

**POOLESVILLE PARKS BOARD
MEETING OF FEBRUARY 3, 2010**

PRESENT: JEFF MCINTYRE, KEVIN CARMACK, DOUG MCKENNEY, KURT BEHREND, TIM PIKE AND JIM BROWN. ALSO PRESENT WAS TOWN MANAGER, WADE YOST.

Call to Order

Mr. McKenney: Call the February 3, 2010 Parks Board Meeting to order. In attendance are Jeff McIntyre, Kevin Carmack, myself, Kurt Behrend, Tim Pike, Jim Brown, and Wade Yost.

Announcements

Mr. McKenney: First announcement is our next meeting is March 3 again at 7:30.

Citizen's Comments on Agenda Items

Mr. McKenney: We have a number of citizens here tonight does anybody have comments on our agenda items?

Approval of Minutes

Mr. McKenney: All right seeing none move on. Minutes from January meeting, did everybody get a chance to read them or does anybody have any comments.

Mr. Behrend: I move they be approved.

Mr. Pike: Second.

Mr. McKenney: It has been moved and seconded to approve the minutes. All in favor signify by saying aye.

All: Aye.

Mr. McKenney: Opposed, abstentions, motion carries.

New Business

Mr. McKenney: Who is here tonight for parks for fields excuse me. Ok just trying to get a sense of which way to start first.

Mr. Yost: We could knock those out quick because actually there is no conflicts.

Mr. McKenney: Ok that is what I thought but I wondered because we had gotten an email from Cathy saying that she wanted people here.

Mr. Yost: That is just in the Park Regs and Rules.

Mr. McKenney: Ok that is fine.

Mr. Yost: That is the only reason. There were no conflicts.

Mr. Pike: No conflicts that is great.

Mr. Carmack: I sent an email to Maggie and said if PAA gets Stevens Park and she wrote back absolutely.

Mr. Yost: Right they had Stevens Park all the time I believe.

Mr. McKenney: They did but on the schedule I have it. I want one day anyway. We still have a mound on that field right and it is 46/60, 50/70 right.

Mr. Yost: Yes.

Mr. Carmack: So she didn't show me that so there is a conflict. She called me or emailed me and said Doug McKenney asked for Tuesday, Thursday on Halmos 3 and she

said so did you and she said can I move you to Monday, Wednesday and I said sure no problem.

Mr. Yost: Right she told me that.

Mr. Carmack: And then the other conflict was Saturday on Halmos 2 and so we took the morning and then the afternoon or evening.

Mr. Yost: And midday there were 3 permits for that day.

Mr. Carmack: Right so we gave up the afternoon and then we went with a Sunday evening so after I talked to you Friday night I emailed her and said is there any other conflicts do we need to come have the meeting Tuesday night, no, and then I said did PAA get the Stevens Park when they need it and she said yes.

Mr. Yost: She told me that today also.

Mr. McKenney: Right so that is not true.

Mr. Carmack: But did you ask for Halmos 3.

Mr. McKenney: I asked for Halmos 3 on just Tuesdays because I figured that last year UMAC had...

Mr. Yost: Unless they made a mistake on the sheet.

Mr. Carmack: Because I said yeah he can have Tuesday and Thursday.

Mr. McKenney: But if you look at Thursday on Halmos 3 wait is it open no it says PAA, Stevens is open.

Mr. Carmack: She has mixed Halmos 3 and Stevens up that is all. Who actually does the coloring?

Mr. Yost: She does.

Mr. Carmack: We can work it out. I think it is already worked out.

Mr. Yost: I think so too just the color is not right.

Mr. McKenney: I would rather have Stevens.

Mr. Yost: Doug there is a brand new one she just did today that is in front of you, you want to check that in the binder.

Mr. McKenney: Hold on and see if that is different.

Mr. Carmack: Because we use Stevens during the week for games, we open that up because of the concession.

Mr. McKenney: There is a PAA one in here.

Mr. Yost: In the binder Doug do you have that?

Mr. McKenney: Oh I am looking at the folder.

Mr. Carmack: So what she did here doesn't match what she did here, so it is not an issue.

Mr. McKenney: So it is just you and I again.

Mr. Carmack: Yeah.

Mr. Pike: So are all these guys here for permits.

Mr. Yost: Yep.

Mr. Pike: Are they ok then.

Mr. McKenney: There is one way to make sure. John you asked for Halmos 2 on Tuesdays and Saturdays, Saturdays from 2 to 5 I think and then Sunday from it looks like 3 to 6, 3 to 5:30 something like that.

Mr. Valentine: 3 to 6 I would prefer.

Mr. McKenney: She has got you to 5:30.

Mr. Yost: Is somebody behind her?

Mr. McKenney: Yeah PAA 5:30 to 6:00.

Mr. Carmack: That was Halmos 3.

Mr. McKenney: No that is Halmos 2.

Mr. Behrend: Who is here for Bill tonight, are you here for Cartwright.

Mr. McKenney: Trope I have you down for Halmos 1 from 5 to 8 on Tuesdays is that right and I think that is it right just one day a week ok.

Mr. Trope: Yeah (inaudible).

Mr. McKenney: Ok thank you that Halmos 1 Tuesdays we may take you up on that.

Mr. Carmack: Cartwright got everything he wanted?

Mr. McKenney: It looks like it. He is not here and Cissell is not here tonight either right, he was on that list too.

Mr. Pike: I don't think Cissell has a team this year.

Mr. McKenney: All right.

Mr. Carmack: And the same thing we can talk, if you want Stevens pre season that is fine, I just need the concessions.

Mr. McKenney: Right so that might work.

Mr. Carmack: If you want to do that.

Mr. McKenney: And then what once the season starts use Halmos at practice. Ok well that was easy no conflicts move that we excuse me motion will be entertained thank you.

Mr. Behrend: Move that we accept the permits as submitted with proviso that permittee's will provide actual schedules and the permit will conform to that actual schedule.

Mr. McKenney: Do you want to say anything about that technically Kevin and I will work out whatever.

Mr. Behrend: That is up to you guys everybody can work that out probably on their own.

Mr. McKenney: Moved and seconded somebody to all in favor lets signify by saying aye.

Mr. Behrend, Mr. Pike, Mr. Brown, Mr. McIntyre: Aye.

Mr. McKenney: Opposed? Motion carries.

Mr. Carmack: I abstain.

Mr. McKenney: And I abstain as well thank you.

Speaker: (Inaudible).

Mr. Yost: I will post it online later probably about next week.

Mr. McKenney: I guess the other permit we have is National Capital Vela...

Mr. Pike: Soccer too.

Mr. McKenney: Hang on hang on sorry.

Mr. Yost: Basically you have one league in Town.

Mr. McKenney: Mike is that why you are here?

Mr. Wills: Yeah.

Mr. McKenney: Just the one.

Mr. Yost: There was one from a Sheila Allentuck but she is also on your schedule also. So our rules go that anybody in the organization has to go through the organization any such time after the permits have been issued if there is an open spot than she can apply for one of the open spots.

Mr. McKenney: Right.

Mr. Yost: So then she will see what days are left open and she will schedule her practice on an open day.

Mr. McKenney: Ok got you.

Mr. McIntyre: If there is no other applications I move we accept it.

Mr. McKenney: Well I have one wait that is part of Mike's ok got you ok. All right we can...

Mr. McIntyre: Make a motion again?

Mr. McKenney: Yes go ahead.

Mr. McIntyre: Move that we approve the soccer schedule as listed here on the sheet.

Mr. Behrend: Second.

Mr. McKenney: It has been moved and seconded to approve the soccer schedule, all in favor signify by saying aye.

All: Aye.

Mr. McKenney: Opposed, any abstentions, motion carries. We have another permit it is Ed Swerdelow FC Titans is he part of your group as well, June 21 to 27, July 12 to 18, 8 am to 5 pm.

Mr. Yost: That is for a summer camp he does each year. There are no conflicts because no one else is using the fields.

Mr. McKenney: But it is not for what it is worth tell Maggie it is not, oh wait here it is, oh these are oh here is June ok.

Mr. Brown: Do you have the dates for that camp for Swerdelow?

Mr. McKenney: According to the permit it is June 21 to 27, July 12 to 18, July 19 to 25, July 26 to August 8, 8 am to 5 pm.

Mr. Brown: And where is he?

Mr. McKenney: He will be at Halmos.

Mr. Yost: Now when he came in today Maggie said there was no conflicts so I said that I had talked to him for quite a while so I figured he didn't need to be here.

Mr. Brown: Good thank you.

Mr. McKenney: Ok definitely no conflicts all right.

Mr. Carmack: Mike can I ask you a question. I am sorry back to the soccer, on Sheila's permit she asked for Monday and Wednesday at Stevens, I only see her on Wednesday at Stevens did I miss that.

Mr. Yost: Yeah this is the original one.

Mr. Carmack: Ok sorry.

Mr. McKenney: But these are all blocks of time that you have and you are going to allocate them across the organization right.

Speaker: (Inaudible).

Mr. McKenney: Ok which is what I we did not I guess we can put it in the minutes we did not approve Allentuck's permit, because that is part of your larger group. Your being Mike Wills and UCSC for the record. Ed Swerdelow FC Titans permit we need a motion on that.

Mr. Carmack: So I make a motion that we give Ed Swerdelow Halmos Park it looks like he is looking for weeks in June and July into the beginning of August per his permit, you said there is no conflicts and it is soccer over at Halmos Park.

Mr. McKenney: Do we know is that a --- or is that 501-3C routine or, it is ok.

Mr. Yost: I think he did it last year and he uses the money to hire coaches to come in and teach the clinic.

Mr. Behrend: That fits within our rules, if it is not profit making its all the cost goes into the use of the clinic that is fine.

Mr. Yost: He said it was the same as last year and we asked these questions last year.

Mr. McKenney: So Kevin has made a motion right.

Mr. McIntyre: I second.

Mr. McKenney: Jeff seconded. All in favor signify by saying aye.

All: Aye.

Mr. McKenney: Opposed, abstentions, motion carries. Do we have all of them, I think we have all the regular ones, anybody have anything else in the folder, all right now onto the National Capital Vela Club. Come on up good evening. So what year does this make this?

Speaker: This will be I believe our 16th year of putting on this race in Poolesville. I think we have had a pretty good record.

Mr. McKenney: I think so.

Mr. Behrend: We can agree with that.

Speaker: Same course as usual, the only amendment to the petition I put in in November is that we are aware of the construction of the Skatepark, unlike last year when there was the problem with construction at the high school that has been completed and I have been in contact with Montgomery County Schools and put in a request to use their parking lot for the parking this year. I have been informed that there are no conflicts with that so we will be able to go back to using the school parking lot, we have already arranged with Poolesville Baptist Church to have our staging, our registration area there. And we have reached an agreement with Montgomery County Police so we are pretty much set.

Mr. McKenney: I know this application has your proposed parking at Parcel 840 where will it be instead?

Speaker: Oh at the high school.

Mr. McKenney: Ok.

Speaker: That is what I was referring to. When I contacted the Town in December to confirm the January 3 I was told (inaudible) and that is when I went back and contacted the school and put in a formal application, which the process didn't open up until January 15th.

Mr. McKenney: You will have officials and so forth and so on like you always do?

Speaker: Yes. Takes about 120 people to put on that road and or a team of 240 so between our members, Montgomery County Police and Cycling Officials I think we do a pretty good job of trying to put out a professional type event.

Mr. McKenney: How many people do you expect to have?

Speaker: Last year we had a total slightly under 300, this year I think it may be a little bit more, the May date is a better date than what we had in June.

Mr. McKenney: So maybe 300 or so, that is just participants?

Speaker: Right plus about 100 Officials. They don't all show up at once because we split the day into 2 segments, a series of morning races, which are run basically concurrently till 3 in the afternoon.

Mr. Behrend: Yeah we did notice Dr. Pike pointed out to me your draft notice of absolutely no race parking in high school, I assume you have already fixed that?

Speaker: We will and if you like once I redo the flyer you can have it for your records but we will go back and use basically the flyer that we used 2 years ago when that is where the parking was. Do you need me to file a formal...

Mr. McKenney: Well I would expect that what we will do is the motion to approve will probably include something to the fact that discussions tell us that you are going to be parking at the high school not and even if it...

Speaker: I will get you a copy of the final flyer once we get it.

Mr. McKenney: And even if we didn't I wish you the best of luck at parking in 840 right now.

Speaker: Yeah I drove by that.

Mr. Behrend: Ok anything else. Then I will move that we accept the permit for the National Capital Vela Club race pursuant to the updated form coming in as discussed and parking at the high school as discussed.

Mr. Carmack: Second.

Mr. McKenney: Moved and seconded any discussion, all in favor signify by saying aye.

All: Aye.

Mr. McKenney: Opposed, abstentions, motion carries.

Mr. Behrend: Jim is not here for that vote.

Speaker: Thank you again we appreciate the support the Town has shown us over the years.

Mr. Behrend: We appreciate the professionalism you guys put the race on with. Good luck.

Mr. McKenney: Fisher Avenue Sidewalk Plans. That was it for permits right?

Mr. Yost: That was it. John is going to walk you through it, it is from Tom Fox to Wootton Avenue, sidewalk has been planned, it has been through review with State Highway, comments have come up a few times and they have made a few changes to it so when we bring it to the Planning Commission for Site Plan approval next Wednesday night so I am showing it to you guys, if you have any last minute recommendations or concerns.

Mr. Strong: The State of Maryland has approved this plan so they added a couple things and changed some items around and I will walk you through these. It is a PDF it looks very busy and I will point things out since I know where they are and they are a little tough to see. This is the Wootton intersection right here the State is requiring that handicap ramps be built a total of 8 of them to be installed, originally we weren't going to address the handicap ramps these 3 corners but the State has gotten very aggressive with the handicap ramps issue, there was a change in the criteria a few years ago so they are aggressively trying to address that. The alignment all the way down hasn't changed since what was what you reviewed a few months ago, that is still in play, at this area right before Luhn that is the slope that is very steep at the present time, the original intent was that we were going to put a full retaining wall there, the State came back and said no we don't want a full retaining wall we want you to put, after you build this section up a little bit, we want to go ahead and put an 18 inch retaining wall and then slope this area back in a 3 to 1 again if you know where the power pole is on this property right here the top of the slope will be there the bottom of the slope will be about 4 feet lower, so the slope does become not as steep as it currently is and also it becomes not as deep as it currently is so that improves. We will have to do some retaining wall at the entrances of the driveway to match in here and we will have to cut back in. Again the sidewalk continues there is a flume that will be built right down in this area to carry the stormwater from the roadway into the existing swale area that is currently handling the water that comes down

the roadway, that will go underneath the sidewalk and it will empty into the existing stormwater device that is there.

Mr. McKenney: Is that similar to what was done over in Westerly I think kind of, you have the large concrete slab over and there is a grate and over in the swale is the large drain.

Mr. Strong: Similar in nature this is a yard drain down in this corner here and that will stay a yard drain it will be an open grated area at like the Westerly swales they have an open grate in it the way it has been reworked so we will stay in that. Continuing down Luhn we will have to modify the guardrail that is right here and bring it through then we pick up the developer's plan that was submitted for this parcel...

Mr. Yost: That is Westerly right or is that, there is no guardrail on Luhn.

Mr. Strong: Yeah Westerly I am too far off, this just continues on down a way. All right here we go Westerly right here this is where the guardrail is that will get cut in and we will have to wrap the guardrail around and this sidewalk follows what was submitted for a preliminary plan back last year. The existing house is right in here where the horse farm is, there is a conflict that we may have or we will have with the fence line through there, the fence will have to be relocated back because it is in the right of way.

Mr. McKenney: Who is responsible for that?

Mr. Yost: Ultimately on her site plan when she submitted it Anna Vinci the 12 home subdivision she was going to have to move that back and dedicate the right of way. That has not been done yet they don't have an approved site plan as of yet, so we need to approach the homeowner and see what we need to work out with that.

Mr. McKenney: Do they have horses there right now I don't remember?

Mr. Strong: No there was no horses the last couple...

Mr. Yost: She had some this summer but I don't think right now.

Mr. Strong: And it is post and board I mean the cost of relocation wouldn't...

Mr. Yost: But we may have to eat the cost and then charge her back when the subdivision...

Mr. Behrend: Right which we talked about that.

Mr. Pike: On that plan how many driveways are there.

Mr. Strong: I'm sorry?

Mr. Pike: Are there going to be driveways going on 107 on that plan?

Mr. Strong: From the proposed plan there will be driveways...

Mr. McIntyre: Just one additional driveway from Vinci right?

Mr. McKenney: Yeah because there is one there already.

Mr. Pike: So are you going to put a concrete driveway cut in...

Mr. Strong: We are not going to cut the aprons in what we will do is thicken the sidewalk in those areas where driveways are proposed so that it can be easily tied into.

Mr. McIntyre: Are there 2 new ones on that side?

Mr. Strong: There is one here and one here yeah 2 new ones.

Mr. Behrend: That is what I thought there is 3 up there and then the rest of the development are (inaudible).

Mr. Strong: Then coming down this is right in the area of the speed cameras, we cut back over and go up behind the trees by the church and then cut back down to the corner, that is because there is an accel, decel lane there in the topo and also stormwater management would present some issues if we developed that. So this seemed to be an easy route again

the State when we got down to Tom Fox they want us to go ahead and address that ramp that handicap ramp...

Mr. McIntyre: Didn't we just change that a year ago?

Mr. Strong: Yes I think it was actually longer than that, they came up with another...

Mr. Behrend: Since we changed it they...

Mr. Yost: More than once I believe actually.

Mr. Strong: Yes it is kind of a moving target. The only area that would probably be blocked during construction on 107 and the contractor was doing the work would have to comply with it, would be that sloped area and retaining wall because he is going to have to that area is going to get very, very crowded while they are working, so he is going to have to present a traffic control plan to the State and then manage it from his work hours will be from 9 to 3 just in that area.

Mr. McKenney: And that property is the one immediately next to the last townhouse section right?

Mr. Strong: Yes.

Mr. McKenney: Ok.

Mr. Behrend: If we have any input on that traffic plan I suggest we have something said about the overflow that will go to Hughes Road and police coverage there because people are going to speed on Hughes Road to avoid traffic on 107.

Mr. Strong: We can make the State aware of that.

Mr. Behrend: That is what I am saying if we have any input we are going to need some help here.

Mr. Strong: But other than that actually the cost went down a little bit with the lowering of the retaining wall.

Mr. McKenney: Now the change in the retaining wall does that also take care of the, remember we talked about like the brick fence thing...

Mr. Yost: Yeah the first stab at it.

Mr. McKenney: Does it remove all that issue?

Mr. Strong: It removes the railing issue, the railing issue goes away, you could pattern if you wish to but remember it is only 18 inches high they do make a brick pattern form that you could use or you could go ahead and put a Facia on it if you wanted to.

Mr. McKenney: What are they most likely to use the stuff that was like over at CVS the concrete block stuff.

Mr. Strong: Probably not it is probably actually going to be cast concrete I mean 18 inches they just cast concrete they come in with a form with a printed pattern on it.

Mr. Carmack: You don't need a retaining wall down by the church?

Mr. Strong: No actually we can run the slope just run the sidewalk over top.

Mr. Yost: That is the easiest run of all.

Mr. McKenney: Those are the only areas open for a sidewalk right. Before I switch the hot seat any questions of John right now. Come up and...

Mr. Brown: Give us your name and address.

Mr. Habib: Don Habib and I live at 19514 Fisher Avenue which is part of the area covered and I think Wade had talked to me many months ago and asked if I had input and I probably didn't give him much but I wanted to know if we can still provide input at this time, in front of my house there are 3 pine trees and I know at least one of them is going

to need to be severely trimmed to do this and it probably won't look good. So if those trees, to remove those trees could that be done as part of this...

Mr. Behrend: How much are we going to impact the roots of those trees?

Mr. Strong: These 2 trees right here they are actually (inaudible) we can take a look at it once we have the --- in the area. It shows them at 12, 16 and 20, which a 20 inch, a 12 inch and a 16 inch tree was depicted there with the sidewalk alignment inside the drip line so it is up to the Town.

Mr. McKenney: So John what you are saying if it is not in the drip line that means the tree doesn't get in the way.

Mr. Strong: The roots wouldn't be impacted by the...

Mr. Behrend: Sidewalk construction.

Mr. McKenney: Roots would not be.

Mr. Strong: Roots would not be.

Mr. McKenney: But would the tree overhang a sidewalk without trimming.

Mr. Strong: According to this plan it wouldn't.

Mr. McKenney: It would not?

Mr. Strong: It would not. Now once we get out there and lay it out because surveyors don't actually go and measure the lines.

Mr. Brown: Don would you mind, do you have a preference, I know you don't want the trees to have the limbs chopped off but still have a tree sitting up in your yard so is there something that, you won't be penalized by giving us your preference.

Mr. Habib: Well my preference is to remove all three trees.

Mr. Brown: That was my thought but it does look like it is right on, I mean I don't know how we would save the trees and know you and I have had conversations in the past, I kind of thought well Don is going to want to save them and we are right on the line but maybe it is probably best they do go, they are going to be awful tight from the way it was marked off before so ok thanks.

Mr. Yost: And we tried to move the sidewalks back didn't we John.

Mr. Strong: Yeah.

Speaker: Is that a legal shed there Don?

Mr. McKenney: What are you making in there?

Mr. Pike: So if we take 3 trees out do we have to plant 3 other ones?

Mr. Strong: Well you are going to have to get a roadside permit but that is not a problem.

Mr. McIntyre: Ok so it is the 3 on the left hand side.

Mr. McKenney: Now just a question while we are kind of on this, the fence on the prior property which is Coaker's that doesn't impact anything right, yeah there you go right there.

Mr. Strong: This piece of property here?

Mr. McKenney: Well the one to the right of Don's property right there where the hand is that fence that doesn't get in the way at all right.

Mr. Behrend: It is a little bit further back.

Multiple Conversations Taking Place

Mr. McKenney: Yeah the retaining wall is right there.

Mr. Yost: These 2 trees are going to have to go too correct?

Mr. Strong: That is correct they will go.

Mr. Pike: What about the townhouse there.

Mr. Yost: That is a tricky one too.

Mr. Strong: This actually hooks around right here but we can wrap it, the sidewalk is actually about right here it comes around here and hooks back in.

Mr. Pike: And what about in front of the townhouses further up.

Mr. Yost: We had to build all the handicap ramps in through there.

Mr. Behrend: The sidewalk is on the other side.

Mr. Pike: Oh it's on the other side.

Mr. Strong: You can see there is a little green box here it indicates its owned by a gas company, gas company doesn't own it they are trying to figure it out.

Mr. Yost: It has been abandoned for a long time.

Mr. Strong: So it has got to go away but we need to make sure that the lines are (inaudible).

Mr. McKenney: So Don you would prefer to have those trees taken out?

Mr. Habib: Yes.

Mr. McKenney: Ok. Well let's see who has got a chainsaw a little firewood maybe.

Mr. Behrend: How can we make it attractive for the vandals?

Mr. McKenney: It's a Boy Scout job isn't it, you can have the Troop do it.

Mr. Behrend: On a serious comment if they are not directly impacted but would be an issue in the construction activity around the equipment whatever, and we choose to take them down, is it something that the Town eats the cost or we share the cost with the homeowner, not that I am trying to impact you Don but just laying out the legalities.

Mr. Yost: Yeah it is in the right of way so and actually we have had this situation happen before and we took the trees down.

Mr. Behrend: Ok.

Mr. McKenney: If the trees are left in while the sidewalk may not be in the drip line now the trees are going to continue to grow presumably at some point in time the roots are going to impact the sidewalk yes, lift it?

Mr. Strong: Yeah it is possible.

Mr. Yost: I think they are Leland Cyprus.

Mr. Brown: Any other resident input you guys feel free to speak up introduce yourselves, you are part of the process.

Mr. Behrend: We don't bite.

Mr. Quito: I live at 19430 Fisher Avenue the yellow house.

Mr. McKenney: I'm sorry say it again because I don't think our minute taker will be able to hear when you first started.

Mr. Quito: Yes my name is Hugo Quito I live on Fisher Avenue and Westerly.

Mr. Brown: Right there the yellow house.

Mr. Behrend: The one we have up on the screen.

Mr. Quito: And Dewberry Engineering is doing the development on my property and the engineer that is in charge is not with Dewberry anymore and Kevin is going to take over so he might need some update about how we can accomplish our development of the lot in conjunction with the work you are doing for the Town. We don't know exactly how that is going to ---.

Mr. McKenney: That's the remainder of the sidewalk, that extra sidewalk section.

Mr. Yost: Exactly and that again is part of the Site Plan so if we are going to do it we will be able to charge the property owner for that section. And on the scale of things we can get a cheaper cost because we are doing a whole lot at one time.

Mr. McKenney: Right.

Mr. Quito: When the sidewalk will be built will the entrance for the new home will be already in or will that be done later.

Mr. Strong: Sidewalk will be thickened in the area where a Site Plan shows a sidewalk. But there will not be, we won't put an apron in.

Mr. Yost: Right but if you had a State permit to put it in you could probably take it back on the contractor and (inaudible) we have all that worked out to do, we would be open to that.

Mr. Quito: I think also our plan showed that there was some place to be relocated and maybe I guess maybe we can --- plan go through and then we can just blend into it.

Mr. Yost: Definitely no we want (inaudible).

Mr. Strong: (Inaudible).

Mr. Brown: Is that big iconic tree on the corner slated to go?

Mr. Strong: No.

Mr. Brown: Good.

Mr. Yost: Trying to work around it.

Mr. Behrend: We've run into that issue before, we lost one in my area, a 200 year old tree but we tried to work around it but the root system was compromised.

Mr. Brown: I love that tree.

Mr. Quito: If you get very close to it the tree has got split in two, it has got a hollow thing, I don't know what kind of tree it is, but it looks nice.

Mr. Brown: Thank you.

Mr. McKenney: All right any other questions or comments, anything we need to go back over John, ok then I think we need what a recommendation from us to Planning and the Commissioners that we accept the plan as was presented tonight, so I can't make the motion.

Mr. Behrend: You can define it and call for it and we can move it, we just did.

Mr. McKenney: All right well it has been moved, need a second, yeah I think we do.

Mr. Pike: Ok second.

Mr. McKenney: Moved and seconded, all in favor signify by saying aye.

All: Aye.

Mr. McKenney: Opposed, motion carries, all right.

Mr. Brown: All right good thank you. Can we look at everybody else's house now Wade? Because I think from this angle you can look inside my bathroom window, wait a second hold it, that is close enough, well Cherry trees are blossoming so that is about a one week event, no it is not blossoming, no solar panels, what are those trucks doing behind there I've never seen those before.

Mr. Yost: That is your wife's boyfriend.

Mr. Brown: Oh ok that is where he parks, damn it that looks like your truck.

Old Business

Mr. McKenney: All right so old business.

Mr. Behrend: Actually Mr. Chairman if I could under new business I had a request come in from a Daisy and Brownie Troop here in Town looking to see where they could help

the Town, where they clean up areas similar to the way the Cub Scouts take care of Wootton or not Wootton Whalen Commons, I don't know what areas we have available I talked to Wade a little bit earlier about it to let him have some time to think about it, they don't have to have an answer tonight but it is something...

Mr. Yost: When do they want to do this?

Mr. Behrend: Spring clean up.

Mr. Yost: Spring clean up ok.

Mr. McKenney: Which reminds me since you are on the exact topic the Cub Scouts would like to do Whalen Commons again this spring.

Mr. Yost: Ok.

Mr. Behrend: I will get the Troop directly in touch with you is that the best way to do it?

Mr. Yost: That is fine.

Mr. Behrend: All right thank you.

Mr. McKenney: Ok Park Rules and Regulations did everybody at least look at...

Mr. Yost: Can we go to knock out Campbell Park real quick and then go back that way John can take off?

Mr. McKenney: Yes I am sorry. All right what area, proposed dog area, whose idea was that, all right go ahead John, there is some rumor floating around.

Mr. Yost: This shows the property line and how big you can have a park, we can go back to the other pictures if you want.

Mr. Strong: We held a 10 foot offset from the right of way line all the way around, also this 10 foot here was also had the sidewalk along this side the Wootton Avenue up to the park and than an entrance way to the entrance for the dog park, I understand there was a presentation last meeting for dog parks and what they require.

Mr. Pike: It wasn't real formal I think it was just...

Mr. Yost: Yeah park rules and the entrance has to be laid out.

Mr. Strong: Yeah double gated, the one thing is we don't actually have a survey of this house but we do have the aerials and we were able to do some scaling so that is not an actual survey measurement but it is about from this corner of the house to here is about 35 feet, from here to here is about 88.3, in discussions with the City of Rockville which just finished up doing their dog park at King Farm the noise levels in a dog park can get quite loud because dogs bark and carry on, you are looking at something along the lines of 120 decibels for a barking dog that is not a little dog, a big dog...

Mr. McKenney: Where is Butch with the Skatepark decibels.

Mr. Pike: 120 is pretty loud.

Mr. Strong: 120 is the same as a jackhammer.

Mr. McKenney: Really ok.

Mr. Strong: And actually it is more annoying because it is not a constant loudness it is an up and down loudness so you tend to hear it more. The County for a commercial kennel recommends 200 feet although they allow 100 feet as a setback from adjoining properties, so you do have a fairly close house here, gravel parking lot stays the same. DC government you have some guidelines, DC government uses a minimum of 5000 square feet for their dog parks, if you go to Germantown you go to Black Hills, Black Hills has about the same square footage area except this distance here its 74 up at this end and it is about 33 down at this end, different configurations. Speaking with the City of Rockville the fellow who did the design work within their park systems for those parks,

his indication was is you want to go ahead and make sure you don't have any closed in angles where the dogs can go ahead and one dog can dominate another dog and get them into a corner, always leave that flight pattern available. This area the center of it they tend to make a stone dust easy to maintain easy to take care of, they leave about a 10 foot space around the edges of the fences for grassed area just an aesthetic concern...

Mr. McKenney: So most of the inside area is crushed gravel?

Mr. Strong: Crushed gravel for what they do for the large dogs now they have a large dog and a small dog pen, one is a 25 pounder and the other one and the 25 pounder is almost all grass, for the large dogs and in Montgomery County the two Black Hills in Germantown they don't have a differential fence it is just an open area. Not being a dog owner who has taken dogs to a park like this and speaking with those that do take them to parks actually they kind of, it is like the skateboard people they go from park to park to park and it is a bit of a social networking deal too.

Mr. Behrend: So we may have more than just the people in that area bringing dogs, we may have people from out of town.

Mr. Strong: Rockville handles it in an interesting way you actually get a code, they have a code lock here are some pictures that I took where they have a push button code entrance, Montgomery County does not they are just a latch that you open up and you walk in.

Mr. McIntyre: Do the users you have talked with have a preference between the stone dust and the grass or...

Mr. Strong: Actually dogs being dogs beat the grass up pretty well because usually they are running and their claws are tearing it up, the other thing is maintenance of manure and urinary functions they kill the grass rather quickly. The tended to stay away from the fence lines they dogs do they tend to stay where the owners are so if the owners are near you know there is usually a couple picnic tables or benches you are throwing something out for the dog, the dog runs down and gets it and comes back, back and forth, back and forth and the both Montgomery County and Rockville supply mitts the plastic mitts and a trashcans.

Mr. Behrend: I was going to say with the urine do we have any runoff issues with I&I?

Mr. Strong: The recommendation is that you do not construct this within 50 feet of a waterway, also that the slope not exceed 20%, that is due to an erosion issue so those are some...

Mr. Behrend: So essentially we really don't other than basic things, we don't have to worry about ground table issues, we don't have to worry about surface water conducting high nitrogen content into our sewer system.

Mr. Strong: As long as you keep it picked up fairly well.

Mr. Behrend: Can we do anything with the sound issue with plant life or retaining wall or sound wall or stuff like that?

Mr. Strong: You may be able to, we didn't look at it. The fencing is 6 foot black vinyl chain link fence.

Mr. Behrend: I realize that would add significantly to the cost but just thinking.

Mr. McKenney: So do we have, have we gone as far as costing something like just this out?

Mr. Yost: If you just want to put a fence up?

Mr. McKenney: Thinking fence and the stone dust probably.

Mr. Yost: Its about 23 bucks a linear foot.

Mr. Strong: Yeah we ran it, it is about \$14,000.00.

Mr. Behrend: That is for the fence and stone dust.

Mr. Strong: Fence and stone dust.

Mr. Brown: No improvements to the parking lot needed?

Mr. Strong: No improvements to the parking lot, that doesn't include the sidewalk.

Mr. McKenney: And it does not include any kind of shrubbery along the fence line?

Mr. Strong: No shrubbery.

Mr. Pike: Signage?

Mr. Strong: Signage, no signage. At the other dog parks it is everywhere they post the regulations I mean repeatedly and Montgomery County does also kind of a nice thing they have a survey box that looks like a little birdhouse and you can pick it up and write your comments down and throw it in the survey box, you know how are we doing type thing.

Mr. Brown: And if people put bags of poop in that box then we know.

Mr. Strong: That you ain't doing it right.

Mr. Behrend: Or our vandals are back.

Mr. Brown: Right.

Mr. McKenney: Now that you mention it I don't think it was Montgomery County I think it was Rockville that had a code to put in...

Mr. Strong: That is correct they have a it is a push button panel outdoor type thing it is mounted on the chain link fence and you actually input your code that you get from the city and you are actually a member, I did not ask if they charge for that to use the park but yes you have to have a code and you have to call City Hall to get the code.

Mr. McKenney: Did they indicate what the rationale was or why they did it or what they thought they were going to...

Mr. Strong: I did not question it it was something I noticed when I went out and visited the park. The fellow there is named Mark Kelowaski and he seems to be, he actually did the design work for the dog park and dog parks and they do provide a little cover area between the small and dog so you can on a hot summer day go sit down.

Mr. Carmack: And that is not in the \$14,000.00?

Mr. Strong: No all that is in the \$14,000.00 is stone dust and the gates and the fencing.

Mr. Behrend: Do we have any water taps nearby if we chose to put a fountain in there?

Mr. Strong: There is a water main there and I can't recall I think it is on this side, sewer is on this side, I think the water is on this side.

Mr. Behrend: Ok so it is reachable.

Mr. Strong: Yeah. Checking the weather?

Mr. Yost: That is right.

Mr. Strong: Let me tell you it is snowing a lot.

Mr. Yost: I know.

Mr. Behrend: Why do you think Preston is not here he is sleeping getting ready.

Mr. Yost: He is going to Texas next weekend.

Mr. McKenney: This storm just came from Texas didn't it?

Mr. Behrend: Yeah Gulf Coast.

Mr. McKenney: Well what do you guys think?

Mr. Brown: You guys I like the idea of it but I think if I am that homeowner I was talking to Wade about this, if I am that homeowner that has got to be an issue for me and I know we know this person is there has been some difficulties there before...

Mr. Yost: Actually both of the properties, both of those houses.

Mr. Brown: I mean they are not going to love this by any way, shape or form. So we have to determine really is that something I mean I love the idea of it I am in favor of it but I sure as heck wouldn't want it next to my house.

Mr. Pike: Well we just make a recommendation.

Mr. Yost: Well it is good I can go to the Planning Commission for their approval of any park system. So how far do you want to get this before you present it to them I guess is what...

Mr. McKenney: I think what we probably I mean I'm in favor of it too but I got the same concerns you do, you know what kind of problems are we going to have.

Mr. Pike: What did the survey say, anything about a dog park?

Mr. McKenney: It did in all honesty it wasn't high I will tell you that, it was not a high priority. And I forgot to bring that stuff with me.

Mr. Pike: That's ok but it was on there.

Mr. McKenney: It was on there it was either a response or I think it was one of the items to list right, it was rank these in order.

Mr. Behrend: We are also talking 2 to 3 budget years at least out so 3 to 4 calendar years unless we get some large...

Mr. Yost: There are grant monies out there for dog parks.

Mr. Behrend: That is a large --- I mean if we get the grant money yeah lets beef it up, but if we are just looking normal resources we are talking 2 to 3 years probably in budget time.

Mr. Brown: I definitely think it is a great idea but I am concerned about the residents and we have to decide, I mean I have never been before where we brought into almost certain resistance I would imagine to this.

Speaker: Can I ask a question?

Mr. Behrend: Off the record.

Speaker: Can a resident stop something like this, do they have that much power?

Mr. Behrend: Its what the Commissioners choose to do. We definitely have always tried to take your input, sometimes negative input is the only input we have had, as you know we usually have empty rooms here, but can they stop it not necessarily unless the Commissioners agree with them. If they convince 3 Commissioners yeah they can stop it.

Mr. McIntyre: All right Kevin and I were just talking that whole lower area on West Willard soccer field, I mean West Willard they use it they split it in 2, but that whole section down my Westerly there is a whole area there that is not even used usually. But then Kevin made the comment would people want to go that far whereas here the walk is right there and...

Mr. Pike: Plus the well house is there.

Mr. McKenney: On the other end because it slopes down.

Mr. Brown: Plus there is a lot of, there is this population centralization right here to in terms of people that don't necessarily even have yards for dogs either so it kind of makes

sense that that is still a great centralized place to do it. The other site would be good in terms of opposition but that is the cost in trade-off I guess.

Mr. Pike: It could be worse than a Skatepark.

Mr. Brown: In terms of what?

Mr. Behrend: If we are going to go forward we definitely need to have public input at this point.

Mr. McKenney: Well the alternative is in my mind if you had this was not something we discussed in the other committee but if you get push back there is room to put it next to the Skatepark it is equally centrally located and noise would be much less of an issue, now it may mess up any kind of future building I don't know how we can put that in.

Mr. Behrend: Take out what is there.

Mr. McKenney: And maybe you don't end up putting in that tot lot that we kind of proposed to put in there now but then you are still left with Campbell Park and a park that is not really used much, part of the idea was to try and find ways to use parks that are under utilized so kind of stuck.

Mr. Brown: You can always kick it back to the Parcel 840 Committee to see if that was an appropriate use for it.

Mr. McKenney: What I think I would like to try and do first I mean do we have enough of something in our mind to...

Mr. Yost: You've all seen the Master Plan on this.

Mr. McKenney: Yeah.

Multiple Conversations Taking Place

Mr. Strong: Water quality swale area for the, we can't change the grading in there and changing it and putting in stone dust would be like...

Mr. Yost: Yeah stormwater management is a huge issue.

Mr. Pike: Where would the Community Center go?

Mr. Yost: This whole section up here.

Mr. McKenney: So it is that section across the top where there is scheduled to be some open area and maybe a tot lot...

Mr. Yost: You said a tot lot and pavilions.

Mr. McKenney: Yeah and pavilions where is there any estimate of square footage up there.

Mr. Strong: No.

Mr. McKenney: Well it is about the same size at the Skatepark so.

Mr. Brown: And you know also too my first concern was still trying to find usage for Campbell Park because that is where this originated from but I mean there is a small something to be said about that if you were to and once again this is we know how this talks in terms of budget timeframes but putting pavilions up next to the Skatepark and then having a dog area on the other side of it that is basically removable at any time I mean it is not permanent by any means, there is something to be said that that adds up a little bit of a possibility that I wouldn't mind I think Parcel 840 could talk about that a little bit more, these people have better grander plans but...

Mr. Yost: And I think that when this does go beyond this Board and the streetscape with a 6-foot chain link fence on Fisher Avenue is not going to fly.

Mr. Behrend: Oh no they will flip.

Mr. Yost: Yeah exactly. And I don't know if the fence has to be that big.

Mr. Behrend: Well looking at what we got from the California thing it sort of fits. Some dogs have to have even higher fences that they can jump like Akitas.

Mr. Brown: I think we can pull that in a little bit and landscape it so that it would look good, I don't want to necessarily have that be a deterrent to having it there.

Mr. Behrend: Shrubbery in front of it.

Mr. McKenney: Yeah that is true.

Mr. Brown: So it could be made to look very, very presentable.

Mr. McKenney: I guess we got 2 ways to go with this then we can say lets float the balloon which essentially would mean Wade I guess you approach the neighbors right and say we are thinking about this, come to the next Parks Board Meeting, or we propose not to do it at Campbell Park and we propose to bring it to the Parcel 840 Committee and say hey we had this idea don't really think it works here maybe works there. Frankly I would prefer to go to the neighbors first because that was the original intent to try and make a property more usable and see what happens. I think you are right I think they are going to bog...

Mr. McIntyre: And with the fencing I mean it doesn't have to be 14,000 square feet you said there were some smaller...

Mr. Yost: Well we had the smaller too and John did I said well let's maximize what we can do to see...

Mr. Brown: And that whole area could be made to look better still and have the fence behind it, but I think that is a great idea to move, is to attempt to get some good resident input on this and maybe even approach it in such a way that we are asking if this were to happen what would you want to consider in terms of screening and things like that versus because I think you are going to get a resounding no from both of them unless we come up with kind of a decently comprehensive plan about how we can picture it being done.

Mr. McIntyre: Well the one homeowner on Fisher already has huge trees.

Mr. Yost: Yeah right.

Mr. Brown: Exactly and that is definitely one of the ones that will be, unless we handle it the right way which I don't know if there is a right way or not but the goal was we have something we want to do and we kind of like the idea of the dog park and we have a park that we still have not been able to find a use for for God knows how long, we have a parking lot that is ready to go and this is something that a size that fits this a size park that fits this usage. And I bet if we put the idea out there that we are liking the idea of a dog park I'm for sure people are going to have resounding, besides those 2, a resounding that is a great idea, location is great for the people in the townhouses.

Mr. McKenney: Right.

Mr. Brown: There is a lot of pluses.

Mr. Behrend: That is also answering part of what Kevin was saying yes those 2 may be very --- but the rest of the Town may be equally so saying yes it is something we need and that is the choice we make of ok what is the more important value.

Mr. Brown: The greater good. I have kicked it out to a few people just saying that we talked about it and I don't run in the dog circles per se, I have a dog but people just thought it was a fantastic idea. I mean they people get all nutty about their dogs socialization and walk to Town and etc.

Mr. McIntyre: Walk along the new sidewalk on Fisher Avenue.

Mr. McKenney: Across the street.

Mr. Behrend: Since Campbell Park came to be we have never had a good use for it, in part because of the design of it which is all chopped up, it was leftover lots the builder couldn't use.

Mr. McKenney: John in the meantime could you see if there is something that could be done with respect to sound.

Mr. Strong: Sure.

Mr. McKenney: I mean if there are other dog parks built in a more urban environment and if they have baffles or I don't know.

Mr. Brown: Yeah I would like to know that before we approach the residents because I think that is going to be an interval part of how we are...

Mr. Behrend: And say here is what we are thinking about.

Mr. McKenney: And yes it is probably be (inaudible) at cost but if this is kind of a planned project it is not going to happen till the end of this year anyway.

Mr. Brown: I looked a little bit at the grant part of this too and there is no, they are not saying oh \$15,000.00 is the most you can get for a dog park I mean you can apply for what you want to apply for and if it takes \$10,000.00 to do the sound right.

Mr. Pike: Rising Sun is getting \$142,000.00.

Mr. Brown: There you go exactly I mean there is big money so a comprehensive plan could easily or hopefully one day be --- the way we want it to be.

Mr. McKenney: All right so then do we need to wait a month or just wait till John gets back with some sound.

Mr. Yost: Whatever you want to do.

Mr. McKenney: Do you guys want to wait for John to come back with sound information or just wait for him to get it to Wade and...

Mr. Behrend: We could wait and then you could fish it out to at least the 2 neighbors to start with and maybe...

Mr. Yost: We can have a discussion the next meeting.

Mr. McKenney: Ok that works.

Mr. Brown: And just on a side note which cracks me up the one I saw in California which was a wild multi-tiered dog park because it is an urban area in Los Angeles it is the only place people really can take their dogs, it was great John reminded me of a survey and a bulletin board there you know what was on the bulletin board more than any other card, dog therapists, all over, I was like this is Los Angeles, California, dog therapists, so if your dog is inhibited you can see how it socializes with the other dogs inside the thing, well here is your guy you can talk to the dog whisperer or whatever.

Mr. Strong: My wife ran a veterinary clinic I can tell you all kinds of ---.

Mr. McKenney: Thank you John.

Mr. Strong: You are welcome.

Mr. McKenney: All right Skatepark Grand Opening.

Mr. Pike: When?

Mr. McKenney: Well I don't know if we keep getting snow it is going to be a while.

Mr. Yost: June-ish.

Mr. Pike: After school.

Mr. Carmack: Probably Saturday.

Mr. McKenney: You know what would be great to do a grand opening the day after school closes but maybe the weekend after if it can be timed that way.

Mr. Yost: I don't see why not.

Mr. McKenney: If you do it the day after you are only going to get kids you are not going to get any adults really.

Mr. Yost: So if it is complete before than are we going to keep a padlock on it until opening.

Mr. McKenney: Yeah you and Preston will take turns standing guard.

Mr. Behrend: What we did with Stevens Park is it was open and used and then we had an official grand opening day and we got Mr. Stevens out there and the whole bit.

Mr. McIntyre: Got a name for the park yet?

Mr. McKenney: Yeah that is the other item.

Mr. Yost: Well you have your recommendation it didn't make it to the Commissioners agenda yet we had quite a bit of stuff on Monday night so it has been pushed back.

Mr. McKenney: Ok well what kind of ideas do we have I guess I'm kind of looking mostly to you Jim and Butch?

Mr. Brown: Well I've been talking to Butch about it a little bit and we are just not really prepared today in February but we know the date is coming, but Butch either suggested that we potentially have a exhibition of people there that will come in and do you know maybe some known skaters could potentially come in and put on an exhibition and then have a ribbon cutting with obviously all the important people that are part of it and then turn them loose inside it and have the professional skaters there to not only give tips but also to be like luminaries because those are some of the guys the kids really look up to in addition to our wonderful State Senator and everybody else who has contributed sublimely to it, so that is what we talked about, had a little discussion about it and just basically centered around having an exhibition.

Mr. McKenney: That sounds good.

Mr. Brown: It is something that would be a lot of fun, a good way to get going.

Mr. Yost: We will get Cathy Bupp the Event Coordinator, Recreation Specialist in with Butch and Jim and she can do some of the footwork on it.

Mr. Pike: Will we put a plaque from the State up?

Mr. Yost: Yes we will.

Mr. McKenney: Off topic but when you stepped out for a moment Jim...

Mr. Brown: Sorry.

Mr. McKenney: No, no, no that is fine, what I wanted to ask is that you put the National Vela Race on your email thing primarily so that businesses in Town can be prepared for the fact that they have 2 to 400 people any one time and they deal with...

Mr. Brown: That is great they are all on my list now so that is good ok.

Mr. McKenney: Anybody else got any new business or old business since we kind of, all right Jim you are up.

Mr. Brown: Are we not doing Park Rules and Regulations?

Mr. McKenney: Oh I'm sorry I forgot. All right so this should if you looked at it printed out it should include all the changes that we made. I know that our Town Attorney said that we can use the term Town Official, you know its up to you guys. In this latest --- I took the term out so it is not in there but I think that there are at least that I know of at least 3 members of this Board who have either told people they need to go park elsewhere, or shoo them here or shoo them there because that is what the Parks Regs say and that is what you are supposed to do.

Mr. Carmack: I thought you said shoot them.

Mr. McKenney: Shoo them.

Mr. Brown: I thought you said shoot too.

Mr. McKenney: Yeah Cathy make sure the first word is shoo like you what you wear on your foot not shoot. And whether Town Officials in this thing or not I don't think it is going to change anything anybody is going to do.

Mr. Yost: Me neither I think it is an individual person and how they...

Mr. McKenney: Right.

Mr. Yost: Or push the issue because of the liability of it.

Mr. McKenney: Speaking of the idea of shooting though, you see on page nine under weapons I actually tweaked something because it wasn't technically correct I believe. No person shall carry, possess, or discharge a bow and arrow, dart, firearm, and a firearm is not what we had it with BB gun, air soft gun, and paintball gun because that is not a firearm so dart, firearm, gun to include but not limited to BB guns, air soft guns, etc. if you come up with a better term I am open to that too but it wasn't a firearm by any means.

Mr. Pike: We are going to add Elgin Park and Perkins Park even though they are not even here.

Mr. Behrend: Yes.

Mr. McKenney: The other thing that I did that we talked about a little bit on page 10 we talked about the following activities are prohibited upon park property except by prior written request, Parks Board recommendation and approval by the Commissioners, what we as a Body still have yet to get to though is some sort of form or a piece of paper that says I'm applying for an exemption to this rule, the CEDC wants to have the chili beer thing on Whalen Commons.

Mr. Yost: I've talked to individual Commissioners about alcohol in the parks in general and some say it is ok and some of them have said no way this is not the way it should be, this is a family community and there shouldn't be alcohol in the parks period. Do you guys even want to talk about that issue and have a recommendation for that?

Mr. McKenney: I think as a general rule there should be no alcohol in our parks, I think if we have certain events that I don't want to say warrant it, that is not the right word, but where it may be appropriate or a special thing or it is regulated like the proposal is for the kind of heard from CEDC and it is an exception process, I don't see anything wrong with that, now that is speaking for me.

Mr. McIntyre: I like the way you have it worded though it has to be a permitted thing, we have to talk it out with whomever and give our recommendation to approval and then have the Commissioners sign off because it is an exception to parks rules. The Commissioners don't mind having the final say.

Mr. Yost: No that is appropriate.

Mr. Behrend: The general rule, we have always had no alcohol in the parks, yes it is sometimes honored in the breach if somebody has I was informed at one point by certain officials of oh at the movies or at concerts what are you going to do inspect everybody's cups, when it is kept concealed, it is also usually kept controlled. So we don't go around and sniff everybody's cup or their breath but to have it actually out sponsored by the Town in some manor or form which is in there, I worry about the legalities of it that do you have to have a rule like when you take a brewery tour sorry you get two 1 oz. cups

and that is it, ok you are limiting your liability there, but I worry about the concept of somebody being there having 3 or 4 beers going out crashing into somebody we are liable, you read the State laws on drunk driving, we are liable and I have concerns there. Could you conceivably have a function where alcohol would be permitted, yeah I can see the possibilities.

Mr. Carmack: Are you even allowed to have open alcoholic containers in public?

Mr. Behrend: Not in most parks.

Mr. Carmack: So why are we...

Mr. Behrend: Around the region.

Mr. Carmack: How can we authorize it if it's against the law?

Mr. Behrend: Its not against the law, its against the rules. But if you go off of park property that is where you get into if you are having an event like a wedding in a park, there is a permit there for having champagne because the County will do that and it is event driven, it is location driven, can you walk around town with your beer or your Mad Dog 20/20 in a paper bag no that is open container law violation but if you are in the park at a special event then yes legally you can do that, you walk out of park property with that or off that designated property you are violating the law.

Mr. Brown: Doesn't the permitting process though I mean basically lines up the restrictions for that in terms of like a beer garden.

Mr. Yost: It has to be an enclosed tent, there has to be a police officer outside the tent, yeah there is...

Mr. Behrend: There is a lot that goes with it.

Mr. Pike: It may not even happen.

Mr. Behrend: Understood.

Mr. McKenney: But the intent is to give us the wiggle room that we need to say yes we think this is a good idea, good event, it is properly covered, look we got a permit from the County or we are going to get one from the County, this is what we need to do, we are going to have a closed area etc., that yes we could then recommend it to the Commissioners and the Commissioners take the final stab at it. Jerry you want to say something.

Mr. Klobukowski: Jerry Klobukowski 17300 Fletchall Road. People tell me generally I don't know what I am talking about and that may be true but in this instance I do, my father ran a bar, a successful one for 25 years of his life and I saw what he had to go through and I saw the liabilities that he could have suffered if some of the things that happened on the road were the result of him serving somebody a drink. You say it may never happen, but it could, and it might and the liability the Town would suffer I think would be more than what we really considered tonight. You open it to one area people are going to say well why not Stevens, why not here, why not there, the Knights of Columbus which I am a member of so is Tim, used to serve beer at Poolesville Day and they put the kibosh the Poolesville Committee the old one not the new one of people serving beer at Poolesville Day. Now if they could do it there, can't do it there, then why can you do it a park under a specific sanctioned government activity, I think its something you don't want to get into, I think people will stretch the rules, and I think it will end up being detrimental to the Town. I've seen fatal accidents up close having nearly been run off the road myself by a group of people and they paid the price but that is another story, but I know what my father went through, I know what happened with the

laws in upstate New York and they are the same here right now you are liable, you are the one who will be on the hook, the Judge won't care, the jury won't care, you are the one who is going to be responsible and I don't care if there is a cop standing out in front of the tent that doesn't mean anything, is he going to give everybody a breathalyzer test when they exit, because if he doesn't and they exit and they have an accident it doesn't matter I mean I think having grown up in a bar and seeing people I sometimes wonder about the 1.4 that woman had that is obviously over the limit but sometimes they can arrest you just because they believe you have been drinking, it doesn't have to be the 0.8 it can be anything else and you can you will have to go to, the person would have to go to driver's ed classes and that happened to a guy I know at work, the cop pulled him over, he didn't blow the thing but he ended up because the cop has the ultimate authority to make a decision, yeah you can all pooh-pooh and you can all say tehehe about the guy who has it in the covered cup at Whalen Commons on movie night that is one thing you can you have plausible deniability then. When you do this there is none, it is a sanctioned event by the Town and whoever sanctions it also is going to have to get a liquor permit for the County, I mean there is a lot of good ideas, I like the idea of a Chili Cook-off but when you throw in the booze aspect that all of a sudden just turns me off and I think if you go around to other places they may allow it but I know like Wegmans Supermarkets in upstate New York they card everybody, you have a 6 pack of beer I don't care how gray your hair is you have to pull your ID and show it to buy a 6 pack because they got I guess accused of being age discrimination or something but that is another story. I just don't think it is proper, I don't think it is right, I think it opens up us to a lot of things that we don't want to consider that we because it may be too hard distasteful we want to be nice, I don't think this one instance we want to be nice, I would rather us be safe, I don't know what else I can say.

Mr. Behrend: You make a point in there the one group we have had come forward is the Chamber of Commerce respectable group, you could have another group that is not respectable come in, how do you define yes we can do you, but no you can't do it, that is some of the precedents we have to think about as we are looking at it.

Mr. Klobukowski: There is a clean up aspect after that. I know from personal experience we sometimes can't get people to clean up the church hall up at St. Mary's after their functions, so then you are going to have beer bottles and stuff if somebody steps on a beer bottle a glass even if it's a plastic glass you are liable, the old story of the Boy Scout Klondike Derby or whatever camp out that they used to have at this one farmer's field, I was told this by a guy named Jim Messimore who used to be in Scouts worked for the same company I do and a woman wanted to see her son at night so she is walking through the field, she sprained or broke her ankle, she sued the farmer, she is walking through a field, you have no idea, you have no expectation you could hurt yourself, you just think this is a paved road and you sue the farmer, so what happened, the farmer said no more Boy Scout or Cub Scout stuff here, he didn't want it that is it. I think people may have the best intentions but when certain things happen the lawyers come out of the woodwork and no one wins, only the lawyers they are the only ones who really win.

Mr. McKenney: Thanks Jerry.

Mr. Klobukowski: You are welcome, have a good evening. Like I said my offer still stands 20 bucks a rule.

Mr. Yost: Ok are we going --- for now.

Mr. McKenney: I think so.

Mr. Yost: I have some comments I'd like to talk about on section 4 granting the permit.

Multiple Conversations Taking Place

Mr. McIntyre: How do you tell one group no.

Mr. McKenney: Well its prohibited and then we can make the recommendation.

Mr. McIntyre: If my daughter is 18 years old and we want to have a wedding at Stevens Park and we want to have alcohol (inaudible).

Mr. McKenney: Whatever the next step is and I think it is I don't know if it is an exemption request form or something that you have somebody fill out but I think we need to consider something like that and then it is going to have to have, what are the things you are going to need even for consideration, the County permit, this or that, whatever and then somewhere on that form can indicate that granting of this exception is at the sole discretion of the recommendation of this Parks Board and the sole discretion of the Commissioners and one may get it and someone may not and the best you can do is put it out there and say its at the sole discretion.

Mr. Brown: How bout this what would you think about asking you know I hate to ask our Town Attorney to do anything because it always cost money to do that, but we do have kind of a sticky wicket here and he is not a lawyer he plays one on Monday nights sometimes but he is not a lawyer and I would really like to get a real legal opinion on it because if that is true what he said is true than it is probably not even worth having the exemption process, if we really are going to be on the hook in a big way. So can we ask him to give us a legal...

Mr. Yost: I already put it on my notes to ask.

Mr. Brown: And have it for the next, we can do it for the next, if we have something before the next Parks meeting and then we can take it from there because to me it really hinges on that I would be I'm not sure where the Commissioners are going obviously there is one no and I remain to be swayed on it because I do want to hear what the legal opinion is.

Mr. Behrend: That is the big sticker.

Mr. Brown: If we offer the exception and the Town is on hook by the means of offering the exception than it is a no.

Mr. McKenney: Yeah if the Town is on the hook and LGIT doesn't cover it somehow than I think yeah.

Mr. Brown: And then it is a matter of that we still have something to discuss in terms of what do we come up with in terms of, if that answers that question than we have got to solve, how do we tell some people yes, some people no, I mean I don't have a problem with it but that is one thing worth discussing, so we are good for that Wade until the next go round then.

Mr. McKenney: Yeah I think so.

Mr. Behrend: If we can get to where that is the only thing we got hanging out there that is great.

Mr. Brown: And we are not pressed on this right, when do they want to start?

Mr. Yost: Oh it is for 2011 anyway, they have to go through the budget process first and they have not cleared that hurdle yet.

Mr. McKenney: To me I completely understand where Jerry is at but I know so many communities that have events and there is alcohol at them and I have to believe that if the

liability risk was that high they wouldn't be having these events because you are talking cities and towns significantly larger than us that have much deeper pockets if you want to go sue somebody but lets definitely find out what it is and where we stand.

Mr. Pike: Will you turn to page 10 for a second. The use of tobacco products or drugs are prohibited, how bout illegal drugs are prohibited, put illegal in front of that, what if some mother wants to give her kid some Tylenol.

Mr. McKenney: Well as long as there is no Town Official nearby I think we are ok.

Mr. Pike: Well why have it then, why not have illegal drugs.

Mr. Behrend: I would change it to illegal drugs.

Mr. McKenney: Yes we can put illegal in there.

Multiple Conversations Taking Place

Mr. McKenney: Moving along, wait Wade had a question, granting a permit, we have to leave this in for now right?

Mr. Yost: Well it is not going to pass this right now but if the proposed language we are moving forward with that they will have the public hearing on does say that and a Board of Zoning Appeals wouldn't look at a denial of a permit because they deal with zoning issues, on page 12.

Mr. McKenney: But what is going to happen now is if you guys approve it the level of appeal is us.

Mr. Yost: Exactly but that is the way the Charter is reading right now.

Mr. McKenney: Right so we need to fix that ok well how long before all that takes effect. I know in practice that is what is happening now not entirely but a lot.

Mr. Yost: We introduced a Resolution and all the amendments on Monday, we have a public hearing scheduled for March 15 and then it has to hang on the wall for 40 days and then on the 50th day it becomes law.

Mr. McKenney: Ok.

Mr. Yost: So they will adopt it April 1 I guess.

Mr. McKenney: Ok so we can reword this granting a permit, what is it Town grants the permit now, or the Town will grant the permit right?

Mr. Yost: Right so yes exactly.

Mr. Behrend: Town Manager or designee.

Mr. McKenney: Right.

Mr. Yost: And I also wanted to change the submittal for the fall permits by June 30th to July 30th.

Mr. McKenney: Ok.

Mr. Yost: Which I think they actually did it that way last year.

Mr. McKenney: Ok so we will be the appeal process right.

Mr. Yost: Yes.

Mr. McKenney: Ok so I will tweak I'll move that around.

Mr. Yost: And that is it.

Mr. McKenney: Yeah I knew when I looked at that, that that was going to change which is probably why I didn't look at it anymore but I had forgotten to look at the appeal level. All right anything else, anybody else? I got Jeff's name spelled right, I got Kurt's name spelled right, I got my name spelled right.

Mr. Yost: Can we talk about the Skatepark stuff?

Mr. McKenney: Yeah.

Mr. Yost: And you guys may want this language going forward. What doesn't work for me or Staff would be to have them because they are here in the morning they do the wells every morning, they open up the parks when they are doing it on the weekends, for them to come back midday or at different times on the weekends that overtime is going to be piled on and my recommendation to the Commissioners will not to have that happen.

Mr. McKenney: Well I am missing what you mean.

Mr. Yost: You have specific opening and closing times on weekends and different times of the year and things.

Mr. McKenney: No we took that all out didn't we.

Mr. Pike: What page are you on.

Mr. Yost: 14.

Mr. McKenney: Yeah it should just say open at 8:00 am and close at sundown.

Mr. Yost: Oh ok because what I printed off unless it was taken out and it wasn't stricken.

Mr. McKenney: Well how do you have yours printed, mine is bubble, yeah it at one point in time when we first started it said July thru September, Monday thru Friday 8 to 9...

Mr. Yost: That is what I have here.

Mr. McKenney: Ok you got an older one than...

Mr. Yost: You typed it up the other day when you sent it around.

Mr. McKenney: That is weird.

Mr. Carmack: This is the one I printed out today and that is the one you sent out.

Mr. McKenney: Ok yours has got it struck out right lined out, does yours have arrows through it or lines through it.

Mr. Yost: You know what there is a purple line underneath July through September so maybe that means that's a strikeout, it really came out a weird color like purple...

Mr. Brown: Because it has got manned facility with a question mark and that is gone.

Mr. Yost: So maybe that is what it is.

Mr. McKenney: Yeah there should be a line through all of it, Kevin has got a line through all of that.

Mr. Yost: When it printed I was thinking wow he has got all kinds of colors going on.

Mr. McIntyre: But we decided at sundown it was going to be closed, I mean you are talking overtime and whatever it means somebody would have to come by Saturday and Sunday at sundown.

Mr. Yost: Well they do, all the parks they close, yeah one swoop in the morning, one swoop in the evening I mean that is just kind of.

Mr. McKenney: So this one might be the easiest to read because it doesn't have a line through it, it has got it takes stuff to delete and moves it off to the side. Do we want to talk about Tim's...

Mr. Pike: Next time.

Committee Reports

Mr. McKenney: Next time that is fine. CEDC while we are waiting for Jim to get caught up.

Mr. Pike: Well the last meeting was I missed it because of the change of date, now they are back to the 4th Wednesday of the month. The only thing we have coming up is the Business Fair April 10th that is still early, I will let you guys know about that, but nothing else we are waiting for our budget.

Mr. McKenney: Wade would it be easier if I printed out one of those and dropped it off.

Multiple Conversations Taking Place

Mr. McKenney: All right Jim Commissioner reports.

Mr. Brown: I have one question for Wade on the Forest Conservation (inaudible).

Mr. Yost: Yes.

Mr. Brown: So we started off actually a couple things from Jerry which were interesting, you guys saw the Poolesville High School and the Challenge Index from the Washington Post that is pretty big news, we ranked number 5 ahead of all the other down county schools, Churchill, all the ones that Wootton everybody else, pretty interesting. But if you go into the Washington Post website and look at it the way the Challenge Index is put together its kind of it just doesn't stand out and say well Poolesville is the number 5 ranked school in the entire area, there is a lot of factors that go into it, without a doubt it is great news and great for the kids and their high school diploma and a testament to the school too and what they have done. Jerry and I both were actually on an anti-bullying committee that is being formed through John Poole but will actually be expanded throughout the rest of the schools depending on how it takes off. Kind of an interesting committee and I have heard some I was really shocked I heard some stories about some of the I've gotten some of the insider with the bullying stuff that goes on at the schools and I was actually really surprised at some of the stuff that takes place in our middle school and even in our Monocacy and Poolesville Elementary so kind of digging into that I think Jerry or myself will go to all the meetings and kind of figure out what they have going on, not really a big Commissioner item but just interesting from our perspective. We had a great presentation from Gail Allen on the Ethics Commission about Financial Disclosure Statements automation so heck of a presentation, great idea, all of us were absolutely in awe of how expensive it was so she has to go back and see through either sharing with other towns or how can we get this to be the numbers were in the 6 to 7000 dollar range for the initial software setup and then very low maintenance cost after that but that was still just astounding to us for what it takes to fill out the paperwork etc., we had to enlighten some of the Commissioners and everybody else in the room about the work that the Ethics Commission has to undergo when it is done on a paperwork standpoint versus having it be automated, and then we had further discussion with some of the Commissioners about personal data being exposed even though it is a public document and we probably wasted too much time on it but they did a good presentation so we will see what happens with that. They definitely have to come back with a lesser number I hope they do.

Mr. McIntyre: Jim is the financial disclosure of like the Town?

Mr. Brown: No for our elected officials and also too there is others on that list besides us.

Mr. Yost: Some Town Staff, Planning Commission anybody that really makes decisions that there could be a conflict of interest with other issues going on in Town, they are talking about having the Parks Board actually do it also, a lot of towns they have everybody that is...

Mr. Brown: Yeah appointed or elected.

Mr. Yost: So that is something they are looking at also. The Code Enforcement Officer might have to do it, he should I think.

Mr. Brown: Yeah me too. So there is if there is a possible expansion of that and if it does trust me the paperwork is a pain and I am sure the Ethics Commission has a problem has difficulties with it too, there is no repeat, every year we have to fill out all the forms, multiple pages, all the way through it is a lot of work and you know you can make it less as Eddie does by getting on a copy machine and try to paste and do everything that way...

Mr. Behrend: I need to fill one out on a bi-yearly basis, a lot more detail than you probably have to at the Town, having it electronic is a whole lot easier.

Mr. Brown: Well I would love to see it go that way once again we just got to figure out where the good cost situation with it and I am hoping we will get there, that is my plan is to keep urging them until we get to the point where it actually works. CEDC came to us with a budget request with specifically talking about the Farmer's Market that they are proposing. The presentation was under whelming and while most of the Commissioners I think are in favor of it we really couldn't have much discussion about it because we just asked for a lot more details about it, their budget request basically required from their standpoint taking monies that are left over from events they had and just putting it to this Farmer's Market so know net loss out of their budget but still money that could have come back into our general budget so it warrants further discussion. We set a public hearing as Wade said for the Charter amendments that we have been working on, it is March 15 and it looks like it will go into effect assuming we get the right how the feedback goes in the beginning of April. We also had a good discussion about Speed Camera, the speed camera MOU has been presented to us by the County and good discussion about it said I've been one of the people that has been stomping my feet on it and while it is not everything we could get it is far better than what we've got so far which is zippy, what it basically adds up to is if the speed cameras are doing their job and both promoting safety as well as generating revenue, our cap on our revenue would be in the neighborhood of it is supposed to be 10% of our overall Town revenue budget so it is around this year it could be as high as \$270,000.00, that is 10% of our total Town budget of 2.7 million so that is a nice chunk of change does it compensate us for our Highway User Funds that have been cut to nil, well kind of because it is our residents who are basically being taxed by it anyway by the speed cameras. And then we had some good discussions about speed camera location and future use of them etc., because we know they are diminishing financial resource as they do their job better less money gets generated by them so that is all kind of open for further discussion, in the end we had the money in the hand we said yes and we approved the Speed Camera MOU as it was. We had Parcel 840 the Planning Commission recommendations basically remained the same as what everybody has seen out there. We had the Forest Conservation Ordinance Amendment that we were working on basically our Town Engineer came up with one that was very hard core and the fines were tremendous, there was a lot of muscle put into it most of us thought it was too much muscle, I say most of us, there was only 3 of us there that night, we ended approving an Ordinance that basically matches what the State has already put into place, the previous one has served us well, this has some tweaks to it, it is the State version of it, that is the direction we decided to go. Wade gave us a Capacity Report for how much we processed, we also had a well report, everything is looking good and working good and that was it.

Mr. McIntyre: The CEDC I know we talked about that, is that becoming an official town --- with a new write-up...

Mr. Yost: Yes they have been included in the Charter.

Mr. McIntyre: So when that happens they'll have to be specific budget items and all that because you mentioned the thing of just transferring money they haven't used to one thing or another that would have to all be officially done if that kind of thing happened.

Mr. Yost: No it is not a true budget amendment they have one line item for several of their projects so if they want to move some of that money within they still have to come to the Commissioners and request that and the Commissioners can grant it or deny it.

Mr. Brown: I don't think I used the word amendment, what is was is they have line items that they have not used all the funding on and they just wanted to pull the resources of the leftover money from those line items to potentially devote to this next situation, but that is something we still need to approve but it doesn't involve budget amendments or...

Mr. McIntyre: But would the money then if it is a line item come back to the Town.

Mr. Yost: It does because their line item is not a capital it is really an operations account and at the end of the year you use it or lose it, it goes right back into the...

Mr. McIntyre: But I guess what I am asking is their using they can use it anyway they so feel or...

Mr. Yost: No they had to come and ask.

Mr. McIntyre: Ok that is what I was wondering, I wasn't sure.

Mr. Brown: It is a small sum of money.

Mr. McIntyre: The reason I'm asking (inaudible) 2 months ago about the Parks Board being able to have a minimum amount that we could just move around freely and that was shot down.

Mr. Yost: Yeah same with them they can't just move it around without asking.

Mr. Pike: No and honestly this money that was approved we didn't spend it so we didn't waste it.

Mr. Yost: And part of it you actually made money they did the sponsorship for the Holiday Lighting Ceremony, they paid into that, they didn't use that was \$1000.00.

Mr. Brown: Yeah half the request was like \$1700.00 wasn't it.

Mr. Yost: \$3,200.00 and something.

Mr. Brown: Well the total request was \$3,200.00 but half of that has come from the fact that they picked up sponsorship.

Mr. McKenney: Years past I remember with respect to the budget process you or Preston would come to us with Capital equipment and stuff like that you needed, is that we don't need you guys don't need anything this year.

Mr. Yost: We are not buying anything this year.

Mr. Pike: What happened to (inaudible).

Mr. Yost: They were supposed to that has been pushed back also obviously the new parks aren't online, the streets aren't online and the new equipment we talked about for those developments also. But things we still have in the budget is saving up for next year to do Stevens Park and that's been touched to the budget yet, plus the sidewalk, and the bandshell and the Skatepark those are all fully funded still...

Mr. Pike: How is the bandshell going?

Mr. Yost: February 22 they are supposed to mobilize, they might have to move some snow.

Mr. Pike: What about the old one did we collect on that one?

Mr. Yost: Yes we are going to get \$40,000.00 for that one. We may be able to add a little something else to the park or see what we can do.

Mr. McKenney: Does our plan include any kind of lighting or sound stuff infrastructure not necessarily...

Mr. Yost: All the lighting and everything is going to be inside.

Mr. McKenney: We talked about the stage --- and all that remember.

Mr. Yost: Oh no we don't have that.

Mr. McKenney: Anybody looked at using that money.

Mr. Brown: Right an enhancement of sorts.

Mr. McKenney: Right.

Mr. Yost: You know what would be a neat thing also is that concrete pad over there where the gazebo used to be, thinking about some picnic tables or some kind of little sitting area even, I have seen them in a couple of parks, they even have a little small umbrella on them.

Mr. McKenney: Tim there goes our ice skating rink, we were going to make that an ice skating rink, Tim and I were going to propose that is our ice skating rink, put a little lip around it, go out there and flood it.

Mr. Behrend: Suggested I think about 15 years ago.

Mr. McKenney: Skate around in real tight circles. No but I think the alternative is to rip it out?

Mr. Yost: No we don't want to do that. There is like 3 or 4 foot of concrete.

Mr. McKenney: So benches there or something.

Mr. Brown: Sounds good lets do it.

Mr. Behrend: Character of the park.

Mr. McKenney: Will you bring us some plans in or whatever?

Mr. Yost: Yeah for the next meeting.

Mr. McKenney: Yeah.

Mr. Pike: Are we going to have cameras in the parks?

Mr. Yost: Right now there is no plan for it.

Mr. Pike: Not even the Skatepark?

Mr. Yost: Butch and I filled out an application for a Tony Hawk Foundation grant for cameras I don't know where we are on that actually I have not heard back, that is all we have done as far as that.

Mr. McKenney: Yeah I thought it was too in the thing that you had sent around to us, that Jim had sent around, here is how much stuff is costing, here is the breakdown...

Mr. Yost: We did have it costed out but that is in the grant format for the revenue.

Mr. McKenney: Well then I would suggest that the \$40,000.00 from the gazebo some of that be used for a camera.

Mr. Yost: Ok.

Mr. McIntyre: Part of our I thought Kurt, Doug and I were very strongly in favor of surveillance of some sort as well as not just surveillance but it is also publicity.

Mr. McKenney: Right safety.

Mr. Pike: Those cameras aren't that expensive.

Mr. Brown: And we are beginning potentially a network that will be throughout the parks.

Mr. Yost: They would have to be power because there is no power at the Skatepark right now, that is about 10 or \$12,000.00 just to get a jack and a socket out there. So that is why that was kind of put on the back burner by the Commissioners, they looked at the sidewalk, curb and gutter, they wanted that done and they would require that from any developer of any parks they were doing.

Mr. McIntyre: Spring coming with baseball permits we just did tonight like previous years you guys or Preston does give us a green light to start using the parks, this thing says March 15th.

Mr. Yost: And that is only...

Mr. McIntyre: That is what I am saying you guys have to give the green light.

Mr. Yost: Yeah we do. It will be on the website, we have our signs out there now and most people do abide by it, there is a couple coaches that don't and this year I think we are going to because we have had other coaches really complaining about it.

Mr. McKenney: Send in those Town Officials.

Mr. McIntyre: We don't have a phone number or anything to call when fields are closed.

Mr. Yost: Preston was doing that for a little while and the coaches really weren't responding so he stopped doing it.

Adjournment

Mr. Brown: Move we adjourn.

Mr. McKenney: Motion has been made.

Mr. Pike: Second.

Mr. McKenney: Moved and seconded all in favor.

All: Aye.

Mr. McKenney: We are out of here at 9:38.