeoffs with these things, sometimes they actually do save energy, sometimes they don't, let me give you an example we found that we looked at wind generators too we have a facility in New Jersey with a fair amount of wind it is right on the coast so it might justify it, we found that because you are getting the energy free that in other industries that have done this, they started staying open longer so you actually have people driving to the facility more than they did before, is that saving energy? I don't know might have been a tradeoff, so I am not saying it is wrong I am just saying we shouldn't simplify and say just because it is free energy it is green, that is not necessarily true there can be tradeoffs here. But I do think it is worth looking at again, lets look at it on a weekend and see what we come up with.

Mr. Klobukowski: Well all these things require I mean you are talking about something that is moving its going to have parts it is going to have stuff break down, and the solar panels need to be cleaned in order to be at their peak efficiency, so people are going to use a lot of water to keep them clean.

Mr. Kuhlman: So we will add that topic to this Saturdays work session.

Mr. Speelman: Can I come to that?

Mr. Kuhlman: It is open to the public. You cannot converse but it is open to the public here at 9:00 am but we will start with the budget first.

Committee Reports

Mr. Kuhlman: Planning Commission report?

Mr. Coakley: We meet tomorrow evening.

Mr. Kuhlman: Very good. Parks Board Jim.

Mr. Brown: We meet next month but we also met this month so I need a review on that. Sorry I am a little punchy here I am hungry.

Mr. Hoewing: I can understand that.

Mr. Brown: We approved our minutes. John Strong did a nice review for the Fisher Avenue Sidewalk Plans, we also had residents that night at Town Hall and we got their input on the proposed plan for it, their input was all good and well considered and the Site Plan was approved as is I believe no changes for that, so that was a big thing that we made it through. We also went through the Park Permit process which once again is much more streamlined because it is handled by Staff now so there was really only a few little areas of discussion and they were discussed and I think put to bed. We reviewed the Parks Rules and Regulations one more time and I think we climbed our way all the way through them right?

Mr. Yost: There was a couple minor things on the alcohol in the parks, well actually Cathy is working on creating a form for the next meeting.

Mr. Brown: Right further clarification for our next meeting so we are just about through our review and revisions for the Parks Rules and Regulations. More discussion about Campbell Park including discussions about a possible Dog Park at Campbell Park we have also asked the Town Engineer you know they have come up with some price estimates which are very, very reasonable and hopefully covered by grants but also to talk about potential for sound baffling because I think we are going to have some neighbor issues with that. We had a discussion about the Skatepark Grand Opening, Butch and I have discussed about hosting an exhibition and then having a Grand Opening after that which would be pretty exciting for the timeframe and then I meant to mention this last time too because it is worth bringing up now is that Mike Wills and I spoke offline about collecting the money that he has pledged to us, he is ready to give so I would like to send you his email address and you guys can work out the proper way to handle that, he doesn't want a ceremony he just wants to hand you the check, that usually works pretty good. And then that was it.

Mr. Kuhlman: Very good thank you Sir. CEDC Ms. Gunther you need to come up to the desk please.

Ms. Gunther: The next meeting is on the 24th but at our last meeting we had sort of 3 top items that we discussed. We have one activity left this fiscal year for which we are planning right now that is a April 10, Saturday activity, which we are co-sponsoring with the Chamber and it is going to be called the Passport through Poolesville and this is where we are working with the Chamber to have a Business Fair. We will be advertising that very shortly and it will be held at the Elementary School. The 2nd activity that we discussed a lot about was the Farmer's Market you have already heard about that, that will be using reprogrammed monies from this year's budget if you guys move forward with that, and thank you for your approval of the phase 1. And the third activity that we talked about was the only new activity that will be happening next year besides the Farmer's Fair which is the Spring Fest activity, which will be in your budget for the budget planning exercise you are going through this Saturday.

Mr. Kuhlman: Thank you Ma'am.

Town Manager

Mr. Kuhlman: Town Manager.

Mr. Yost: Well let's finish up where we started out talking about snow removal. I have some of my budget figures here I don't have them all in as of yet. They are broken into a couple components we have the overtime for the guys that alone by itself we are looking at about \$34,000.00 we have spent so far in overtime for snow removal between the 3

events and we still have probably another \$10,000.00 to go once we do next week's payroll which will capture the other portion of the overtime on this weeks 2 week slot. On the by the way we do have like 15% of the overall salary which is about \$75,000.00 for overtime for the entire year so we have eaten through half of that just in those 3 events and that doesn't count closing of the parks, water main breaks, we did have water and sewer guys actually plowing snow, which we will have to separate out prior to the close so that doesn't get accumulated into the water and sewer fund.

Mr. Kuhlman: We did hire outside help also.

Mr. Yost: Getting ready to touch on that right now. We also have an account 1070 that we have all our snow removal if something breaks pops new blades to go on the plows whatever with \$10,000.00, we spent almost \$18,000.00 out of that account so far and \$12,000.00 of it was in three different loaders that we hired contractors to come in and help clear, widen the roads because the snow was so heavy our trucks couldn't push it any further.

Mr. Kuhlman: And while you are there, while you are there excuse me of which I was one.

Mr. Yost: Yes and you did pretty good.

Mr. Hoewing: I was watching out the front door to be sure when that thing went by it didn't hit my mailbox.

Mr. Yost: Other than that we had a few pumps go down and had to replace a couple parts on the snowplows and that also pays for the food, we did get some lunchmeat and sodas and things for the guys to come in and grab a snack during the middle of the night. I won't have total figures until probably the next meeting and that is it. So we are over budget.

Mr. Kuhlman: Anybody that didn't think you weren't going to be over budget. What do we look like on our stockpile of salt?

Mr. Yost: It is gone. The County doesn't have any either, if we would have had a snow event last night and this morning we would not have had salt and neither would the County. They are trying to get it in, down county I think they have some but all the depots in the outlying areas are empty.

Mr. Kuhlman: All right anything else?

Mr. Yost: That is it.

Mr. Brown: Nothing else happened right. Its just been snowing.

Mr. Klobukowski: I have a couple questions 1) could we next year publish and I emailed the other Commissioners this a snow removal matrix in our newsletter to basically tell the citizens what they can expect, when they can expect it, like if we get 1-3 inches we do nothing, if we get 1-4 inches we will go out and do this at this time, we will plow your street at least x number of times.

Mr. Yost: It is a moving target.

Mr. Klobukowski: Yeah I understand that.

Mr. Yost: Every storm is different.

Mr. Klobukowski: I understand that but...

Mr. Yost: Number of guys, length of the storm, when they can pull, like this time it was a State of Emergency we had all the guys and all the trucks, it is different every storm, difficult to...

Mr. Klobukowski: All right did we get any speed camera statistics yet?

Mr. Yost: No we don't know how much money we are getting or not getting from the County yet either.

Mr. Klobukowski: Ok Nancy Floreen put out a well her and the County both about mercy contact numbers and all that stuff in case your power went out, your gas went out, plowing, stuff about the libraries, mercy numbers like for Town Hall, maybe we ought to put something like that out in the newsletter in the fall as well just to and I think I may have deleted it all but if I don't I can show you for what it is worth, it is like one page actually, obviously we are not the County and that is it thank you.

Mr. Hoewing: Do you have you must have Wade generators up at the plant in case there is a power outage for that.

Mr. Yost: We have one large generator there, all the pump stations have generators and then we have the portable generator also.

Mr. Hoewing: At one time when we were designing this building we were talking about putting a generator here but we never did that correct?

Mr. Yost: Correct.

Mr. Klobukowski: How much was that going to cost?

Mr. Yost: \$20,000.00.

Citizen's Forum

Mr. Kuhlman: All right Citizens Forum anybody, Mr. Whitehouse.

Mr. Whitehouse: I have a very sore back like many middle aged men in Poolesville. Thank you for the great snow job clearing it was outstanding I woke up had a 7 foot pile of snow in my driveway and they were there within 2 hours cleaning it out so I didn't expect it for another week or two. But I just wanted to add something on the home mounted wind energy systems. I haven't seen the draft Energy Ordinance but I would encourage you all to support some sort of Ordinance which would support small, quiet, home mounted energy systems wind energy systems just because they are developing so rapidly and that is probably going to be a wonderful system they are going to finish testing it in July and we will know more about it then.

Mr. Kuhlman: Thank you Sir. Anybody else? Seeing no hands I entertain a motion for adjournment.

Adjournment

Mr. Brown: Motion.

Mr. Hoewing: Second.

Mr. Kuhlman: All in favor?

All: Aye.

Mr. Kuhlman: We are adjourned.