



Straight Talk

From Town Staff

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The Commissioners of Poolesville

August 2010

In This Issue

FY 2010 Budget Close

State & County Health Report

Summer Fun

Master Plan

Charter Changes

Water/Sewer
Emergency
Contacts

- 888-607-0147
- 301-647-8239

REPORT STREET LIGHTS

Please have the following information ready and call, or send your request via e-mail to townhall@lan2wan.com

1. Pole Number
2. Nearest Street Address

FY 2010 Budget Close

As planned and without raising taxes over the past several years, the FY 2010 Budget addressed the goals and priorities established by the Commissioners of Poolesville for the Town’s future. The budget is fiscally sound, well managed, addresses needs on a priority basis, and is balanced in accordance with State statutes.

The General Operating Fund, through budget amendments, overcame major State Revenue Sharing reductions. One project (Tom Fox sidewalk), was cancelled to help balance the budget. General fund operational expenses were slightly over budget projections due to a Water and Sewer Fund grant. Impact Fees and developer proffers were instrumental in paying debt service payments, and this will continue for the next several years. Overall, the General Fund closed out \$67,000 in the good, unrestricted reserves closed out at \$980,506 and total cash on hand was \$4,024,602.

The Water and Sewer Fund required a \$166,000 grant to balance, which was down significantly from last year. Although overall operational expenditures were \$30,000 under budgeted estimates, the fund remained short, due to the extremely wet spring, which drastically reduced usage causing the revenue shortfall.

Capital project funding priorities in FY 10 included the bandshell, skatepark, development of Dr. Dillingham Park, Westerly swales project, and the new roof and Enhanced Nutrient Removal upgrades at the WWTP. Several of these projects were complemented with grant funding.

FY 2010 Budget Summary

General Revenue	\$2,797,869
General Projects Funding	\$646,642
Water and Wastewater Projects	\$335,000
Operating Expenses	\$1,748,685
Annual Balance	\$67,542

State and County Health Departments Final Report

At the August 2nd Commissioners meeting, representatives from the Maryland Department of Health and Mental Hygiene (DHMH) and the Montgomery County Department of Health and Human Services (DHHS) presented the final report of the investigation of cancer concerns in Poolesville.

DHMH and DHHS jointly evaluated the cancer concerns raised by Poolesville residents through a review of Maryland Cancer Registry cases, consultation with the Maryland Department of the Environment (MDE) regarding the history of previous activities related to water quality, a review of environmental data available from the Montgomery County Department of Environmental Protection, hazardous waste site data, and a review of publicly available data on water quality testing in Poolesville Water Quality Reports, as well as discussions with MDE's Water Quality Administration.

The final report, which is available at Town Hall concludes that the overall number and pattern of cancers cases within Poolesville are not significantly different from the pattern and number of cases in Montgomery County and Maryland as a whole.

Poolesville Master Plan

The Poolesville Planning Commission is in the process of revising the Town's Master Plan. As part of the process, the Commission needs public input. To this end, an online survey is being developed that will assist in planning the future of our Town.

Within the next few weeks a postcard will be sent to each residence with detailed instructions on how to access the site.

For those folks who do not have internet access and wish to participate, contact Town Hall for an alternative method to partake in the survey.

Summer Fun

If you have not been out to Whalen Park this summer to see our line-up of concerts, movies or the Farmer's Market, then you are missing out.

As the first year for the Farmer's Market, residents are calling it a success. Each time it gets better and in conjunction with the concerts, it makes for a great community event.

Staff is always looking for ways to improve, so if you have any suggestions, please forward them to Town Hall.

There is only a handful of events left:

Concerts

- | | |
|----------------|--|
| AUG 20 | RIGHT ON & FAR OUT |
| AUG 27 | ERNIE BRADLEY & THE GRASSY RIDGE BAND |
| SEPT 3 | POOLESVILLE BAND PROJECT |
| SEPT 10 | MINDY MILLER & THE STEAMERS |
| SEPT 17 | BRIAN KEITH GROSS |

Movies

- | | |
|------------------|------------------------------------|
| AUGUST 21 | UP |
| AUGUST 28 | THE PRINCESS & THE FROG |

Farmer's Market

Aug 27 & Sept 10

Visit www.poolesville.com for more information

Charter Changes

The Commissioners have adopted a resolution addressing the legal requirements of the referendum challenging the proposed charter changes. After several debates, the decision to have one question on the general election ballot was made. Another option discussed was to have all 24 amendments voted on individually. This option was determined to be not in the best interest of the voters, which would create huge voting lines and make a mockery of the voting process. The "one question" for or against all 24 amendments left concerns that distortions and misrepresentations, presented on the referendum sheet, could confuse voters.

To ensure a fair vote and to help inform the voters, the exact nature of each proposed amendment is listed in the following tables. Furthermore, The Commissioners invite anyone who has questions or need clarification on any issue, to call, ask questions in public or private. The goal is to be as open, transparent and informative as possible.

(Note: New language is underlined; deleted language in parenthesis)

<p>Amendment #1 - Section 82.3 Commissioners Shall the Charter be amended to allow each Commissioner to receive such compensation as the Commissioners may by resolution prescribe; provided, however, that any salary or salary change, whether an increase or decrease, shall only apply to Commissioners elected or reelected after the salary or salary change is adopted?</p>
<p>Amendment #2 - Section 82.3 Commissioners Shall the Charter be amended to require any person desiring to be a candidate for the office to file a complete and accurate financial disclosure statement as required by the Poolsville Code and State law?</p>
<p>Amendment #3 - Sec. 82.4 Same-Election of President and Vice President Shall the Charter be amended to: Modify - The President, with the approval of three of the Commissioners, appoint, remove and fix the compensation of the <u>Town Manager and Town Clerk</u> (heads of all offices, departments and agencies of Town Government and all other officers and employees of the Town except as otherwise specified by State law or this Charter)?</p>
<p>Amendment #4 - Section 82.4A Recall of an Elected Commissioner B. Petition Shall the Charter be amended to add as an additional requirement for Recall Petitions that Signature pages be attached to the petition and all pages consecutively numbered?</p>
<p>Amendment #5 - Section 82.5 Meetings Shall the Charter be amended from (They) shall meet in a convenient place to <u>The Commissioners shall meet in a convenient place?</u></p>
<p>Amendment #6 - Section 82.6 Board of Elections Shall the Charter be amended to: a) Change (Supervisors) of Elections to <u>Board of Elections?</u> b) Make other minor changes to update the language and to remove duties that are currently provided for by the Montgomery County Board of Elections.</p>
<p>Amendment #7- Add new section 82.7 Town Manager Shall the Charter be amended to add, <u>The Town Manager shall act under the supervision of the Town Commissioners as the executive arm of the Town government and perform such duties as the Commissioners may assign. The Commissioners shall allow the Town Manager such compensation as they shall think proper. The President of the Town Commissioners shall have the immediate responsibility for overseeing the work of the Town Manager?</u></p>
<p>Amendment #8- Section 82.8 Town Clerk Shall the Charter be amended to change (Clerk and Chief Clerk) to <u>Town Clerk?</u></p>
<p>Amendment #9 - Section 82.10 Surety Bonds Shall the Charter be amended to remove the Surety Bond section?</p>
<p>Explanation: Required bonding is provided by a security bonding company</p>
<p>Amendment #10 - Section 82.12 Powers of Commissioners Shall the Charter be amended to: a) Remove the authority to establish a municipal band? b) Remove the authority to regulate the licensing, taxing and the keeping of dogs?*" c) Remove the authority to request and avail themselves of the facilities of the Commissioner of State Employment and Registration for the administration of a merit system without unnecessary expense? d) Limit the authority to provide for the use of Federal or State Financial assistance to commercial and residential redevelopment projects and not for industrial or leasing projects?</p>

Explanation: These changes update the Charter to reflect current authority

* Montgomery County law applies

Amendment #11 - Section 82.13A Budget

Shall the Charter be amended to :

- a) **Modify** -(Not less than one hundred and twenty (120) days prior) Prior to the beginning of the fiscal year for the Town, allowing sufficient time for compliance with the provisions of this section, the Commissioners of Poolesville shall prepare and make available for public inspection a proposed budget for the coming fiscal year as well as a proposed property tax rate. If the Commissioners determine that the property tax revenue required to fund the budget will not exceed the current property tax revenue by more than seven percent, as provided in Subsection D., below, the schedule for adoption of the budget and property tax rate need not allow time for a referendum; however, in that case, the estimated property tax revenue shall not exceed the property tax revenue generated for the current taxable year by an amount in excess of seven (7) per cent thereof?
- b) **Change (referenda)** to referendum?
- c) **Add**, Nothing in this Section shall be construed to limit the power of the Commissioners to adopt budget amendments or authorize special expenditures as may in their judgment be required in the interest of the general health, welfare and safety?

Explanation: The proposed changes will afford extended time to receive revenue sharing information from State and County governments, prior to our budget adoption, while maintaining citizen referendum timeline protection.

Amendment #12 - Section 82.15 Rules and Order of Business

Shall the Charter be amended to insert the missing language from the last revision?

The Commissioner shall determine their own rules and order of business. They shall maintain the minutes of their proceedings, which shall be kept by the Town Clerk

Amendment #13 - Section 82.17 Water and Sewer

Shall the Charter be amended to:

- a) **Modify** -The Commissioners shall require a connection with water and sanitary sewer mains for all property abutting on any public right-of-way in which a sanitary sewer or water main is laid. Each connection shall be extended as required, from the water main or sewer to the property line of the abutting property?
- b) **Remove the authority** for the Commissioners to grant exceptions to the connection requirements where an existing well or septic system on any such abutting property does not constitute a menace to public health and where the fixtures are at such a distance from the water main or sanitary sewer as to make connection economically infeasible or where the fixtures serve a structure which fronts on a public way other than the one in which the water main or sanitary sewer is located?*
- c) **Remove the authority** to allow wells found to be polluted or a menace to public health to be used for fire protection, civil defense, car washing, lawn, garden or similar outdoor watering?*
- d) **Modify** -The Commissioners may regulate and prohibit further use of existing water supply and sewage disposal systems in order to protect the public health, welfare and safety. (provide that cesspools or other private methods of sewage disposal shall be operated and maintained in such a manner that they do not and will not be likely to affect adversely the public comfort and health and any cesspool or other private method of sewage disposal affecting or likely to affect adversely the public comfort and health may be deemed a nuisance and may be abated by the Commissioners.)?
- e) **Remove** from property inspections (Any restraint or hindrance offered to such entry by any owner, tenant, or person in possession, or the agent of any of them, may, by ordinance, be made a misdemeanor)?**
- f) **Change** twenty-five (per centum) to twenty-five percent?

Explanation:

* In conformance with the Wellhead Protection Plan

**Conflicts with State law

Amendment #14 , 15, 16, 17- Section 82.20 - 82.23 All dealing with the authority over property taxes

Shall the Charter be amended to delete the listed sections?

These sections do not apply as all administration of property tax collection is performed by the Montgomery County Government

Amendment #18 - Section 82.24 Collection of Fines and Penalties

Shall the Charter be amended to:

Modify - Any fines, penalties and forfeitures imposed (by this subtitle of this article, or) by any ordinance of the Commissioners, may be collected by proceedings in the name of the Commissioners, before the District Court of Maryland (; and the said offender shall, upon conviction, be committed to the County jail on failure to pay such fines and forfeitures until the same shall be paid with costs.)?

Explanation: Conflicts with current State law

Amendment #19 - Section 82.25 Jurisdiction of Various Officials; County Payments for Street Maintenance

Shall the Charter be amended to delete this section?

Explanation: This section bears no relevance or authority over the County or in the Charter

Amendment #20 - Section 82.28 Planning Commission

Shall the Charter be amended to:

- a) **Modify** -Subdivision means the division or assemblage of a lot, tract, or parcel of land into **(two) one** or more lots?
- b) **Delete** (All members of the Commission shall serve at such rate of compensation as the Commissioners of Poolesville may, by Resolution, hereafter determine)?

Amendment #21 - Section 82.29 Board of Parks, Recreation and Streets

Shall the Charter be amended to:

- a) **Modify** -The Commissioners of Poolesville shall appoint seven (7) residents of the Town to the Board of Parks, Recreation and Streets **(who shall hold no other office in Town government)?***
- b) **Modify** -(No duty therein described or implied shall be construed as overriding the authority of the Commissioners of Poolesville.) Duties of the Board shall be to:?
- c) **Modify** -(Exercise, under the authority of the Commissioners of Poolesville,) Provide recommendations to the Commissioners with regard to certain functions of control of parks.... ?
- d) **Add** in the traffic advisory section, In addition, consultations will include any programs relating to new or proposed streets in order to ensure vehicular and pedestrian safety?
- e) **Modify** -Act as the Tree advisory Board for the Town of Poolesville and in this capacity **(have authority over) advise the Town Manager and Commissioners concerning all trees, plants and shrubs located in the street rights-of-way.....?**
- f) **Modify** -(Adopt any needed rules and regulations to govern parks and recreational areas and the conduct of the Board.) Act as a park permit appeal board for any person aggrieved by a park permit denial?

Explanation* Functions from one Board often overlap other Boards and liaisons are appointed to represent and keep communications open

Amendment #22 - Section 82.30 Board of Zoning Appeals

Shall the Charter be amended to:

- a) **Change** the title to "Board of Appeals"?
- b) **Modify** -The **(President of the)** Commissioners of Poolesville shall appoint three residents of the Town to the Board of **(Zoning) Appeals, (subject to confirmation by the Commissioners of Poolesville)?**
- c) **Delete** -(Members of the Board may receive such compensation as the Commissioners of Poolesville deem appropriate)?
- d) **Modify** -The Board **(shall) may** adopt rules **(in accordance with the provisions of any ordinance adopted pursuant to this article) governing its procedures?**
- e) **Modify** -To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official of the town of Poolesville, which causes the person appealing to be aggrieved. (in the enforcement of this article or of any ordinance adopted pursuant thereto.)?
- f) **Modify** -Appeals to the Board of Appeals may be taken by any person aggrieved or by any officer, department, board or bureau of **(the) any jurisdiction affected by (any decisions) a decision of (the administrative officer)an administrative official of the Town of Poolesville. Such appeal shall be taken within a reasonable time, as provided by the rules of the Board, or if no time is provided, within 15 days... ?**
- g) **Modify** -Proceedings shall not be stayed otherwise than by **(a restraining order which may be granted by) an order of the Board of Appeals or by a court of record (on application on notice to the officer from whom the appeal is taken and on due) for good cause shown?**
- h) **Modify** -In exercising the above-mentioned powers such Board may **(in conformity with the provisions of this article,) reverse or affirm, wholly or partly.....?**

Amendment #23 - Section 82.31 Sign Advisory Board

Shall the Charter be amended to:

- a) **Change** (the President) **to the Commissioners** shall appoint three residents?
- b) **Delete** (Members of the Board shall receive such compensation as the Commissioners of Poolesville may prescribe except that any architect appointed to the Board shall not be entitled to receive compensation. The Board shall have such powers and duties as the Commissioners shall prescribe by ordinance)?

Amendment #24 - Section 82.32 Community and Economic Development Committee

Shall the Charter be Amended to add the duties as directed by the Commissioners?

Notice

Poolesville is looking for volunteers to fill the following vacancies:

- **Community and Economic Development Committee - Business Member**
- **Ethics Commission**

If you are interested in one of these positions, please contact Town Hall for more information

**Presorted Standard
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Permit No. 1663**

**Resident
Poolesville, Maryland 20837**

Meeting Schedule

Commissioners: August 16 & September 7 & 20

Planning Commission: August 11 & September 15

Parks Board: September 8

Community and Economic Development: August 25 & September 22



*Wade Yost
Town Manager*