

**COMMISSIONERS OF POOLESVILLE
MEETING OF JUNE 21, 2010**

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

Call to Order

Mr. Kuhlman: Good evening ladies and gentlemen we will call the June 21, 2010 Commissioners Meeting to order. Let the record reflect that all Commissioners are present as well as Town Manager, Wade Yost, and Town Attorney, Jay Gullo. First order of business will be the Pledge of Allegiance, please rise.

Pledge of Allegiance

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

Announcements

Mr. Kuhlman: All right thank you all for that. I have the distinct pleasure tonight to introduce our County Executive Mr. Ike Leggett has agreed to come up to Town and talk to the citizens and Ike has performed quite a long line of duty with the County serving as the County Council Member and now in his first term as County Executive and we very much appreciate you coming up Mr. Leggett and if you would you can walk around if you are comfortable or sit there whatever you are comfortable with.

Mr. Leggett: First of all thank you for the opportunity to talk today and express to you some of the challenges and thank you for the (inaudible). Let me just give you a little bit of an overview for the foundation for which we would have some discussion, I would like to hear your questions, your comments and concerns. As all of you know we have had a tremendous budgetary challenge over the last 3 ½ years or so. When I assumed Office years ago we were running County government expenditures taxed --- about a 14.1% (inaudible). One of the things that I said was that we needed to reduce significantly the --- spending. So in 3 ½ years we've reduced expenditures in County Government that increase of about 14.1% down today to a minus 6% --- from a high of 14.1% to a minus 6% rate. We have eliminated 2.4 million dollars worth of --- and gaps out of the budget, laid off 1100 employees approximately 10% of the --- I say all that because one of the things we've talked about over the last few years and the challenges we have began in the budget until we have our budgetary house in order then it behooves us from doing many of the things that we want to do. One of which as you may recall is that the payment to you was significantly reduced just to give you an indication of what I am talking about when I met earlier and had a discussion with all the Municipal leaders throughout Montgomery County I stated at that point in time that payment for all the municipalities would be reduced by 5%, this was part of the original budgetary submission that I recommended to the County Council --- 5% reduction but what happened subsequent to that time was something that was highly --- let me explain

to you why there is such a huge shift in the 5% ultimately to the 25% that I subsequently ---. As you may know the County is quite reliant on the income tax probably maybe 10 years ago when I was on the County Council, Income Tax constituted about 15 to 20%, now early on the County Council it was only about 10% of the basic foundation of the revenue of the County Government. Today it constitutes about 1/3 of the entire revenue of the county government and the problem with that it is so unpredictable. To give an example of what happened in our last payment from the state, the way the system operates is we make a projection of what our income tax for the next year based on a large amount of stuff, and it varies to some degree but on one estimate typically if we were to receive somewhere around 38 or 39 million dollars, we made an assumption based on all the information at the time that we would reduce our anticipated --- by about the recommendation of 10 to 15% so I selected a number 12 ½ % if we will not receive the 38, 39 million dollars we will take a 12 ½ % reduction therefore we should receive somewhere in the neighborhood of 33, 34 million, that was a reasonable assumption to make, when it didn't come in at 38 or 39, it didn't come in at the revised suggestion of 33, it came in at 11, typically 38 or 39, we made an adjustment to 33, 34, it came in at 11, now that 1 distribution caused a 178 million dollar reshuffling and this is what happened in terms of the impact to you, because it meant for us that the further distribution in FY10 and the projection for FY11 to reduce as well and so with that it precipitated a large number of cuts across the board, unfortunately we cut libraries like 1/3, recreation by 25% the only areas that did not receive a huge increase in cuts although they were cut police, fire and rescue services and of course education, they were about 5 to 7% and so it was part of that. I wish I could give you another a different explanation for it but the money simply was not there, I know there is some questions in terms of whether there is a legal obligation to do so, we interpret that differently, obviously we will have discussion on it, but my decision was based on that change from the huge downturn of the income tax, that precipitated us having to go back to Wall Street and to revise a number of things including our reserve policy. This is the challenge that we face and when I was elected to this position I said to the citizens of Montgomery County that I wanted to get our financial house in order and we have made tremendous, tremendous ---. Now look at the last rounds of cuts which was possibly closing the gap of almost a billion dollars, 83% of that amount came as a result of such deductions, eliminations, and efficiency, 17% came as a result of additional revenue, you will see part of that additional revenue is in your telephone which will go up about \$1.50 and you may see that depending on how you use your energy of about \$8.00 or so as it relates to residential customers, now I say you could see it because if you make a slight adjustment in your thermostat of 1 or 2 degrees you could eliminate that increase all together but this is a process that we ---, we still have a challenge ahead of us for next year, having assumed all the things that we just --- and looking at next year we see a gap of about 250 million dollars for next year. Now some may say well that should not be a problem because we just resolved over the last 3 years 2 ½ million dollar gap and you just resolved a billion dollar gap this year so why be concerned about 250 million dollars next year. Here is the reason in order to resolve this 2.4 billion dollars thus far we have had to exercise every option

that is out there, we have gotten all the fruit off the trees, we have cut the limbs off, we are now looking at the roots of the tree and therefore the options that I had 2 years ago are no longer available for next year and we have got some challenges ahead of us for next year, there is a big discussion about whether they would shift over the teacher pensions, we have to resolve for example the retiree health plan so there is a lot of expenditures that may come due next year and we have exercised a large --- so I see at least another year of a very difficult budgetary challenge, but I am very confident that we can get through it, I see that we have an excellent plan ahead for us and we are going to continue to increase the reserve, I am now moving County reserves up from the traditional 5 or 6% to ultimately as high as 10% that will --- above the 6% a half % per year so we will increase the expenditures, we will reduce expenditures, increase our reserves so that we do not get in the kind of situation that we found ourselves in this year, so that we are not as reliable on Income Tax but it will be a struggle. So with that I just wanted to throw out some of the foundation for what is part of the discussion and if there are questions or comments I would certainly like to hear them.

Mr. Kuhlman: Ok thank you. Any questions Jerry?

Mr. Klobukowski: Yeah it seems to me with respect to libraries which consumes the least amount of the budget that to give them a 20% cut is draconian and I understand this is tough budget times I mean we see it here as well and snowstorms that you don't anticipate like the one we had this year and hopefully that will be for the decade and probably for the century won't occur again, however it seems to me one of the few things which is the fact that --- the educational system and you talk about upward mobility and stuff for people, entertainment, a place to go to, to relax, unwind, get materials possibly to help you in your commute in your car to and from work, it seems that is one hell of a cut to be sustained by one thing particularly when they occupy such a small portion of the overall budget and to me it just seems like that was really, really, severe. I don't understand that from that standpoint because again I see that as part of education, I know from my own situation when I went from High School to Community College that that is where I ensconced myself every Saturday and Sunday for \$46.00 to study, because it was a quiet place that you could do that and here you are cutting it and particularly out here when this library serves the largest geographical area in the County and you look at the number of people who have cards, library cards, within the total county population and some of those are families who maybe the mom and dad have the card but you've got number 1, number 2, number 3 sons and daughter using that same card and seems like we are really that one particular area is really is severe.

Mr. Leggett: I agree with you in terms of impact, in terms of its importance not only as part of the --- component of the County but it is also part of economic development for the county as well because a large number of people go there to compare resumes, look for jobs, they do not have for example (inaudible) so there are a number of functions that the library is performing in relationship to its mission but I think (inaudible) so when I say we have to make cuts there are no safe harbors and I've looked at it, I've prioritized what I said to --- Montgomery County and public safety would be the top of the list, we have huge needs in public safety and I've gone out on a limb in trying to provide additional services to areas that ---

kind of response time. We have a huge problem in terms of police and dealing with things and --- in the County so my first mission and my first task as County Executive is to make certain we are safe and so there is no way that I am going to treat public safety the same way. You may also know for example that I decided that I was going to furlough County employees in general but I did not apply that to public safety because I wanted to prioritize that and I'd want to provide that kind of open --- with criminal activity. But in the Library it is simply a matter of comparison, one of the things that we tried to do here in this budget was to try to preserve as many jobs as possible, now you know we have eliminated 1100 positions, for me having to say to the person you don't have a job has been very painful and so part of the furloughs, part of the reduction in salaries, and all those things --- that but when you look at the chart before us recreation, transit, libraries, all of them received a fairly significant cut and so I wish that I could tell you that we can quickly restore it, now here is one thing that I do believe, that the Libraries can apply to, we simply made a cut based on a dollar amount, now how they distributed that within the library system is a different question and they can distribute that differently because here in this area there are a large number of people who may not get home and so they are late because of the drive distance, so having the library close at 5 or 6 in the afternoon may not help families who might not get home until 5 or 6 in the afternoon, or having the library open a little bit longer, having it longer on the weekends makes a difference and they can make those kinds of adjustments within the library system because in other places throughout the County people may have one or two different options in terms of library services but as you indicated they can make the different adjustments here within the monies that they have, but even so it is going to be a huge problem, I recognize it as such and hopefully we will be able to restore it but it pains me to have to cut the library but there are very, very few options --- revenues, I was not going to increase property taxes (inaudible) and it was only after we had gone through this second round of huge cuts that we came back and made the official ---.

Mr. Klobukowski: I have another one but I will let somebody else go.

Mr. Kuhlman: Link any questions?

Mr. Hoewing: Like in the papers in the last few months there have been and I have no way of knowing whether these are accurate or not but there has been a lot of allegations that especially recently in the Washington Post between Fairfax and Montgomery County a lot less fiscal control and even some waste and abuse that has occurred in Montgomery County, how are you addressing that or how would you respond to those allegations?

Mr. Leggett: Look at the articles the statements have been made and they are talking pre like Leggett.

Mr. Hoewing: I recognize that.

Mr. Leggett: They are talking before 2007 and I came in and I (inaudible) did not in fact provide a level of revenue or the expenditures that the County (inaudible). But from 2007 the time that I have been County Executive we have essentially reversed all that and yeah if you go back prior to that time you are correct, but here --- eliminating ---, I am the first County Executive to say that I would not fund a negotiated --- the first County Executive to not only say he did not want a negotiated

--- but after taking a (inaudible) and so you are correct but I think in many ways we've corrected all of them and if you look at it going forward in the budget today to go down to a budget growth of minus 6.6% is a huge, huge turnaround only 14 points, in other words if you look at the budgets from the last 4 years, the first year it was 14.1% to 6.7%, the second year down to 1.9% down to 2.2% and 6.6% for the entire 4 years budget growth is about a minus 2% for 4 years, we have budget growths prior to that 14.1% so I think the comparisons that were made are probably correct if you start in 2006 and work forward we have made those adjustments, they were painful, they were difficult and one of the things that we had to do is change expectations, I'm not sure if you recall my very first year when I proposed that we reduce the rate of growth from the recommended 7 and 7.5% to a 6% rate, not cut the budget but reduce the rate of growth, there were demonstrations outside the office, huge demonstrations said how in the world can a County Executive recommend this, not to cut the budget, reduce the rate of growth of 7.5% to 6%, but we have done those things, made those adjustments and we are moving forward so I see moving forward much better and we are building a higher reserve, we are back this year with a 6% reserve and we will build a ½% on top of it each year until we get to 10.

Mr. Brown: Hi Mr. Leggett first of all I have seen articles in the Post too but the Post gave Mr. Leggett a big sloppy wet kiss on the editorial page this past week which I thought was pretty amazing that was nice of them that was a good article. One thing I wanted to say in addition to what you said first of all I appreciate the direction you are going and that I think speaking for the Town that absolutely getting the spending under control from where it was before is paramount but at the same time too don't forget us municipalities, I mean what happened with us this year obviously we have dealt with it but that was a pretty big blow for us and one that caused a lot of scrambling not that anybody else hasn't been scrambled but one that we really had to scramble on to deal with as moving forward, so it is a big deal, but I appreciate your efforts on it and then last but not least anything you can do to continue to control that growth in spending is just absolutely in terms I just think it is paramount and we can't go back to where we were.

Mr. Leggett: There are a couple things in terms of the fiscal policy I recommended to County Council, there are some pretty strong measures that are in there for example we will increase the reserve --- by 6% up to 10%. Now people that are --- but what that means is that you are taking further money out of the operating budget. The second point that I make and one of the things that we have done has been to take what I call one time revenue and utilize those and make long term expenditures, revenues out of for example grant money, traditionally those kinds of money were designed for one time expenditures not for obligated or long term obligations such as hiring someone, those are the kinds of measures that are in there so those are the kinds of things that we will get some kind of challenge but we need to address those, so we look at the economic policy long term and the structured things that I want to do I think they are more important going forward, I want to consolidate some things, you may see the big fight we are having now when I said for example I wanted to consolidate our police funds, we have Park and Planning Police I believe a separate communication system, we have County Police, Dispatch

system totally separate, we have two separate police departments I want to combine them and there is a huge fight coming, I proposed a list of nearly 100 items that I have forwarded 2 weeks ago to the County Council that a long term structure change from benefits and --- and this was just one of them and if we move in that direction and I think this is the position that we need to be in and I think it provides long term safety because there are not enough tricks in a bag, not enough options out there to get the kind of headlines out of the Washington Post there is no magic out there (inaudible) we can't go back there, I can't come back next year and say I am going to cut you 25% that is not going to happen. So those are the kinds of things we need to get beyond but in order to do that we need to do some restructuring.

Mr. Klobukowski: Do you feel well a couple things one with respect to MCPS which I understand what you are saying there and I've heard that right now MCPS along with your own Department Heads there is --- sort of going on that the old adage that if I give it up I won't get it back, are you seeking to sort of change that philosophy to go to more like display the real need for this line in the budget and what you are going to get me for that as opposed to I need money.

Mr. Leggett: Well we are moving toward what I call a real zero --- budget whereby you start from scratch and you are not making long term assumptions about expenditures and that is the way to get, I said moving toward a real zero --- budget (inaudible) but to do it comprehensive would mean almost a total review of the budget starting from scratch. Ultimately this is where we need to go and if we do that and we will essentially cover this.

Mr. Klobukowski: Ok and the other thing is I know there is a lot in the paper in the last couple years like down in Silver Spring getting Costco to move in I guess when people see their taxes going up and then we are offering inducements for Costco to move in which is a multi-billion dollar firm which should be able to foot their own bill, just like homeowners do or residents do when they have to go out and do things it seems a little incongruous that you are following the mantra of save money and you turn around and going to give a handout to a large multi-billion dollar corporation and it seems like there is things here...

Mr. Leggett: Well no it is not because first of all I am not going to give anybody anything, if you see me making a deal like that I expect a return and here is the return, first of all the County has invested in a shopping center in the Wheaton area, we have 5 million dollars in a parking garage, the shopping center in the Wheaton area central portion of Wheaton is ---, we are spending an enormous amount of money for all kinds of public safety measures and social issues that we need to deal with, the economic --- has not materialized, so we have not seen the tax dollars, we are spending more than ---. We made all kinds of overtures to bring in businesses and not to sound --- about this but the challenge that --- to every major business that looked at it said well there is a problem and the problem stems from the shopping center, probably about 20% of the shopping center was boarded up so people are not going to make investments, they aren't going to get the jobs coming in there and we are going to spend more tax dollars.

Mr. Klobukowski: Not to interrupt you but is that the shopping center at the corner of Georgia and University.

Mr. Leggett: Yeah and 20% of it was boarded up so what this is allowing them to do is to show up the shopping center, to make it much more of an economic --- in the shopping center so that it can then allow us to bring in other development. Now the 4 million dollars will be the County's contribution to about a 75 million dollar expansion and renovation portion of the shopping center. Now we anticipate for our 4 million dollar investment that generally like 400 jobs will come for that in addition we have the construction jobs that we get back that 4 million dollars in about 2 years so we get back the 4 million dollars in 2 years so there is no way, shape or form that I would go in and say hey you are right --- cooperation 4 million dollars just walks away, we are given 4 million dollars and we get our return back in 2 years from there on it is simply gravy on top so that is investment ---. Just to give another example, we made a --- recently and the amount that we were prepared to put in, in order to make it work to offset the tax advantages of Fairfax County was a considerable amount so we looked at the --- of the jobs that they would bring in, the salaries, the benefits and the taxes they would pay, we would get back in 2 ½ to 3 years our entire investment and so its an investment to get back returns so it is not something (inaudible) its very clear we would have made money off of it. Fairfax made a better offer and the biggest challenge that we have with that was not the County offer, not the State offer, but more or less they said to us, the 2 corporations said to us Hilton Hotel and Northrop Grumman said you did not have access directly to them, they said they are bringing in international clients and they have to come through the traffic around the beltway and when you are bringing someone in from Europe and they are landing in Dulles and go one end of the parkway to the other end, that is how we lost those two, but for us to see that it is an economic investment and we thought we would get our money back in two years and I don't think people questioned it, the question is not whether we get the money back, not whether or not we should do Costco but whether they should have the right to service --- because I think the citizens have looked at it and said this is a rival business (inaudible) the shopping center knows that it is good and it will help impact, the fight really is about the gasoline. I have a question to ask you, there is some question about Poole's Store and I'm not sure whether or not the Town has looked at this or had discussion about it and you don't have to do it now but at some point I would simply like to hear from you about that. I think that it is an institution and enterprise worth saving and I think that we should do everything possible to do so, it is not totally within our proposed county government but I want to work with you build a lifeline to see whether or not its something that we can work on because I think this is another case whereby people are not recognizing the needs of this area and thinking about not only economic impact but just what it means for the area and so hopefully at some point we can weigh in and have some discussion about that, the train is beginning to move down the track we don't want to wait too long.

Mr. Hoewing: That is a really good point like I am glad you raised it and one of the other issues I know Jerry is working on this a lot more than I have but I do think it is also a part of the whole Ag Reserve issue is the schools in this area and as you probably know Monocacy is the school that they are looking at possibly closing and in line with what you said about the economics and the fiscal cutbacks it is hard not

to look at it from that standpoint but there is another aspect to it which is when we looked at the initial numbers it didn't look like they were really sustainable and secondly there is an Ag Reserve issue that that does present having schools an extra part of the community and contribute to this area and not having kids necessarily bused to down county areas could be very helpful, now I am not saying as a Commission we have reached a position that says one way or another that we have an idea which way it ought to go, but all of us are concerned about it, this school I think it is fair to say.

Mr. Leggett: Well the recommendation by the Superintendent is something that we encouraged...

Mr. Klobukowski: Well our concern is this is that that school feeds into John Poole Middle School along with the Elementary School and even if you consolidate the schools you will not sufficient 5th graders --- into the Middle School because the school has opened at like 450 it is currently occupancy based on the programs is 480, if you arbitrarily make a decision on an elementary school that the minimum is 300 students what does it say that you couldn't make another arbitrary decision about the minimum student population for a middle school should be 600 and if you only have like 248 which is projected...

Mr. Leggett: It's very --- that somebody in the County would make an arbitrary decision.

Mr. Klobukowski: Absolutely what prevents you then from closing down the middle school or consolidating it and the thing is, the other thing is that impacts programs, I have seen Principals have to really juggle and figure out where they are going to get teachers from, do they have sufficient students to offer a teacher sufficient time to make it worth him coming out here and split his time between this school and another school, there is the is issue of Monocacy the physical plant of Monocacy itself, you have a school there that has a certain capacity that could be expanded and you have a resource and I would think that rather than and there are parents who would like to have their kids go there and we raised this issue with MCPS back in the early part of this Century, back in 2002, 2003 before the boundaries were established for Clarksburg saying why don't you make the boundary of Poolesville Cluster here which would then increase the viability of Monocacy and also as a feeder school Poolesville High School and Middle School and MCPS just shut us down completely. My concern is we are not really recognized we here in the Ag Reserve and even being in the Ag Reserve I had the Director of Long Range Planning for MCPS ask whether Poolesville thought they were in the Ag Reserve, I mean well duh we are surrounded by it I think we understand that and as my wife so aptly put the day we moved here, we woke up the first morning we heard a cow moo and she said gee I guess we really are in the country, so yeah we realize we are in the Ag Reserve and I don't know if you were on the Council at the time this decision was made but if no one recognized the unintended consequence of that decision and what it would mean for the residents here that we would be any less desirous of the same programs and resources that are offered in down county that for some reason we were just going to abdicate our desire for these things I think is wrong and I would hope that at that time people would of recognized and I think people assume there was an unwritten rule, obligation, pledge to us up here that we would not have

to go easily down in army group strength to the Board of Ed or the County Council and say please give us the same privileges that other people have, our kids are no less desirous of learning or participating in some of the programs that are offered down county as here and hopefully with the Whole School Magnet Program that is helping out the High School but you've got kids that are, parents that would like their kids to attend a smaller school than Matsunaga where you've got 1000 elementary school students, I've never heard of that before, I've heard of 1000 high school students but never elementary school and I don't know of any politician that would stand up and tell their constituents that we are going to jam as many kids as we can into a classroom because it is going to save money, all the educational studies and everything else say less is better when it comes to education.

Mr. Leggett: I wanted to add one other item for the public. We just announced the implication of MC-311 which is the county's ability now to respond (inaudible) as you may recall if you call the Department of Recreation (inaudible) and I encourage you to do that (inaudible) and a few days later no one assisted you to try to follow up, but what we have got now we have one number, you don't have to go to all of the different --- to try to figure out who is who (inaudible) and it will be followed up and they called me 2 or 3 days later and said when I called the Department no one answered my question and I'm still not satisfied and I can go back --- to determine who called, when you called, not only that (inaudible). I wish we would have had it in full operation at the time we had the big snowstorm last year but unfortunately we were just getting started and now we have (inaudible). Are there any questions from the audience?

Mr. Kuhlman: Yeah questions from the audience please, anybody, please give your name and address for the record.

Mr. Gole: Hi my name is Rudy Gole I am a resident of Poolesville and I have a comment not about the budget but it doesn't require a response. I was perturbed that your Chief of Police traveled to DC to meet with the US Attorney General to protest and lobby against the Arizona Immigration Law. I believe each state has a right and a duty to pass laws that protect their citizens most especially when the Federal Government is not doing their job, I don't believe your Chief of Police had any business to spend his time in the manner he did an official capacity, he should be concerned about forwarding and enforcing the laws that affect Montgomery County only and I understand also that --- contemplating on (inaudible) I hope and encourage you to expect the Chief of Police not to attend any meetings with the US Attorney General regarding Nebraska Law or for that matter any other state law, thank you.

Mr. Leggett: I would like to comment. First of all I think the Chief is doing an outstanding job, we may disagree with the position of the Chief (inaudible) and I heard from a large amount of citizens who disagree. But I think that it was important for the Attorney General, Federal Government and others to hear from the perspective of local Ordinances, politically it is --- but I think that as a professional I would want to have federal and state government listening to what the Chief has to say, they can disregard what he has to say, we don't have to agree with it, but I think that it is important that we have someone in this community (inaudible) and his voice should be heard. And that is all that it was, it was not

something we felt we should have ---listened to, we may disagree (inaudible) because I think that is what you want, the Federal Government is in a position now where they are contemplating some type of national (inaudible) and I would want and hope that the Federal Government would take into consideration the views, they heard from Chiefs of Police in other parts of the Country who agreed with what Arizona is doing, I think they should be, and they heard from some who didn't, and they are formulating a policy of whether or not (inaudible) or whether to file a lawsuit, they've heard both sides and so I think that is a perspective we should be in. Any other questions or comments.

Mr. Janet: Stan Janet, you have been in the forefront of the Biotech Center for over a decade and we are asking your help again because we have got as you well know 3 huge bottlenecks, one Wisconsin Avenue, of which you got 50,000 million extra from the government but 50 million isn't going to do it, once they move Walter Reed over there with 94,000 we have got 100,000 jobs at stake --- future between now and 2015, once they move those 4000 workers from Walter Reed over to Bethesda the gridlock that is there right now is going to be atrocious. So the Wisconsin Avenue situation has got to be addressed and worked on and I'm talking about northeast to the Beltway toward College Park and I95 and then of course north to Montgomery County. At this time last year the gridlock began north of the Beltway about ½ mile out now its double, it is worsening. ICC is not going to be the solution that you pointed out, not when it is going to cost \$12.00 one way for 18 miles, the average businesses and so forth cannot afford to use so it is not going to solve the problem so we are talking about over 100,000 jobs in Montgomery County as Montgomery County's future and were heading toward this gridlock crisis.

Mr. Leggett: Let me respond on that...

Mr. Janet: I know you got as many millions as you can but it is going to take more.

Mr. Leggett: When I talked to other County Executives around the state and they are fighting to bring companies in (inaudible) and I explained to them that I am fighting my own citizens about not bringing the jobs in and they look at me and say what is your problem, it is a problem but we have to take this problem in the context that one (inaudible) we can go forward unless the transportation infrastructure is ---. Let me give you one key component of why we should be reassured about the --- (inaudible) I am probably the person who is much closer to (inaudible). It is important that this plan is only a plan on paper unless the (inaudible). I think you are right on impact (inaudible) but there will be 500,000 patient visits, ½ million patient visits and no matter how strong you believe in the Metro, all of them aren't coming that way and we have monies that are now planned to help but that doesn't cover (inaudible). But the first wave of people will hit us in September of 2011 and so that is probably a more acute problem because A) it is going to happen soon and B) it is the Federal Government therefore we have less control and we don't have the time even with the money to do all the things that we need to do in advance of that before those jobs start. But in relation to the other --- I think that those are (inaudible) and one that gives you a lot of headaches because of the quickness of it, how long is it going to take us to respond to it.

Mr. Kuhlman: Anybody else, yes Sir.

Speaker: (Inaudible) and thank the Commissioners when we moved 3 years ago from Bethesda it was precisely to escape the increasing congestion and problems that we were seeing and the overcrowding of Bethesda, so we really appreciate small town rural atmosphere of this small town and the surrounding Agricultural Reserve, so I am in that second group of the environmentalists who are trying to keep some part of Montgomery green. The other thing that really surprised me when I came here was the total apathy of the citizens, the last national election for example registered only 15% of the registered voters so your coming here and whatever we can do to enliven the participation of the citizens because that apathy we just need to look back at the history of municipal governments in this country and where corruption, --- and --- and the apathy of the voters so thank you for coming.

Mr. Leggett: Thank you. Let me also explain to you that I come from a (inaudible) and I come out of a farming community and when I moved to the Burtonsville area and (inaudible) however one of the things that --- need to get involved in ---was the cause --- county change because the rules said (inaudible). And so I understand the issues, I still live somewhat rural (inaudible).

Mr. Roit: Bob Roit, Poolesville. I have been a resident in the county now for over 25 years, historically programs have been estimated and put in place with rather low cost estimates many cases the benefits it will be given will be above any other local jurisdiction and then 2 years, 3 years down the road is great concern because of the cost going up and I'm asking what is the County doing to ensure more realistic --- when they put a program in place.

Mr. Leggett: I don't want to seem glib about this but I think when I decided to run for Office 4 years ago I made the budget a priority (inaudible) things that I put there. One the fact that we have (inaudible). Many people who have looked at my record and were surprised that a person would be (inaudible). If I said to you that the (inaudible).

Mr. Kuhlman: Any further questions or comments?

Mr. Leggett: Again if you have questions in the future make sure to call me directly, call 311 and we will respond, many people don't realize that I am publicly listed if you ever want to call and talk about it and I never had a big problem until this past snowstorm, my wife never complained until then, but I do return all my phone calls. Again thank you for all your service and I really appreciate coming out here.

Mr. Kuhlman: Thank you very much for coming. One of the extra pleasures of having Executive Leggett here this evening brought us Captain Thomas Didone from the Germantown Police Station presence is there anything you would like to say while you are here Captain?

Cpt. Didone: Two things if you will give me a chance. One of the pledges I made when I came up here 3 ½ years ago was to try to keep the Ag Reserve the final frontier. We have had some setbacks but overall I think the quality of life in Germantown, Poolesville, Damascus, Barnesville, are still the safest places in the County, it isn't because of Ron --- or Marcus Dixon it is because we have communication with you. We came up last year we talked about neighborhood awareness, we talked about community awareness, Poolesville is the icon of community, the final frontier, we have been successful because people are willing to

talk to the Officers, people are willing to --- even if we agree to disagree on the subject people are willing to talk so I just wanted to say thanks to the community for helping them police themselves and for working with us and for Wade giving direct communication, thanks for the Town (inaudible) and I will stay here as long as you will let me but the bottom line is Poolesville is safe, when problems occur we jump on it (inaudible) and if you can't get in touch with me Ron --- is here, Marcus Dixon is the Community Service Officer and the N3 cars, the officers that work in Poolesville are very committed to Poolesville it is not like anywhere else in Montgomery County they want to be up here, they understand the community, in other parts of the County they just run calls, up here they get to be the Police so they like it but we don't know what is coming tomorrow but rest assured if we all work together I don't think we have to worry. With that I am open to any questions you may have.

Mr. Kuhlman: Any questions from the audience? All right any questions from the Commissioners, I know you got some Jerry?

Mr. Klobukowski: I just have a statement.

Cpt. Didone: He already got me in the hallway.

Mr. Klobukowski: Anyone here who has ever had their house burglarized or had tires slashed or whatever is always willing to talk to a Police Officer and I have done so, however when it takes the Police Officer to get out here 30 minutes, 45 minutes, if you are lucky and if they send someone out here than you feel rather in addition to feeling violated, you feel very frustrated, I think regardless of what Wheaton's problems are, Silver Springs problems are, Takoma Parks problems are, they have their own Police Force that is right, we feel that there is a component that we miss here and it happens to be a patrol car here 24/7 365, now I understand budget constraints but at the same token I feel that we are just like any other location in Poolesville and I think we deserve to have Officers out here 24/7 365, and talking to somebody we are willing to talk to you, we've never had a problem talking to you, talking to 911, talking to the 279-8000 number, never had problems talking with you, getting somebody out here in a timely fashion when you feel you really need somebody because of what just happened, when you report somebody you have as a drug transaction you just witnessed and you call the police and they say well is it taking place are they still there no but if there was a policeman in the area I could have pointed out the gentleman, I could have gone with the policeman and pointed out to him who he was, but when there is no one here it is meaningless. The one time that happened was it just so happened that a kid was riding around my block with his dirt bike motocross bike and there happened to be a policeman in the thing and I called 911 or I called the 279-8000 number and they said well there is no one in the area and I said yes there is, he is sitting right up at the elementary school and low and behold despite happenstance the policeman was coming in one direction, I was going in the other direction blocking the path of the kid on the motocross who was behind me and that was just a convergence of luck but we would like to see somebody out here, we understand...

Cpt. Didone: Can I respond to that? Jerry I am happy to say since I have arrived here in Germantown every day there is a car assigned to Poolesville. We haven't missed a day that one car is not assigned to Poolesville 24/7 365. But let me tell you

a little story last year I went out to Denali National Park and I went out to see Grizzly Bear because that's where Grizzly Bear run free, Denali National Park is 900 million acres, they have the largest population of Grizzly, when you want to see a Grizzly we ain't gonna see a Grizzly, you have to look like hell to find it. Germantown District is 244 square miles, the largest beat in Montgomery County is Poolesville. I am telling you every day we have at least one car assigned to Poolesville, if they make an arrest, if they go to Court, everybody does have to respond from Germantown to Poolesville and I understand the perception is a burglary is a lights and siren call but if its after the fact we have to go the speed limit but that is why the perception is --- every time someone doesn't get the service that they deserve, just like Mr. Leggett you can call the Station, I prefer them to call Wade because if they call Wade first and Wade chews my ass because we are not doing a good job and he hears it from multiple people its not one at a time, I get a feeling for the community and what you said is important to me because its perception, it doesn't matter what is the reality of the 24/7 365 if you don't feel like you have an Officer out here then I got to change that perception and I will do that. How I will do that I don't know but I'll talk to Wade to figure out how I'm going to get that done, but there is an Officer always assigned out here. Up until this year there is an EFO in the High School generally 4 out of the 5 days although that is going to change.

Mr. Klobukowski: But they already have a Security Officer there, they have Skip Etheridge who is the MCPS Security Officer there, they already have security there.

Cpt. Didone: I'm talking Police Officers.

Mr. Klobukowski: Yeah they had one but they also had a Security Officer already there in MCPS, paid for by MCPS, so they had somebody there already.

Cpt. Didone: So I don't understand your question.

Mr. Klobukowski: You were talking about a Police Officer but that Police Officer responsibility was Poolesville High School not...

Cpt. Didone: She would leave that school in a blink if there was a problem in the community. But the point is I will get with Wade...

Mr. Klobukowski: Well between midnight and 6 in the morning on a Friday, midnight Friday and 6 in the morning Saturday morning and midnight Sunday and 6 in the morning and then during the summer hours yes someone is on call, someone is here, but if they have a high priority call to go somewhere else he is gone.

Cpt. Didone: You are right.

Mr. Klobukowski: Or she is gone in a nanosecond and then we have nothing.

Cpt. Didone: They could run a priority call in Barnesville, but they generally stay because everybody leaves roll call every day you have at least one car in Poolesville, preferably two because it takes 30 minutes to get a back up out here if there is a problem, but you have at least one, but I will work on that perception. One other thing we are working on a project that I didn't mention before is my Advisory Board told me there was a major concern up here dealing with bicycle safety in the Ag Reserve, now one of the projects we are taking on is bicycle safety up to the Ag Reserve and we think driving around on a rustic road to see how we can lobby the County to widen them slightly so farm vehicles can easily get down the road and that we can have a little shoulder so that bikes and cars don't share the road. Now with that being said, Steve Vaughn is the representative for Poolesville on my

Advisory Board as well as Willis Van Meter, he is kind of like a ceremonial long time resident, the long story short is if you can't get in touch with Wade when there is a community concern generally talking about safety, talking about an issue we should deal with, talking about community enforcement Steve Vaughn is a resident of Poolesville and is one of the nine people that advise me on community projects. Steve Menke is also from Barnesville your sister to the north, city to the north, is on my Advisory Board so we have direct contact in trying to understand what are the needs of the community, nine people to call when I don't understand it but there are other resources out there for those projects. The project we are working on now up-county in the Ag Reserve is bicycle safety issues, it is a long term project, not like building the skatepark like we did last year, but that is one of the projects we are working on.

Mr. Kuhlman: All right anybody have any questions for the Captain? All right seeing no hands we thank you very much for your attendance, your statement, and always your effort. Ms. Cathy.

Ms. Matthews: Good evening I just wanted to take a brief moment and introduce myself I am Cathy Matthews representing the Up-County Regional Services Center, one of five in the County and we are the --- county office for our region, and my region is basically anything north of Shady Grove Road and I want you to know I stay in touch with Wade as well as Commissioner Kuhlman and it has been a big help to me to hear what is going on, if there are any county questions or complaints, we are constantly (inaudible) issues please feel free to give me a call, I will leave some of my cards with Wade or you can call 311 and just ask for me, and if you have trouble reaching me (inaudible). Speaking of the Advisory Board and I am asking for your help the next time we recruit, we filled a vacancy --- February it has been a long time since we have had somebody representing the Poolesville area, I do have somebody from (inaudible).

Mr. Kuhlman: Thank you very much appreciate it. All right any announcements?

Mr. Klobukowski: Yes I have one. I attended the Whites Ferry Bridge information meeting that was at Poolesville Elementary School, I can't remember the date, but basically the County is soliciting information, it was an informational meeting both for the County and for the residents who attended, there was about 13 people, 14 people I think, I put it in the email to the Commissioners of which half were Staff. Basically there are two bridges they are going to replace, it is going to take approximately 2 ½ months to replace them, they are going to use modular technology to replace the bridge to help hopefully reduce the amount of time that it will take to replace each individual bridge. They heard a lot about the proposed detour of going down West Hunter Road to Mt. Nebo and the recommendation was from a lot of people to go down to Dickerson and use Martinsburg Road because of the traffic light that is there, it would probably better sequence people, plus in the morning if people were coming down and they had to turn onto West Hunter you have a lot of traffic coming out of Frederick eastbound on 28 and that could create a hazardous situation so the bridges are not going to be, construction is not going to start until approximately 2013. Mr. Brown who owns Whites Ferry and operates it was there and asked some questions concerning the project as well so we will see

what happens and I will keep you apprised when I find out any additional information.

Mr. Kuhlman: All right thank you.

Mr. Hoewing: Two announcements Eddie, one I wanted to put in context and that is that a lot of what we talk about on the Commission has to do with budgets and buildings, parks those kinds of things, but its really the way those things are used that make this a community and this weekend I saw evidence of that when I went to the Whalen Commons and saw the first musical performance we had at the pavilion and it was a wonderful evening, there was 100 people there and they were playing Frisbee it was just a great community event and I want to announce it because we constantly get criticism for the little amount of money we spend on those events and I don't know if you all got your announcement, I hope you did about all the events that are going to be happening this summer, most of those are free, we are not paying for them, those people are doing entertainment free, it is a great community event, the movies are great and I just want to brag about it frankly because I think it is an important part of the community. And I want to compliment the CEDC for the work they have done with that because it is really a lot of planning and that notice itself was a well done little piece of information, I think it really helps people.

Mr. Klobukowski: Rande I think you counted 175 just in --- so that everyone I talked to they thought that the pavilion fit in nicely with Whalen Commons, they thought it was attractive and they really, really liked it so that was a positive, so everybody said you done good.

Mr. Hoewing: I really think this is a labor of love, the CEDC is constantly coming up with some good ideas about things to add a more sense of community and these kind of events do that, they really are important. The other thing is I went to the Relay for Life and some other folks were there, I know Lori was there, and it was a great event again, it was unfortunate a little bit less this year than previous years but it was a good event and the Upper Montgomery County Volunteer Fire Department deserves a lot of credit because the school I won't explain why but they couldn't have the event and the Upper Montgomery County Volunteer Fireman stepped in, it was a great event and they deserve a lot of credit. The hall there they used that for the Survivor's Lunch and it was well done so the whole thing was fantastic.

Ms. Gruber: I believe they are going to have it there next year too, they are saying already.

Mr. Kuhlman: All right anything further? All right our meeting schedule in July we will have one Commissioner's Meeting that will happen on July 12th and we had an Executive Session at the last meeting, the subject matter was lets see all Commissioners were present as well as Town Manager and Town Attorney, they subject matter was the Petition for Referendum, after discussion with the Attorney and being educated on the process, it was evident that they had ample signatures on the petition and the petition will move forward, the Staff has been tasked to develop the Resolution that will set this process into motion formally and to draft the ballot questions and all that draft stuff will be on the next meeting schedule on July 12 for a discussion by the Commissioners and decisions on how to proceed. Did I miss anything Mr. Attorney?

Mr. Gullo: No it is quite lengthy the questions are 7 some pages to try to get it out there, you will need to review them with the public and then you will need to make a final decision about when you are going to have the election and it will have to be in one Resolution.

Mr. Klobukowski: Just a little further explanation is, I think a lot of people think they are going to see one block on the voting machine that is going to be an up check or a down check on all 24, when in fact they are going to see 24 questions that go yes or no on and I think that is important thing for people to understand this is not just a simple pull one thing.

Mr. Kuhlman: That appears to be the way the Commissioners are leaning but that decision hasn't been made formally in a public reading.

Mr. Klobukowski: Ok my mistake I apologize.

Approval of Minutes

Mr. Kuhlman: All right moving on I need a motion for approval of the minutes of June 7 including the Executive Session minutes.

Mr. Klobukowski: So moved.

Mr. Kuhlman: Is there a second?

Mr. Hoewing: Second.

Mr. Kuhlman: All in favor?

All: Aye.

Mr. Kuhlman: Motion carries unanimously.

Open Forum & Citizens Comments on Agenda Items

Mr. Kuhlman: Open forum and citizens comments on agenda items. We will be discussing the CEDC Springfest activity this evening is there anybody that wants to comment on that? All right seeing no hands there is no other business is there anybody that wants to say anything in general at this time? All right seeing no hands we will move on, new business CEDC Springfest. I see our Chairman Karen Micheals is here and also our Staff person, Cathy Bupp.

New Business

Ms. Micheals: Hello I am Karen Micheals I reside at 19723 Selby Avenue and I am here today to present to you the Springfest Project from the CEDC.

Ms. Bupp: And I am Cathy Bupp, the Town's Event Coordinator.

Ms. Micheals: I've handed you all a Springfest Project Review so I thought I would go through it and answer any questions that you might have, and my hope is that you will approve it so that our Springfest Committee and the CEDC can move forward with planning it, as you know these things can take a long time to pull together and before we know it, it is going to be May, 2011. So we are very anxious to move forward. So a brief overview as you know last year the Town of Poolesville surveyed the residents to inquire about what activities they would like to have in the Town beyond the ones that were already put on, and of those responding the top requested activities were a Farmers' Market, and Beer/Wine Tasting, and the Chili-BBQ Cook-off, and as you know the Farmers' Markets are already going to be in place this summer so we are anxious to move forward to the next project which we are calling the Springfest. And the Springfest would occur next year, year 2011 in May, we are thinking May 14 or 21 and it would be for half of a day approximately 11:30 to 5:00 and we see it as another key seasonal event to foster a vibrant

community. We have a lot of beer, wine, and BBQ enthusiasts who have volunteered to help plan the event in fact there are 2 here in the room and there are about 14 people on the committee. And here is how it would work, there is a map in the packet that I gave you but basically we would lay out Whalen Commons into 3 sections, one section would have the tent where the beer and wine tasting would occur, the middle of Whalen Commons would have different vendors, that is where the BBQ would be and maybe we would get other food or other craft vendors and then the third part of Whalen Commons would be music. The Montgomery County Department of Liquor says that we could get a 1 day Class C license to provide beer and wine and luckily only cost \$30.00 and we can procure the beer through the County we can also go to the different wineries to procure wine. And the way we envision it happening is that the volunteers at the event would sell tickets to the tasting and they will of course check for a proper identification and they would hand stamp people going into the tasting tent, we would sell tickets for between 10 and 20 dollars and each ticket would include a souvenir tasting glass and approximately 4 tickets. And then once inside the tent there would be Springfest volunteers to pour the taste into 4 oz. pours so that we envision the total possible alcohol consumption on the regular entrance fee would be 16 ounces. Alcohol would be restricted to the tent but patrons would be free to leave the tent to go eat or listen to music and then come back in and use the rest of their tickets, and hand stamps would be checked before reentry. Nothing inside the tent would be for sale to take off premises but we plan to direct customers to our local shops to purchase the beer and wine there. If people want to buy additional tastings they get beyond their first four they would be available for sale, we haven't yet determined how much they would cost. For security we are going to have volunteers selling the tickets have the right to refuse a sale plus we are going to have Montgomery County Police --- to attend and of course we will have volunteers as well. And we will also be closing the tasting ticket sales one hour before the advertised end of the festival and we will be selling other beverages such as water and soda. All volunteers will be required to attend a training class called ALERT and to learn how to properly card people. And then we are also going to design a voting system for residents to choose their favorite beverage. Outside the tent we will have vendors selling BBQ and other foods and we will also use some sort of a voting system so they can choose their favorite BBQ. And for the budget as you know you have already approved \$5000.00 in the budget for the Springfest and we are looking to of course raise funds and collecting money at the tent door and by also getting sponsors. Following is the justifications for having the Springfest and for having alcohol in Whalen Commons. We realize that the Town has not previously offered alcohol at its events and it could cause --- but we do have the following factors for consideration 1) the Springfest has been requested by the residents of Poolesville; 2) the Parks Board has approved the concept of Springfest, I believe they have already given you their recommendation; 3) the Springfest is a once per year event for only 1 afternoon and would anchor other seasonal events; 4) beer and wine are popular interests among the demographic profile of our geographic area; 5) beer and wine are naturally grown products that relate to the Agricultural Reserve and our farming heritage, and the Springfest would be an opportunity to showcase local Maryland and Montgomery

County wines and beers; 6) the CEDC has a solid reputation for putting on quality events; 7) Whalen Commons is the best place to hold this event to promote the mission of the CEDC which is to foster a sense of community and attract residents to the CBD and encourage shopping; and then lastly other Maryland cities offer alcohol in their parks and I have listed here Rockville, Wheaton, Germantown, Salisbury, Bel Air, National Harbor and Frederick. That is the conclusion of my presentation.

Mr. Kuhlman: Questions?

Mr. Brown: No she already made a they gave a nice presentation at the Parks Board Meeting and the Parks Board did have one of the members did have some concerns about the alcohol, how the alcohol sales or allocations would be handled but I thought that the consensus was that they had a good game plan together and that we would recommend moving forward to the Commissioners.

Mr. Kuhlman: All right any questions from the Commissioners on this.

Mr. Klobukowski: I have a comment. I understand getting a license but when you say will allow us which implies quasi Town Staff or quasi Staff to procure beer and wine you know it is at a Montgomery County Liquor Store has me concerned with respect to accountability of the wine. I thought that what was going to happen was going to be wineries and breweries would be invited to bring their product to Whalen Commons, they would set up their own tent, they would go ahead and charge their own entrance fee and it would be under their --- or they would have one tent and each of them would occupy a different portion of the tent and we would be out of, we would not be involved with any procurement or distribution of any product and I see by your list of all these other places have events that involve beer and wine, well I know at Harry Grove Stadium they sell beer at all the Keys games, National Harbor are they even a municipality, and Bel Air I don't know where they have it, if it is in a private park or one of their own parks, Salisbury I assume some of these others, Germantown is not a municipality I know they have a thing and I don't know if it is on private property or what but again this being a I am really worried about liability with respect to the Town and the fact that we would have to procure the beer and the wine, if it was these individual places where we invited Sugarloaf Mountain Vineyard, Linganore, Elk Run, some of these others from around the state, the breweries like the one down in Rockville, Gordon Biersch, Gaithersburg I can't think of them off the top of my head, Barley & Hops in Frederick, the Brewer's Alley up in Frederick, where they would bring their own product and I would feel much better about it than us being involved, because then it is their accountability, it is on them with respect to the amount of product they disburse, they break a bottle its their or they blow a keg that is their problem, not ours.

Mr. Kuhlman: Did you have a response right now?

Ms. Micheals: Well that was a comment so I will certainly take that back to the committee. We are absolutely going to be going to the wineries and asking them to participate and asking them to come with their wines.

Mr. Kuhlman: What provisions have you all talked about for parking?

Ms. Bupp: We've talked about suggesting getting people to walk to the event.

Mr. Kuhlman: Well yeah but I would think you are hoping that you would draw fairly significant crowd, which isn't going to be walking and we have what 14 spaces on each side of the park.

Mr. Yost: There is probably 20 on each side.

Mr. Kuhlman: Yeah but I mean if the thought is to just prevail upon the private property parking lots I don't know.

Ms. Micheals: Well we are working with the Poolesville Day Committee people and with these kinds of questions that come up they are advising us on what they do so we will be looking to them for suggestions.

Mr. Kuhlman: All right and I guess I don't know whether you have Cathy or Wade what does our insurance carrier say about this?

Mr. Yost: We put a call into LGIT and they said that the park itself if we are following Montgomery County Regulations and Licensing and they didn't have a problem with the event itself.

Mr. Brown: And no extra fee correct?

Mr. Yost: Correct.

Mr. Hoewing: In terms of liability I am asking this of the Town Attorney, but if it is on Town property just because we are not serving the alcohol does that make us not any less liability.

Mr. Gullo: I think the liability that you are most concerned with is the personal liability and liability for injury, that type of thing, and I don't think you are going to be any less liable for that, now the liability dealing with the provision of alcohol and those types of things create a personal liability for people handling it, if you give it to somebody who is underage its that person so there is a fine line, the example that seems to work well is in Carroll County with the Maryland Wine Festival and the Carroll County Commissioners use a public facility the Farm Museum and they have the same set up with the tickets but they have the vendors handling everything at that point in time but I think that was their choice they didn't get County personnel involved for policy reasons.

Mr. Hoewing: If you had volunteers that are not Town employees would that make a difference?

Mr. Gullo: The Town is still going to be ultimately responsible because the insurance company insures volunteers for the Town so it comes back to ultimate liability and you also have a governmental immunity to go along with that liability so if there is a slip and fall that is one thing, if somebody gets hurt in the parking lot that is a different thing.

Mr. Hoewing: But if a vendor was doing the actual distribution we wouldn't be liable.

Mr. Gullo: You wouldn't be liable, you would still be liable for any of the injury type of things but it makes it a lot easier for you not to be hands on with the law related issues of the alcohol, you didn't dispense it, you didn't buy it, you don't have any of those types of issues at that point, you basically are giving a license to somebody to come in whether it is free or not to set up a table and do their thing and then you are providing overall security and overall compliance, so it still --- volunteers that you are doing that. But the alcohol issue becomes touchy, you all are getting the permit, the Town is on the hook for getting the permit one way or the other.

Mr. Klobukowski: My father ran a bar and I know that towards the end of his running it before he retired that New York State was holding bar owners liable for any person going out and having an accident and they were DUI or DWI and that is my concern and then you run into a real problem especially if there is a fatality.

Mr. Gullo: There is not that direct type of liability in Maryland but you are certainly closer to the line than you would be if you had something removed, but your insurance company has given you the ok, they have these around the State so you are covered for that liability.

Mr. Kuhlman: Just a I guess trick question, if this was done on private property without the Commissioners approval or endorsement because they wouldn't need it to do it on private property, does that remove the liability from the Town or is the liability still there because they are a form or body of the government.

Mr. Gullo: I will give you a trick answer then for the trick question. If you were going to do this on private property at somebody's house or farm or something like that and it is a Town event on that person's property, that person would be crazy if they didn't get a certificate of insurance from the Town saying that you are ensuring them for the liability you are creating.

Mr. Kuhlman: Ok.

Mr. Gullo: But maybe you will find somebody that won't do that.

Mr. Kuhlman: And Wade I haven't read it in a long time but the current park rules ban alcohol in the park?

Mr. Yost: It says prohibited except within designated areas. This has never been before us and the Parks Board drafted new rules and regulations and are waiting for the Charter to be finalized before we send them forward for approval from you guys, but in there they did want to have a clause in there for alcohol, it would have a recommendation to go to the Commissioners and let the Commissioners have the final say. So that is why they formed a recommendation and sent it forward to you.

Mr. Hoewing: I'm not remembering but on Poolesville Day do we have alcohol served?

Mr. Klobukowski: No. We did, well we did not, the Knights of Columbus did...

Mr. Hoewing: I thought they did at one point.

Mr. Klobukowski: That's right and there was a human outcry and the Poolesville Day Committee quickly scotched that idea, pardon the pun, and I think it was the first couple Poolesville Day's that it happened and after that no more alcohol period.

Mr. Kuhlman: Yeah there is no alcohol that is sanctioned by the Poolesville Day Committee, there is nothing really to stop like when Jay was over there he would sell beer and somebody could buy it and walk around with it. Official rules you weren't supposed to do that but people did.

Mr. Klobukowski: They walked around with it and had it concealed because if a Montgomery County Police Officer saw it.

Mr. Kuhlman: But there was no alcoholic vendors allowed to Poolesville Day.

Mr. Klobukowski: Montgomery County is a no open...

Mr. Hoewing: Not in this parking lot, I think you can drink in this parking lot.

Mr. Yost: Karen can I ask a question real quick. Just to cover the mechanics of it, how do you procure the beer, or how do you know the quantity you are going to get, lets say you get 20 kegs and can you take them back.

Ms. Micheals: Yeah you can take them back so we will estimate how many we are going to need basically.

Mr. Klobukowski: Half, you are going to get half kegs or quarters not kegs.

Ms. Micheals: Yes they will help us figure that out and then they will take back whatever we don't use.

Mr. Hoewing: I think it is good work, I think the question of whether it makes more sense to have the vendors actually be invited to do it is worth exploring a little further, like Sugarloaf Winery and if there are other ones that would be willing to do it I think that would be worth exploring. But everything we have done with the CEDC has been an experiment we have never done most of this before and it usually pays off, usually been a good thing and I think you have done a lot of good work I just think that issue really does need to be explored.

Mr. Kuhlman: I agree everything they have done has been very nice. But I am very leery about setting this precedent of allowing alcohol whether they are dispensing it or the vendors dispensing it, we are sanctioning it being in the park and I am very leery of doing that.

Mr. Klobukowski: Well here is another thought since I have been anti this more or less, if we are worried about people coming to here and driving we could set up our own little horse and carriage or hay wagon thing to drive people through developments here if you wanted to do something like that and they would only have to stumble from the corner to their home as opposed to stumble all the way home or possibly get in their car and driving home.

Ms. Micheals: Well I would like to just remind you that it is only an afternoon, its really 4 hours time, its not pounding scotches or whatever it is small tastes.

Mr. Kuhlman: What was the intention tonight or the hope was it just to update us or were you hoping for a decision tonight on this?

Ms. Micheals: I was hoping for a decision tonight just so we can get moving, there is a lot to plan and as you know being in a volunteer committee seems to take a lot.

Mr. Kuhlman: All right is there any further questions or comments or discussion on this issue. Hearing none is there anybody prepared to make a motion?

Ms. Gruber: I would like to make a motion to approve the Springfest.

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

Mr. Brown: I'll make a second.

Mr. Kuhlman: All right is there any discussion?

Mr. Yost: Will you take public comments?

Mr. Kuhlman: I guess we could.

Mr. Hoewing: Yeah why not.

Mr. Kuhlman: Sure you want to say something Sir?

Speaker: I don't really understand what this is, apparently it is a public event sponsored by the Town to be held on Town property, public property, and this is not the case generally throughout the county, alcohol is generally not served or made available in County parks. It seems to me that Poolesville to hold an event in a public park which is not strictly family or a wholesome type activity could also draw from the surrounding areas of the county people who like to have alcoholic beverages resulting in incidents that we don't want to have at a public park in our town.

Mr. Hoewing: It looks like from what the research of the CEDC revealed there are other towns in the county that have had events with alcohol like this, second they are charging 10 to 20 dollars for essentially 16 ounces of alcohol, I don't know too many people that would pay that much money to get drunk on and besides 16 ounces of wine maybe you can get drunk on it but that is pretty much of a stretch and it is 4 hours, its not all day or all night or anything like that, so it is a pretty limited event, I do think the liability I really want to see something like this go forward I think it is a good idea it is another one of these events that all year long we keep on filling which is good more community events more things for people to do but I do think the issue of whether or not we can have the vendors actually do this is worth exploring a little further, it might insulate us a little better and insulate you a little better the CEDC as well, other than that I think you have done some great research and great work as usual.

Mr. Klobukowski: With respect to City of Rockville Town Center is that basically they just close off the streets and the individual bars and restaurants serve alcohol?

Ms. Bupp: No I think the wineries come to that one and it is wineries set up.

Mr. Klobukowski: Ok it says Uncorked.

Mr. Kuhlman: All right in fairness since we allowed the one gentleman is there anybody else that has a comment on this issue?

Speaker: Karen you are more than welcome to step on me if I am wrong here but my understanding was that the County rules said we had to purchase from them, we couldn't have vendors come in on their own.

Ms. Micheals: Unless it was the wineries, they told us that unless they are a petite winery...

Speaker: Well the wineries can but the brewers can't.

Ms. Gruber: Right we have to buy the County product.

Mr. Hoewing: It's a monopoly.

Mr. Kuhlman: All right anything else from the Commissioners?

Mr. Hoewing: Well if that is true maybe it just ought to be a wine tasting then, if that is what it is.

Mr. Kuhlman: Well that was one thing I was wondering, it has been a long time since I read that survey but the way I remember the survey was about wine, I don't remember it saying beer.

Ms. Gruber: No it was beer because it was a chili and beer event.

Mr. Kuhlman: Well I am not going to support this under this form, maybe if you guys are willing to look into what Jerry was talking about I might change my mind but I can't help get over the liability issue, the precedent, what does the Town then say to a large family that wants to have a reunion and have alcohol in the park or another organization private organization and I just think it is going down the wrong path and I unfortunately cannot support the motion, is there anybody else that has anything to say?

Mr. Hoewing: I think we ought to give them one more shot. I think we ought to take a look at whether we can have the vendors actually do it. The liability issue you mentioned it sounds to me like it is not really that much different than if we had an event a sporting event or something and we sponsored it and somebody got injured

we are still liable, we are liable for this too, but it sounds like it is more minimized if we have the vendors do it so it is worth one more shot to take a look at it.

Mr. Brown: Well we should clearly define what we are looking for then, specifically if we are I mean we are going to have to move forward with the vote obviously so we should define the actions that we would like to see the CEDC take to provide clarity.

Mr. Hoewing: The only one I think I am talking about is instead of having volunteers do it and get trained for card checks and all that kind of thing they could have the vendors actually, so you solicit them to come and actually and have the same kind of setup from a security standpoint.

Mr. Brown: But then that eliminates beer sales.

Mr. Hoewing: I think it does but I am not sure we can do much about that, to me that is a county they want a monopoly they want to sell their beer that is what it sounds like to me.

Ms. Micheals: That is part of the Class C license is that you procure the beer and the wine through them.

Mr. Brown: I would want to know then from the CEDC if they think the event would be viable with wine sales you know wine participation only, that is not what the original intent of it is of the event.

Ms. Micheals: I believe it would be in jeopardy because the wineries have only so many activities that they can do in a year and they might not choose to do this one.

Mr. Brown: If there is a, if Jay has given us a crystal clear picture of what our liability would be in terms of alcohol sales that is what I would really like to hear because if it is, if we have a clear understanding of the risks of having beer sales handled by our designees than that is something that I think we could weigh on here and have a definite idea about it because it does sound like to me unless we decide to regroup that this will be scuttling this event if we decide to restrict it only to the vendors that can be brought in to serve versus having people on our own. I personally don't like wine with chili.

Mr. Hoewing: Have you ever tried it?

Mr. Brown: I have it doesn't one doesn't go with the other.

Mr. Hoewing: Keep in mind you are drinking in the tent and going out to get the chili.

Mr. Brown: I understand how the process goes but that is really what this comes down to do we decide if it is viable or not due to the restriction of not being able to handle what we can do alcohol wise and I mean if Jay can say something that can make us feel comfortable about it in terms of the actual handling of beer sales by our designees I mean that is what it comes down to, give us I mean I am not asking you to spin it positive, I'm asking you to tell us what does this compare to?

Mr. Gullo: Well first of all it's a little unfair for all of us, we never have talked...

Mr. Brown: I don't need to know now.

Mr. Gullo: So there may be other avenues you can talk about the class of the license you are getting and you got to pay for it and things like that and you are getting it from Montgomery County and you have such a great working relationship with the County Executive maybe there is other ways you can deal with this that the Town is involved. I think that is what you have to realize the Town is involved, the Town is

doing this, the Town volunteers are doing this so at the last minute trying to say oh but we are not touching the bottles of wine and beer that doesn't really make that much difference for you so if you are in you are in, you are involved and committed at that point so perhaps the best thing would be to sit down and figure out a way that you can minimize the liability, your insurance company LGIT does these events all over they have these and they might give you the best standards to do that if your event is predicated on dealing with beer as well then we need to figure out a way to make that happen or lay out clearly to you this is what it is. But I think it is unfair for me to say you are going to be liable...

Mr. Brown: No I understand that is what I mean with an explanation I would love to see if you could work together to come up with a proposal that will handle it in the best possible light in terms of safety etc., and I would like to see that because obviously we have a hitching spot here.

Mr. Klobukowski: I think Jay hit upon it though we ought to consult with some of these other towns, how do they handle it. Now we have a unique situation with respect to the County as to which you have to buy all the beer but same token these other towns might have basically a guide as to how they arrange, structure, do the whole shooting match you know plan and then you just go from there, I mean you have done a lot of research in telling us who has done it, now maybe they can tell us how they do it and we can take a look at their plan and pick and choose from there.

Mr. Hoewing: Now on Eddie's issue and I think it is a valid one of whether we could do something like this and then not have people come in and also want alcohol I think we could say an official Town sponsored event or something or do you think that is not possible?

Mr. Gullo: I mean you are talking about a double standard you could certainly create a double standard in that I mean basically what your normal park regulations do is stop the John citizen from bringing his keg to the park and setting up camp and you are basically doing it in a way that protects citizens if you are going to do it at all, so I think that is the different type of thing but you certainly are going to set a precedent because the next person that has a function in the park wants to know can they do it as well. So just have to make sure we do it right the first time.

Mr. Hoewing: Ok.

Mr. Kuhlman: All right is there any further comments or questions.

Mr. Hoewing: So are we then having a report back by the July 12 meeting and that is when we are going to decide this?

Mr. Kuhlman: You have a motion on the floor that has been seconded that needs to be decided.

Mr. Klobukowski: What about tabling the motion.

Mr. Hoewing: Yeah that is what I am asking.

Mr. Kuhlman: The maker or the second have to make that motion to table it.

Ms. Gruber: I will make the motion to table it until the July 12, the August meeting.

Mr. Hoewing: July meeting, isn't it July 12th.

Ms. Gruber: I'm thinking that she may need a little more time to do.

Mr. Hoewing: Do you ok.

Mr. Kuhlman: Does that give you enough time?

Ms. Gruber: First meeting in August?

Mr. Kuhlman: I mean seeing how this event is not scheduled until May of next year I don't want to put you under the gun, is July enough time for you to check out this and respond or do you want to put it to August.

Ms. Micheals: Just knowing everybody's schedule on the CEDC and the committee I think August would be better.

Mr. Kuhlman: So she is mentioning a specific meeting.

Mr. Hoewing: 16th of August does that work.

Mr. Kuhlman: I'd just say a later meeting.

Ms. Micheals: Yeah lets just say a later meeting.

Mr. Hoewing: Ok whenever you want to bring it back.

Ms. Gruber: Make a motion to table this until a later date.

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

Mr. Brown: Second.

Mr. Kuhlman: All right we have a motion to table the original motion all in favor?

All: Aye.

Mr. Kuhlman: Motion to table carries.

Mr. Hoewing: Good work though and keep the ideas coming you guys are doing a good job.

Committee Reports

Mr. Kuhlman: All right there is no old business Committee Reports, Planning Commission Link?

Mr. Hoewing: I did not attend the meeting and I thought Bob was going to stay here so I don't even know what they did, do you know what they did.

Mr. Yost: I do know.

Mr. Hoewing: Thank you.

Mr. Kuhlman: He was there.

Mr. Hoewing: I had travel that day.

Mr. Yost: We put together all the questions that we are going to use for the Master Plan survey an online survey, established all the questions using the face format that was put together in the initial Master Plan Survey. Chuck Stump has actually taken the lead on putting together the program itself to go online and hopefully by next month we will be ready to move forward with it, it will probably be online for a couple months and that was it.

Mr. Hoewing: Just to clarify that is a public survey we are going to put up on the web for citizens to essentially give their views on the Master Plan what should be in the Master Plan.

Mr. Yost: Yes.

Mr. Kuhlman: All right Parks Board Jim?

Mr. Klobukowski: Can I ask one question sorry, the water tower, I have been meaning to check it out how is the restoration coming?

Mr. Yost: We were able to get the epoxy paint and repaint it.

Mr. Kuhlman: That will be under the Town Manager's Report Jerry.

Mr. Klobukowski: Oh I am sorry I apologize.

Mr. Kuhlman: Parks Board Jim?

Mr. Brown: I would like to talk about the water tower, no I am just kidding. At the Parks Board meeting we actually had a presentation from Edward Hovencamp a

Town resident talking about the August Cup at the end of August when basically the Town will be invaded by a bazillion soccer players parents, soccer moms etc., they are going to be here and they are giving us heads up so that we can plan ahead of time and also to alert the CEDC as well as the Chamber about the increase of business that will be taking place that day, it is a huge event there is probably no greater draw for people in this Town aside from Poolesville Day for this event in August. It is the weekend of August 27-29 at Muldoon's, its in our Town parks, its at the Elementary Schools, its if you saw them last year it is a ton of people, its well run and well orchestrated, worthy of being inside this Town. One of the biggest things is and I will actually put this out on one of my emails is they need people, they need vendors so this is a great opportunity for people to do a fundraiser if they wanted to including the CEDC or whoever else wanted to sports organizations or whatever, big deal.

Mr. Klobukowski: What time does it start, really early in the morning doesn't it?

Mr. Brown: It does.

Mr. Klobukowski: Used to be one PTA was out there serving in the morning.

Mr. Brown: They have hundreds of volunteers that are doing all kinds of things but they are also presenting it to us to present to people in town about potentially a huge fundraiser, they aren't even looking for a cut of it they just want people to be able to serve the people that need to that are going to be in Town. We also had our review of Springfest which I gave our wrap up of our review, which our discussion pretty much encompassed that and then at that point in time I had to leave for the revamped PAA sports meeting which was held in another part of Town that night so I left and Wade I hate to put you on the spot but where did we go from there, last thing was Master Plan Review and did we have a Master Plan Review?

Mr. Yost: There was some recommended edits to some of the questions, which I took to the Planning Commission and they used some of them.

Mr. Brown: Ok got ya. Didn't see them we had had discussions on them in the past but that was a culmination of that so that was it for the Parks Board.

Mr. Kuhlman: Thank you Sir. CEDC Lori.

Ms. Gruber: CEDC meets on Wednesday and unfortunately I'm not going to be able to attend but I will get an update.

Mr. Kuhlman: Ok very good.

Town Manager's Report

Mr. Kuhlman: Town Manager's Report.

Mr. Yost: The water tank was painted.

Mr. Klobukowski: The whole tank or...

Mr. Yost: No we just did the area that was vandalized. It is a little bit lighter, it's the exact same shade but it will take about 6 months for it to blend back in with the rest of the paint, same as when we changed it from the Indians to Falcons.

Mr. Brown: Do we have a cost for that?

Mr. Yost: It was a couple hundred bucks and 2 days time.

Mr. Brown: Not \$20,000.00 or \$30,000.00 ok shocking.

Mr. Klobukowski: That is what it costs to repaint the whole thing.

Mr. Brown: Ok got ya.

Mr. Kuhlman: What else you got?

Mr. Yost: Really that is about it unless you guys have questions about projects going on. Bandshell we didn't have the electric hooked up for the concert or the bathrooms weren't open because Allegheny Power didn't have the transformer on hand they were supposed to have on hand so it is being delayed a week so hopefully by Wednesday Allegheny Power will be able to hook up the power and will be successful and Friday night we have our Farmers' Market and our cute dog show and the Poolesville Band Project will be playing.

Mr. Kuhlman: Well along those lines and along with what Link was saying I did have a chance to talk to 2 of the performers that performed this past Friday night there and they said the acoustics in there is better than anyplace they have ever been.

Mr. Hoewing: It was good.

Mr. Kuhlman: Question how many of the Planning Commission Members have completed the training that is now required by July 1 to be completed.

Mr. Hoewing: I have.

Mr. Yost: As far as I know Link has, George has, I have...

Mr. Kuhlman: Well you are not a member.

Mr. Yost: I know. I did bring it up at the last meeting Cal was working on it and we were told Cal Sneed was working on it he had done like 1 or 2 chapters and said he was going to tackle it this weekend as well as Chuck Stump so they know that July 1st is the...

Mr. Kuhlman: And what happens if they don't complete, if any member doesn't complete it by then.

Mr. Gullo: They are in trouble. There is no penalty in the provision, however you can imagine down the road if there was a legal challenge to actions that they take.

Mr. Kuhlman: All right very good.

Citizen Forum

Mr. Kuhlman: Anything from the Citizen Forum, anybody, yes Sir please come up and give your name and address.

Mr. Clements: Good evening my name is Paul Clements I am a resident of Poolesville I live in Hunters Run and I am here to provide my endorsement, my support, my comments about the Springfest. I was very happy to hear some positive feedback, I am a member of the committee that Karen has put together and done a great job so far. I understand all the comments that were made both pro and con, some very good questions were raised regarding some other activities or other research you would like us to do so we will comply with that and come back with more information. But in general I think this would be a great opportunity to have an event like this within Poolesville. As a resident of the Town since 97 always looking for ways to bring more activity to the Town, more interest to the Town, more engagement among the local citizens, some connotations around a brewfest might be somewhat negative from an alcohol consumption standpoint but if you have ever gone to an event like this you will see the folks that attend it are not typically the ones you would see stumbling out of a bar at 2:00 in the morning. Folks that are going to attend the brewfest typically are not going to be the ones that are going into a 7-11 or another place to buy beer where they are going to buy the cheapest thing they can just to drink as much as they can. The comment was made about the cost for the tickets, the types of beer or wine being provided at the event, it is more for I

would say someone that appreciates the taste versus the effect, as well as the enjoyment. Just passing on personal experience I have been to the event in Leesburg twice, we make it a family event, my siblings come with me, we have a great time, we spend several hours there, we partake of the different vendors that are there both food, merchandise, as well as the beer tastings and we have a great time and we are not looking or we don't go there looking to drink too much, we go there to engage as siblings and have a good time and it is a very good time. So just by happenstance I am pretty sure the Northern Virginia Brewfest is this coming weekend in Leesburg right across the Ferry so if you want to go see for yourself and spend an hour or two I would encourage you to do that it is Saturday and Sunday and hearing myself say this my hope is that 3 years from now, 4 years from now, someone else is in their municipality saying hey you know what we should do this because I have been going to the Poolesville one for the past 4 years, you should go see what they do and do a good job.

Mr. Hoewing: Thank you for volunteering your time I appreciate it and I do want to support it I think it is a good idea so we will see what we can do. We have had similar comments believe it or not at our Lighting Ceremony a couple years ago Senator Garagiola came out here and he could not believe how many people we had and they have similar events in Germantown and places like that and they had 200 people, we had more than 300 people last year at ours so thank you.

Mr. Kuhlman: Thank you Sir anybody else?

Ms. Gruber: I would like to ask a question really quickly if I can, I forgot to ask about Cathy do you have any a general count on how many vendors are going to be at the Farmers' Market by chance, even I know you have the two different kind of functions going on, the dog vendors and then the produce.

Ms. Bupp: We have about 7 for the Farmers' Market and probably 4 for the dog part.

Ms. Gruber: Ok thank you.

Adjournment

Mr. Kuhlman: All right anybody else in the audience. All right seeing no hands entertain a motion for adjournment to Executive Session.

Mr. Hoewing: I move that we adjourn to Executive Session as provided for by the Annotated Code of Maryland State Government Article 10-508(A)7 to consult with Council to obtain legal advise on the Referendum Petition ballot questions in Section 10-508.3 to consider the acquisition of real property for public purpose in matters directly related thereto.

Mr. Kuhlman: Is there a second?

Mr. Brown: Second.

Mr. Kuhlman: All in favor?

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

Mr. Kuhlman: We are adjourned to Executive Session.

Mr. Klobukowski: No I oppose.

Mr. Kuhlman: Ok 4 to 1.

Executive Session Minutes
June 21, 2010

The Commissioners adjourned to Executive Session as provided for by the Annotated Code of Maryland, State Government Article: Section 10-508(a)7 to consult with counsel to obtain legal advice on the referendum petition and Section 10-508(a)3 to consider the acquisition of real property for a public purpose and matters directly related thereto.

Present: Commissioners Eddie Kuhlman, Jerry Klobukowski, Link Hoewing, Jim Brown, Lori Gruber, Town Attorney Jay Gullo and Town Manager Wade Yost.

Referendum

The Town Attorney briefed the Commissioners on State Law, time requirements and options to consider. After a discussion, the Commissioners posed questions to the Town Attorney on the legal format of the questions. After a brief discussion, the Commissioners instructed the Town Attorney to draft a resolution for the next meeting.

Real Property

The Commissioners were briefed by Staff on the progress of securing easements for a sidewalk on Elgin Road. After a brief discussion, the Commissioners decided not to negotiate for land with a property owner who would not willingly allow the sidewalk construction.