

**COMMISSIONERS OF POOLESVILLE
MEETING OF MARCH 23, 2009**

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

Call to Order

Mr. Kuhlman: All right call the Commissioners Meeting of March 23, 2009 to order at about 7:08. Let the record reflect that Commissioners Klobukowski, Brown and Kuhlman are present. Mr. Hoewing had a death in his family and won't be here and also Mr. Yost is present and Mr. Strong. First order of business is a motion to adjourn to an Executive Session and if somebody would read that please.

Mr. Klobukowski: I make a motion we adjourn to an Executive Session as provided for by the Annotated Code of Maryland State Government Article Section 10-508(a)1(i) to discuss the appointment of Board and Commission which the Commissioners have jurisdiction.

Mr. Kuhlman: Is there a second?

Mr. Brown: Second.

Mr. Kuhlman: All in favor?

All: Aye.

Mr. Kuhlman: We are adjourned to an Executive Session.

Executive Session:

Present: Commissioners Kuhlman, Klobukowski and Brown, Also present was the Town Manager, Wade Yost.

Mr. Kurt Behrend and Mr. Jeff McIntyre were interviewed for the vacant positions on the Parks Board. After interviewing, they were excused. The Commissioners voted to appoint both of them to the Parks Board. The Executive Session was adjourned.

2nd Call to Order

Mr. Kuhlman: Present is Mr. Klobukowski, Brown and Kuhlman, Mr. Hoewing had a personal matter in his family and will not be here this evening. Also present is Mr. Wright, Mr. Yost, and Mr. Strong.

Pledge of Allegiance

Mr. Kuhlman: First order of business will be the Pledge of Allegiance, Mr. Klobukowski.

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

Mr. Kuhlman: Thank you.

Public Hearings

Mr. Kuhlman: Our first order of business tonight will be 2 public hearings, the first one will be on the tax rate Resolution 002-09. The purpose of this Public Hearing is for the

Commissioners of Poolesville to introduce and hear public comment on the proposed tax rate for the fiscal year July 1, 2009 to June 30, 2010, for the tax year beginning July 1, 2009 the estimated real property assessable base will be increased by .0876% from \$654,224,300.00 to \$711,531,977.00 if the Commissioners of Poolesville maintain the current tax rate of 16 cent per 100 dollars of assessment real property revenues will increase by 8.75% resulting in \$91,693.00 of new real property tax revenues. In order to fully offset the effect of increasing assessments, the real property tax rate should be reduced to 14.7 cents the constant yield tax rate. The Commissioners of Poolesville are considering not reducing its real property tax rate enough to fully offset increasing assessments, the Commissioners of Poolesville propose to adopt a real property tax rate of 15 cent per 100 dollars of assessment, this tax rate 2.04% higher than the constant yield tax rate and will generate \$21,346.00 in additional property tax revenues. Tonight's Public Hearing file contains the following exhibits, Resolution 002-09, Notice of Public Hearing, copy of the notice of Public Hearing published in the Poolesville Gazette on March 11 and March 18, 2009 and the Memorandum from the State of Maryland Department of Assessment and Taxation. Any person wishing to do so may now testify or ask questions about the proposed Resolution 002-09 after giving your name and address. Testimony of all speakers will be restricted to 3 minutes per speaker with additional time to resume if time allows. Written testimony will be accepted at Town Hall, at this hearing, or before the hearing closes and with that we have several speakers, Mr. Hoewing or Scott Hollander first.

Speaker: (Inaudible) not on the budget?

Mr. Kuhlman: Yes Sir.

Speaker: I made a mistake I need to testify for the Chamber on the budget.

Mr. Kuhlman: Very good. Mr. Potemra.

Mr. Potemra: I assume it is the same thing I want to testify on the budget.

Mr. Kuhlman: This is just the tax rate only right now the budget will be next.

Mr. Potemra: Ok let's do that.

Mr. Kuhlman: Mr. Hooper, Mr. Gole, ok anybody else? Ok hearing no other hands we will close this public hearing, the record will be closed this coming Friday at 4:00 at close of Town Hall. Our next Public Hearing is on Resolution 003-09 the proposed FY10 Town Budget was initially presented to the public at the March 9, 2009 meeting of the Commissioners of Poolesville and copies have been available at Town Hall since that time. Tonight's Public Hearing file contains the following exhibits: proposed FY10 budget, notice of public hearing, copy of the notice of public hearing published in the Poolesville Gazette on March 11 and March 18, 2009. Any person wishing to do so may now testify or ask questions about the proposed Resolution 003-09 after giving your name and address. Testimony of all speakers will be restricted to 3 minutes per speaker with additional time to resume if time allows. Written testimony will be accepted at Town hall, at this hearing, or before the hearing closes. And Mr. Hoewing is speaking for Mr. Scott Hollander as the Chamber of Commerce I assume.

Mr. Hoewing: That is correct. Ray Hoewing, my address is 23800 Whites Ferry Road, Dickerson. I am testifying on behalf of the Chamber for Scott Hollander and since I got very little notice about this I trust I will be able to stumble through with at least giving you some semblance of what the Chamber endorsed. I am not going to read the testimony, I am just going to pick out the highlights, I should be easily able to stay within

the 3 minute timeframe and Scott regrettably did call me today and said he was unable to make it although he may be here before the evening is over. So I am going to pick out and summarize the main points that we approve by way of an email survey of our Board of Directors. First point is that we support the Chamber does the tax rate that has been suggested, has been recommended, that roughly keeps the revenue low at the same level this coming fiscal year as the last fiscal year. I should say on my second point here that we also took this opportunity Mr. President to comment on several public policy issues which are in the budget but not strictly only 2010 fiscal year matters so you will hear several things that we just wanted to use the opportunity to talk about and the next one is exactly that, where we applaud and support and encourage the Commissioners and the Staff to move rapidly forward with the negotiations with Allegheny Power to purchase the Town streetlights because of the rapid payback that is assumed and has been calculated. Because the Chamber feels that it is to the citizens interest as well as the business interest that we have and the Chamber believes we already have a nice strong staff we support strongly the adjustment of wages, compensation for the part of the Town Staff that has been recommended and these are the people who basically interface with the citizens and provide the services that are so valuable and we think that it is in the public interest that those raises be offered or extended. We support the Skateboard Park, we do have a caveat that we link it with an appeal to the Town to vigorously enforce once that is up the policy of not permitting skateboarding on sidewalks and public thoroughfares shopping centers and so on, but we do support the concept of the Skatepark. We make the observation here that business people tell us that there are persons who have patronized Poolesville businesses who no longer travel to the Town because of the, what they view as a speed trap situation in the Town and we recommend a couple of thoughts on that which might --- that reputation and the negative vibes which travelers get when they come through Poolesville. We support the Grant which the Town has put into its budget I believe or at least verbally indicated they will make to support Poolesville Day because while a few businesses may suffer during the day of the event by and large there is no question in our mind that businesses benefit from Poolesville Day. We support Streetscape and the continued funding of the program and again we would argue and we do argue in our statement that it's to the benefit of the business people but also to the residents to have an attractive main street. Last point really has 4 sub points, has to do with what we all know to be the very difficult position which smaller businesses at least and that includes smaller businesses in Poolesville are having these days, so we have 4 points here, the first point is that we urgently request or suggest to the Commissioners that in future contracts we try to include a provision, or not try to, include a provision which requires a prime contractor to give diligent consideration to use local businesses as subcontractors, that was not done for the construction of the Town Hall, we don't know how much could have been done or how many subcontracts might have been possible but we think that whatever the situation might be that in that particular case that we should think of that or incorporate it in future contracts. We endorse the contingent funding of the Community and Economic Development Committee because we believe it benefits both the community and the business people on that point and that is the 3rd sub point here we applaud and hope that the CEDC follows through on recent meetings where they have been talking about giving more emphasis to business support and development while not neglecting their work on community entertainment and related activities. And

finally although this is a very vague recommendation in the sense that we don't have many specific instances for you to consider, this is a time when small businesses, and particularly we think some of our fast food places are having a tough time and are working with very close margins and if there was an opportunity and we can only think of one example which might be or might include relieving businesses from sign permit costs temporarily, if there are opportunities for the Town to waive costs for a short period while hopefully our economy is recovering we encourage consideration of that option. That is it unless anyone has any questions.

Mr. Kuhlman: Thank you Sir. Any questions? See none, thank you very much Sir. All right next speaker, Mr. Potemra.

Mr. Potemra: Conrad Potemra, Spurrier Avenue. One thing that is not in my notes here I would like to bring up, I think if you check with your legal team Eddie you will find out the term is Fiscal Year not physical year.

Mr. Kuhlman: Thank you Sir.

Mr. Potemra: Easily make that mistake I used to work with a guy that did that too. I think it is fair to point out that you have got Dr. Pierce, Roy Johnson, and I all agree that your budget on water rates should include more of the expenses directed towards the higher users. I don't remember any time in history and I would challenge this team to come up with one that the 3 people I just mentioned agreed on anything. Just maybe there is something to the point that the Commissioners should seriously consider. Along those lines I was thanked by an elderly couple on fixed incomes for suggesting that very low users should not have to pay for minimum water, I asked them to show up tonight and make that point, unfortunately the husband looked at me and made the standard statement, why they will not listen to me, not my words, his. Along those same lines I would like to suggest that the Commissioners add a list to the end of their budget of secret call items that they have already kind of made up their mind that they are not going to answer questions on and they are not going to change, some of the tried and true classics like small tools, trucks for every staff member, lawn mowing costs, snow plowing costs, staffing, and the ever present MML boondoggle, is there any others that you can think of that we should add to that list of things that were brought up year after year and there were no change to them? You can't think of any others, it seems to me that the streetscape is something to ask questions on. On staffing I hope the Commissioners realize that I would be shocked if half the people in Town got the same raise that they propose for the Town Staff, I think you ought to look at that, I mean times are tough, the Chamber just brought that up. On lawn mowing its strange that the Commissioners have gone out of their way to say that they can do a better job and a cheaper job of mowing and landscaping than a professional in Town, it sure comes across that "Shop Local" doesn't apply to the Commissioners and I had that written before Wade brought it up so Wade still deserves the credit for it but I think he brought up the point to get shown more ways than one. Our consultant came up with the cost improvement to save the Town money with this budget and the --- mentioned above, most companies have suggestion boxes in difficult times to reduce costs, I would hope that the Commissioners would look to their Staff and ask them how they can reduce cost 2 to 5% a year for the next several years, these people know the ins and outs better than anyone else and it should be noted that Montgomery County is looking at staffing cutbacks, Maryland is looking at staffing cutbacks, everybody but the Poolesville

Commissioners, is anyone concerned, over the years I have worked with some of the staff and talked to them and there is a lot of skill out there but it has to be directed. If you tell someone to raise the budget 5% they will go off and raise that budget 5%, yea you tell them find ways to be cost effective and lower the budget 5% they will come up with that too and I don't think it will be the stupid things of saying hey lets just get rid of the receptionist I think they will come up with real ideas. And a lot of them are in the trenches and I think you should look at that to try and start reducing cost when everybody around you is reducing cost and that is all I have.

Mr. Brown: Conrad I have a question for you, if you were going to suggest beyond, I know you have to look initially and it has been something that has been on your mind obviously for a long time in terms of the grass cutting and services provided by Town, but lets just say you have the Town, you are talking about Town Staff, what if you are an observer that is optionally tuned in, what cost cuts would you suggest.

Mr. Potemra: It's a fair question and what I have been preaching for years, it is not just oh we are going to cut out lawn mowing tomorrow, we are going to cut out snow plowing tomorrow, what you have to do is like any good business, say what does it truly cost us to do these functions and to keep all this going, and once you go and you look at the true cost and that includes the building, the trucks, the trucks are stored, the maintenance, the management and the rooms for the management and so on, once you know the true cost and you can get some idea then you can say ok what do our local as Ray put it better than me, what do our Shop Local people, what can they do, and you start saying ok now we've got a staffing issue, we should be looking one when we have attrition looking at not filling it, looking for the opportunities to start filling these slots, and two looking for promotional opportunities in other areas for these people. And say ok we don't have something maybe the County has something, I know at one time people were going to MES or coming from MES, I mean there is a time for contracting there is a time for not and if we look at my history is one when we started the plant it was supposed to be run with one guy and a book with a computer, we had the wrong guy, great guy, I would never say anything to impinge his character, he was a hardworking guy, it was right at that time to go to MES to put it out to contract but at the same token once we got our hands around what MES was doing it was right to bring it in house with the people we had. What could be right today may not be right tomorrow, we have never looked at, I talked to a bunch of guys with plows, they said man I will take that contract in a heartbeat here is why I do it, they can't be that far out of line because these guys are plowing through Montgomery County and other places, Montgomery County is doing this and we seem to follow a lot in their footsteps of how we do things. Once we get the cost and we start looking at where we can save money when there is an opportunity to start replacing, promoting people, not filling attrition slots, rearranging people from doing one thing to another thing and promotional opportunities within the Town we should be gravitating, our long term plan should be gravitating from higher level people and you got a guy, for example put the lawns out for contract, we can say we want those lawns to be 2 ¾ inch high and get a yardstick but it is only 4 hours a week, it is not mowing and all the equipment to maintain all the equipment. Does that answer your question?

Mr. Brown: One more question too Wade, give me once again the staffing, if I could get a chronological order over the last several years, how many people, how have we grown, tell me what we got.

Mr. Yost: There are 5 staffers that do all the parks, streets, ball fields, snow plowing, mowing, tree pruning, pond maintenance, animal pickup at times, just 5 and it has been that way for at least 10 years probably.

Mr. Brown: Ok who else have we added, how many other staffers, I know Conrad said we went from 1 to 2 on the well, at the wastewater treatment plant.

Mr. Yost: Yea but the plant has never been designed for one person I don't know what was said originally when it was built in 1984 but the plant itself is not safe for one man, there is no way one man can operate a facility 7 days a week by himself, I mean just legally he can't do it.

Mr. Brown: Ok.

Mr. Potemra: But that opens up other opportunities that I have never heard discussed. For example if you went to 10 hour days 4 days a week let the guys have 3 day weekends, you have one team working from Monday to Thursday, you have another team Tuesday and Saturday to eliminate overtime and overlap, you know things like that, now is that the ideal solution maybe it is not, some even go to where they work Wednesday through Tuesday of the following week they back it up and then the guys get almost a week off, there is different types of creative scheduling. But that has never been looked at here and you can't do it overnight but you got to start, the sooner you start the process the sooner you come to a solution.

Mr. Kuhlman: Are you of the opinion that the County bids out the snow removal?

Mr. Potemra: They essentially do bid it out yes.

Mr. Kuhlman: No.

Mr. Potemra: With private trucks.

Mr. Kuhlman: They advertise what they will pay, it is not an open bid where you are trying to beat a competitor, the County advertises because my son contracts with them, they advertise we will pay you x amount of dollars for this size truck with this blade, we will give you x amount of dollars more if you have a salt spreader.

Mr. Potemra: I believe there is also people in the queue doesn't mean everybody is going to get a job that applies for it.

Mr. Kuhlman: They pretty much take any truck that comes along.

Mr. Potemra: But still it is an idea where in that situation it is something that should be looked at and evaluated in the scheme of the Poolesville budget and doing things. The perfect example is the sewer treatment plant from where it started with Ray Herr to where it is today and how we went from Town Staff to Contractor to Town Staff, there was a reason for each one of those and I supported each one of those moves.

Mr. Kuhlman: All right.

Mr. Klobukowski: Can I ask Wade a question with respect to the and Conrad a question too, with respect to the original wastewater treatment plant, when I got here in 81 we were under a moratorium, how many people were operating the plant at that time, do you have any idea?

Mr. Potemra: One.

Mr. Yost: It was a lagoon system prior to what is there now.

Mr. Klobukowski: When we got here there was approximately 900 families or no 1200 because this Town was actually a third larger than the town I grew up in.

Mr. Yost: State requirements and things have changed, sampling requirements.

Mr. Klobukowski: 81 I was told there was 1200. We have grown to a Town now of 5100 and we have gone, what was it 3000 back in 81.

Mr. Kuhlman: I am not going to say on the record what the number was.

Mr. Klobukowski: Because at that time all that was here was Westerly, Wesmond and the town houses, but anyway so when MES came in how many people did they have?

Mr. Yost: Two.

Mr. Klobukowski: And why did we bring MES in at the time because of the additional size of the plant?

Mr. Yost: Just a new plant and the technology and just having someone who was experienced with it, MES had some administrative staff that had some experience in SBR's and sequence batch reactor type facilities.

Mr. Klobukowski: Were we paying an administrative fee to on top of the wages that we paid...

Mr. Yost: There was a whole budget that was submitted by MES yes.

Mr. Klobukowski: So we were paying their overhead...

Mr. Yost: Yes.

Mr. Klobukowski: Their profit expectations whether it was 5%, 10%, labor hours. All right so now, and at that time when we were with MES as I recall we had the 3 SBR's sequential batch reactors, now we have a fourth right?

Mr. Yost: Yes.

Mr. Klobukowski: Ok so we have grown from a lagoon to 4 SBR's and still only have increased to 2 people that are servicing 5100 homes with that thing in addition to maintaining the plant, etc.

Mr. Yost: Correct.

Mr. Klobukowski: Ok Conrad are you suggesting because I heard you say teams, you said have teams, so are you suggesting we hire 2 more people for the wastewater treatment plant, have 2 people work for a certain amount of time and then 2 more people come over and take over, because Wade says it requires 2 people to operate the plant so if we were going to team it the only way I know of doing that is to hire additional people.

Mr. Potemra: I believe that is the only way you would come up with a solution Jerry yes.

Mr. Klobukowski: Well let me put it this way, I was in a communication shack in Davisville, Rhode Island, running a communication facility for the construction of --- and demand at Davisville and we went from 6 to 3 and or 4 and basically what we had was one guy standing watch by himself because he was experienced and then I was with another guy generally, we did 2, 2, 2, and 80, 2 mids, 2 eves, 2 days, 80 hours off, that can be quite strenuous and then if you put somebody as you are suggesting if you have this thing where you do it where someone goes on leave or gets sick how do you...

Mr. Potemra: I believe it is something that you should look at Jerry but what I could do is we could add that to this list of sacred cows that we can't change so then we got another thing here, I mean we could add sewer plant to this list that I suggest you put at the end of things that are never going to change so people know, I just want people to know that you have got your minds made up on certain things, I mean like for years I have had small tools and I bet you couldn't tell me how many hammers you have bought in the last 5 years but that is all it says on here is hammers and screw drivers year after year and I am not trying to micromanage it today, I am saying there is an issue that has never been looked at that I think you should look at and you have got 2, you have got

some high powered staff that has some ideas if they were given the direction to say look why don't you come up with, we want to cut taxes 2% a year for the next 5 years, what can we do and when can we start the process. You can't start it tonight, you are not going to start it in this budget because one you would have too much to do that you are not ready for and you would have to listen to me and you are not going to do that, but if you start the process and look at how you can start scheduling things and reducing things then you want to come up with solutions and I am suggesting one of the first ways to do that is look at some of your senior staff.

Mr. Klobukowski: I will tell you now, I will be frank with you, what you are suggesting is, we went from MES to organic staff, now you want us to shift, where do you get the worker loyalty, where do you get the pride in ones workmanship that we have right now.

Mr. Potemra: Are you telling me Jerry if I understand you correctly that we have got all these landscapers in Town and Shop Local and you can do a better job than professional landscapers because you guys have pride and these professional landscapers don't...

Mr. Klobukowski: I didn't say that.

Mr. Potemra: Yes you are Jerry, you are saying exactly that. All the professional landscapers it is their job the only way they are going to make money is by doing a good job, you are saying you can do it better, you exactly just said that because you got...

Mr. Klobukowski: So what you are saying is we adopt some of the management techniques of industry that has proven to be false and that is just flush everybody with experience down the toilet and fire everybody and then go out and hire people on the open market, that is basically what you are suggesting.

Mr. Potemra: No it is not Jerry.

Mr. Klobukowski: But then you are saying later on, I apologize I shouldn't do this to you, I apologize, I'm sorry, I feel very strongly about having an organic staff and that is one point where you and I will never agree. And I am always open to specific options as to what specific areas we can reduce individual dollars or costs.

Mr. Potemra: Can you give any ideas of any cost savings that you have made in the last 5 years?

Mr. Klobukowski: Yea we have done a lot.

Mr. Potemra: Name 2.

Mr. Klobukowski: We paid down our Bonds rapidly what was it \$84,000.00.

Mr. Potemra: What we should do Jerry is we should add the list of things that you are not going to change on here so people know that when they try to prepare for testimony. Do you have anything else Mr. Kuhlman?

Mr. Kuhlman: No Sir.

Mr. Potemra: How bout if I leave then.

Mr. Kuhlman: Thank you have a good evening.

Mr. Brown: Conrad if it is any help I propose that we reduce the small tools budget next year.

Mr. Potemra: You always reduce it but you ---.

Mr. Hooper: My name is Paul Hooper, I live at 19001 Fisher Avenue. I want to start this evening by thanking you for your efforts in running this town. I do not think that you guys get enough credit for what you do. The time this must take, time that could be spent with your families or relaxing has to be a huge commitment, I want to go on record stating my thanks and appreciation to you, to Mr. Yost and the Staff of this Town for

what they do, but I do have a couple of questions regarding the budget. In the meeting in January Mr. Klobukowski stated that he runs on existing sidewalks on Tom Fox Avenue and yet I see that there is a provision in the budget and in future budgets to spend \$250,000.00 doing what was termed remedial or retrofitting, if those sidewalks are good enough for you to run on Sir I would ask you why are you spending this money when there are areas of this town that have no sidewalks whatsoever including Fisher Avenue. As I drove up from my house tonight I noticed that there is no sidewalk from the Catholic Church all the way through to the townhouses, rather than spending \$250,000.00 retrofitting your words not mine the sidewalks where apparently it is good enough for you to run, I would suggest the money would be better spent building sidewalks that do not exist. My second point is regarding the speed traps, when the speed traps were installed in town it was stated that a percentage of the money that was generated would be used specifically for pedestrian safety programs, my question is where is that money and on what project do you intend to spend them, and lastly I understand times are tough all of us that are in business are struggling right now but I understand there is something out there called the Federal Stimulus Package, have the Commissioners considered applying for a grant from this package to finance any projects in town and specifically the Skatepark?

Mr. Kuhlman: We have.

Mr. Hooper: I will also make one comment on something Mr. Hoewing said earlier. If you were to build the Skatepark and then have the skateboard police come down on the kids as they ride their skateboards to the Skatepark I would hope you would do the same for bicyclists or possibly people running on the sidewalks, because the sidewalks clearly are not designed to be run on, that is all I got.

Mr. Kuhlman: On the revenue from the speed cameras that you were talking about Mr. Hooper, again the speed cameras are owned and operated by the County, the Town gets no revenue out of them at all. The State law says that the revenue the County gets off of the cameras is to be spent for public and pedestrian safety, with that in mind I have contacted several of the Delegates and Mike Knapp, there are several Bills in Annapolis this year dealing with the revenue. None of them will benefit the citizens in this Town because the revenue as they see it still stays with the County in fact one Bill wants the State to get it all. What irritated the Commissioners was that news in the paper from Ike Leggett our County Executive of spending of this money was down in Silver Spring and Wheaton, we have approached Mike Knapp he has drafted a Bill, it has been introduced to the County Council they had a public hearing on it and I don't know what the status is right now where we would get some of the revenue, a small portion to come up here to be spent on public and pedestrian safety. What the outcome is I don't know yet. The speed trap issue that was raised by you and also Mr. Hoewing I have received as President of the Commission I received at least 6 letters in the last month from people that say I am never coming back to Poolesville again because of the speed cameras. All of them were caught out here by the pool with that in mind I have placed a call to Mr. Knapp and Wade has worked with the County Officials or County Staff to try to get better signage out there of the 25 mile an hour speed limit, a longer range of notice, or to change the speed limit to 30, we have had no luck, we have been trying. Now I placed a call the other night to Mr. Knapp personally and made him aware of the situation and see if he can bring either

some pressure to bear or give us some guidance on how to maybe successfully do something, now hopefully I have answered a couple of your questions.

Mr. Brown: Wade can you give Paul just a breakdown of the stimulus.

Mr. Kuhlman: Oh on that we have applied for 13 different stimulus packages and we are waiting to hear word on any or all of those. The Maryland Department of the Environment has received their money from the stimulus, we have 8 packages in front of those dealing with water and sewer issues, we are hoping to have answers from them within 2 to 4 weeks maximum from this date. The other packages are further in the future for us to hear. The stimulus money the way I understand is going to the states first and then down to the county and then to the municipalities. We may not get anything but we have applied for 13.

Mr. Klobukowski: Eddie who has approval authority, the state or the county? We submitted out packages to the State.

Mr. Kuhlman: The State has funded MDE with a certain percentage of money to award, of that money 50% I believe it is, don't quote me on that but there is a portion that is for grants to give to the communities and the other portion of that money is to be used for low interest loans to further offset the projects. Understand there is a lot of very worthy projects being submitted and very high money being submitted and our Governor is a former Baltimore Mayor so I don't know where the money is going to end up but we have applied for 13 different projects and we are awaiting word.

Mr. Klobukowski: Do we know the criteria being used to select the projects, the specific criteria?

Mr. Kuhlman: I don't know I would imagine MDE Staff is going to be selecting the ones for Maryland. I know there is quite a few treatment plants that have submitted, water projects on the Shore, there is some very, very worthwhile projects in there hopefully we can get one or two, all of it would be nice.

Mr. Hooper: We all hope so. I agree I have yet to see anywhere although the press in this Town is notoriously unreliable at apparently reporting facts rather than opinion but that is the first I have heard of the Commissioners applying for some of those packages.

Mr. Kuhlman: I was at a meeting in Annapolis for 2 days we attended on a Friday and part of the meeting where all the Mayors in the State, we met with Secretary's of all the departments and they informed us of the Stimulus Package, Mr. Yost was out with his medical problems, I was scheduled to go in on that Tuesday morning for surgery myself so on Monday we set Staff the task to prepare all these packages and my colleagues endorsed it thank God and like I said we got 13 projects sitting in there.

Mr. Hooper: I have yet to hear an answer on Mr. Klobukowski's Tom Fox Avenue running track.

Mr. Klobukowski: I'm just respectfully waiting my turn Sir.

Mr. Hooper: Ok.

Mr. Klobukowski: Which is something different for me sometimes. As a matter of fact I try to run on the street more than I do on the sidewalk. The street in one area seems to be flatter it is not crowned, I don't end up with one side of my torso hurting more than the other and in fact I fell twice on the sidewalks running on the sidewalks in the last couple years because I just didn't pick up my foot high enough. The other thing is the whole idea of the, those sidewalks when they were first put in should have been put in differently, they weren't, the whole idea behind it was to provide access to all the

schools. For me to run on a sidewalk I am a little older so I pay more visual attention to my surroundings and as part of the Parks Board we felt that sidewalks with curb and gutter was adding an extra measure of safety for pedestrians whether they are school children or adults out for an evening stroll, giving them a little bit more protection from vehicular traffic in case something should happen. I believe that that particular area and I have talked with residents down there who support having sidewalks there so you have both sides of the coin, those who believe the money could be spent elsewhere and the people who could spend it there, I think in a way because it is going to a school that it should be done and eventually I believe yea probably sidewalks will be added to all the streets in Poolesville. As the new developments come online every development is required to have sidewalks with curb and gutter.

Mr. Hooper: But as I understand it there are already sidewalks there correct, you are talking about putting curb and gutter for protection?

Mr. Klobukowski: Right we are adding a little additional protection because right now it would be very easy for a vehicle to meander off of the pavement, the asphalt and directly onto the sidewalk.

Mr. Hooper: Would you be interested if I told you that I spoke to a resident down there and they felt that that would be a waste of money, because they don't see the sidewalk getting that much use. But again if you are going to talk about sidewalks and curb what about Fisher Avenue where my kids and other kids from that end of town that doesn't get a lot of money spent on it that walk down into town there is no sidewalk, there is no curb, and there is a very sharp bend there as we all know where you know it is an accident waiting to happen I assume that is why the barriers are there, so I would suggest that surely the money would be better spent putting in a sidewalk and a curb on Fisher Avenue rather than Tom Fox Avenue that has it already.

Mr. Klobukowski: Well let me also mention that the streetscape that when it initially began and as the total concept is for sidewalks going from one end of the town to the other, it is just that the Commissioners have looked at the central part of town as a place to start first and really we have not gone forth to look at portions east or west of the central business district, we need to know what right of way we have, etc., before we go in and build sidewalks but that is the long term forecast or object to do that. I believe that sidewalks...

Mr. Hooper: I just want to put that out there go on record as saying to spend or have that earmarked set aside to do Tom Fox Avenue, specifically Tom Fox Avenue that money could and should in my opinion be spent elsewhere in this Town where there are no sidewalks whatsoever, sidewalks not sideruns.

Mr. Klobukowski: No I understand but as I said I believe and I have spoken with parents who believe that there should be sidewalks there, they believe it is additional protection and some people have yelled out to me as I am running down the street, do you feel safe running on the sidewalk, well depending on the vehicle, depending on the driver, depending on the circumstances I can't forecast what will happen in the next hour.

Mr. Brown: Paul I will say that is a point well taken and there are I'm going to say that once this budget situation is put to bed that this is definitely something I will be pushing for and I see it just like you see it.

Mr. Hooper: And once again I want to thank you for the time you put in and Wade and his Staff are doing a great job.

Mr. Brown: And remind me to talk to you about the Skatepark after we get done here.

Mr. Kuhlman: Mr. Gole, please. You need to bring up your water, you going to be here that long?

Mr. Gole: Rudy Gole, Oxley Farm Road. First I want to support the salary and the wage increases for the Town Staff, your employees are the lifeblood of the community, pay them good wages and it may reduce turnover and encourage the best workers to make a career here in Poolesville. In addition and I won't belabor my point here but I will repeat the suggestion that I made last year, I believe you should remove the Town Manager position from the regular pay chart and treat that position independently. Our Town Manager's outstanding performance and many and varied responsibilities to the Town warrant an adequate compensation and not restrict it to a predetermined scale. Secondly as you know the 1 cent decrease in the tax rate does not lower the amount of the homeowners actual taxes because of the annual property reassessments, also your water rate increase which averages out approximately \$85.00 per household per year or more that offset the one cent tax decrease and that each homeowner in Poolesville will pay more to live here next year. Now one item in the General Fund Revenue summary called attention to me. I believe you are underestimating the revenue from income taxes, account 360 by a large amount, you show an actual amount of \$954,000.00 for FY08 but you are only estimating \$836,000.00 for FY10, I checked the last 3 previous years and the estimates was under anywhere from 100 to 200,000.00 that seems to be a pattern here of underestimating this revenue fund. I don't know of any reason why the wage or why the income tax receipts from Poolesville should go down, it appears to be that your FY10 estimate could be \$100,000.00 too low, take a look at that one. Now the rest of my testimony will refer to the \$600,000.00 that was set aside 3 years ago for the remediation if necessary of the Alpha Emitter correction and you all know I have been closely following this matter for 3 years. You have rolled your eyes and shaken your head at times when I have commented on it. In 2006 your unrestricted surplus was much too large as determined by the Town Commissioners, at that time you decided to transfer \$700,000.00 of that large surplus to other accounts namely \$100,000.00 to the new Town Hall construction and \$600,000.00 put aside to be used if necessary for the aforesaid Alpha Emitter. I trusted you to live up to the Resolution adopting the FY07 budget with the amendment that specifically stated that you would return the excess surplus to the Poolesville taxpayer if it were not expended by June 30, 2008 for purposes stated in that Resolution. I consider that Resolution number 005-06 adopted on April 17, 2006 a commitment on your part, not something you can ignore, you have approved every budget since then with references regarding the return of those funds, you are deceiving us. When a Commissioners makes a formal motion at a meeting it gets buried in your minutes but a Resolution has a life, it is a pledge, a commitment, it is a promise and it is assigned a number specific to itself, it records the relative dates and actions and it is filed in a binder and readily available to be retrieved, but in this proposed budget including changes in the FY09 budget it is as if you are adding extra Capital Projects just to absorb the \$600,000.00 without any explanation relating to the refund referred to the Resolution in the prior budgets, maybe you thought it wouldn't get noticed, I don't know but it just seems to me in your determination not to return those funds to the rightful owners the taxpayers as per your Resolution that you substituted projects not so coincidentally totally \$600,000.00. My guess is that you probably don't have a clear idea of the cost of those 3

projects only that they had to add up to \$600,000.00, it seems as though you are determined not to honor the pledge of the Resolution, it is not as if you are desperate for funds, you have a very large surplus which the current fiscal year projects to be 2 ¼ million dollars and that amount doesn't even include the \$600,000.00 which is technically also surplus. You have such a large surplus it appears that you have had to find ways to spend it like adding \$223,000.00 for debt service that was budget or even due and adding \$402,000.00 for sidewalks and swales that had not been previously planned for the FY10 budget and after adding those expenses you still have 1.6 million dollars projected surplus in FY10, almost twice as much as you repeatedly state that you want to carry and in the coming year you may be getting funds from the share of the traffic camera revenue and also from the state share of the Federal Stimulus Package to fund Capital Projects identified and already funded in this budget. If this happens you will have a duplication of funds resulting in additional surplus. Commissioner Hoewing previously stated that he was not happy keeping the \$600,000.00 and using it for something else in the future, which you are doing. Commissioner Klobukowski responded to him that he agreed because the temptation is too great to go off and spend it again which you are doing. At one time low and behold even Commissioner Kuhlman said that the money should be given back as per the Resolution, where is that commitment now, not in this budget. You have so much money come in or already available that you shouldn't be denying the return of the \$600,000.00 to the taxpayers of Poolesville. This budget also shows that you intend to connect wells 7, 9 and 10 and include some sort of treatment there, some sort of treatment there, well you hired and paid a professional consultant for advise who told you all 3 of those wells were within MDE and EPA compliance and you have repeatedly told us the same thing on your website, in your newsletter, your water quality reports, your minutes, your joint letter to the editor and so forth, the consultant did indicate that number 10 was high but still ok, she also told you that because number 9 which is one of your highest producers and was nearby that the reasonable solution was to blend 9 and 10 together and that would be fine, no treatment necessary, but this budget indicates that you would rather spend \$500,000.00 unnecessarily, well number 10 is barely within your guidelines of 50 gallons per minute, well number 7 is one of your lowest producers at 30 gallons per minute making it way below your standard of 50 gallons per minute. So you could let it remain alone or abandon it whatever you need and thus saving the \$100,000.00 for the extension and by blending 9 and 10 you will save another \$400,000.00 in total I believe you are wasting \$500,000.00 on this project, \$500,000.00, we are talking about a half a million dollars that is no small amount, to put it into perspective it represents 28% of the General Fund operating expenses ¼ isn't the Congress wasting enough of our taxes at this time without you adding to it, you need to take another look at this before you finalize the budget, you need to get together with Wade all of you, not just Commissioner Kuhlman, it is a matter of fiscal responsibility and after all is said and done I want to remind you that you are bringing the Rabanales well online next year. I am not suggesting that you forego any treatment in the future that may be necessary but that should be done with new funding at that time. Now as far as the Radon testing you have heard my comments on that at a previous meeting further in my opinion I believe you exaggerated the cost of our attaining \$100,000.00 to that account, I believe you have since adjusted that project downward which I assume will release the bulk of that \$100,000.00 to surplus. Here is

my take on the whole matter, I have been attending Commission meetings for many years on a regular basis, you don't get many if any residents to attend these meetings, I sort of felt that I represent the residents so there would be someone here for Town to comment or offer opinion and present testimony and I have certainly done that. Commissioner Kuhlman during his time as President has always been courteous to me and given me the opportunity to speak and I appreciate that. Finally I will finish my testimony, this proposed budget indicates that the surplus will be too large and that you are renegeing on your commitment to return the \$600,000.00 to the Poolesville taxpayers, personally I am disappointed in you concerning this matter, I believe integrity counts, I believe honesty counts, I don't understand how you can deal with the matter the way you have in this proposed budget, I just hope you give some serious consideration to all what I have spoken tonight and correct it before you adopt the budget, thank you.

Mr. Kuhlman: Thank you Sir. Any questions?

Mr. Klobukowski: Eddie you want to answer the thing about Radon, I thought we had decided we were not going to proceed with the Radon testing so there is no \$100,000.00 or any money will be spent.

Mr. Yost: Well there will be a small amount, we are going to order the kits and have them here.

Mr. Klobukowski: Yea the test kits right ok.

Mr. Kuhlman: All right that takes care of all the signed up speakers, anybody else? Seeing no hands we will close the Public Hearing on the budget, again the record will be held open until this Friday at 4:00 close of business at Town Hall.

Announcements

Mr. Kuhlman: All right proceeding along the agenda under announcements the Commissioners did conduct an Executive Session this evening at 7:00 the purpose of which was to interview 2 candidates for vacancies on the Parks Board. Do we have any other announcements from the Commissioners?

Mr. Klobukowski: I'll tell them about the MML meeting we went to last Thursday night we went to a Montgomery County Chapter Maryland Municipal League met with the Montgomery County Council down in their offices, and basically they told us that they have a shortfall which we all knew about they are trying to work with ways of closing the gap between them and County Executive Leggett and basically they are going to try, they said they would, and Ike Leggett said he would hold us harmless with respect to funds that we get from the County this year but I that may be a nice gesture whether or not it will actually happen in the end when the budget is finally approved because of the amount of money the shortfall is significant this year and will even grow next year and just like us they are hoping for a lot of stimulus money coming down the road from the State, from the Federal Government.

Mr. Kuhlman: All right thank you. At this time we will have a Board of Elections Report update on the Special Elections, Mr. Kettler, Chairman of the Board of Elections.

Board of Elections Report

Mr. Kettler: Good evening Commissioners, Tom Kettler, 18201 McKernon Way, Poolesville, Maryland. Just giving you a quick update, as you know we have a vacancy on the Commission and the Board of Elections has swung into action once again. When we signed up for this we thought it would be every 2 years but it is starting to be an annual event here so any rate the Special Election date has been set for May 5, 2009.

Newsletters have been sent out to all the residents in Town, I think they went out about a week ago or so, basically with all the details announcing the specific times, polls, voting will be done here of course at Town Hall, polls will open at 7:00 in the morning, close at 8:00 in the evening and that term will be filled beginning the middle of May, I guess the next meeting after the Election and run through the end of the term which I think is 2010. So what else do I have to report, I guess if the Press and I am sure the Press is picking this up but I guess what we are looking for right now of course is candidates who want to submit their names and nomination for Commissioner. Town residents who are 18 years old and haven't been convicted of a felony, I am not sure what else the criteria is but any rate the deadline for that is coming up quickly, it is April 6 I believe so that is just a couple weeks away so if the Press could pick that up and maybe advertise that it would be helpful to the Board and with that I will entertain any questions.

Mr. Kuhlman: Thank you very much Mr. Kettler.

Approval of Minutes

Mr. Kuhlman: All right approval of the minutes of March 9 is there a motion for approval?

Mr. Klobukowski: I make a motion for approval of the meeting minutes of March 9, I have one correction that I will hand to Wade, minor editorial ones.

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

Mr. Brown: Second.

Mr. Kuhlman: All in favor?

All: Aye.

Mr. Kuhlman: It passes.

Open Forum and Citizens Comments on Agenda Items

Mr. Kuhlman: All right open forum and citizens comments on agenda items, anybody have anything in general open forum. All right comments on agenda items, yes Sir, come forward and give your name and address please.

Mr. Peck: Gary Peck at 19523 Wootton Avenue and I am wondering how much this Streetscape Plan thing is going to raise our taxes over the years.

Mr. Kuhlman: How much what?

Mr. Peck: How much the Streetscape Plan is going to raise our taxes?

Mr. Kuhlman: To the best of my knowledge nothing. Unfortunately some bad reports have been going out about that but the Streetscape Plan that we are looking at right now has a total package cost of \$700,000.00, we are applying for grant money to complete that, of the \$700,000.00 projected probably about 100,000.00 or so have already been done, developers will do about 200,000 of it and as I said we are looking for grants and other things like that. I don't see where it is going to, as reported by a paper going to raise taxes or be bills sent out to taxpayers.

Mr. Peck: So you are saying that thing in the Western Bulletin about it costs 7 million is crazy then?

Mr. Kuhlman: I have no idea where the 7 million dollar figure came from, our package that we are looking at right now is \$700,000.00 not 7 million.

Mr. Peck: Over how many years? \$700,000.00 over how many years though?

Mr. Yost: It is spread out we don't even have a definite end to the years yet, it is like if there is some money we can set aside for it we do, we are applying for grants and having State aided help do it is really where those projects are going to come to life.

Mr. Peck: So the \$700,000.00 is spread out over a number of years?

Mr. Yost: We are putting \$25,000.00 a year away.

Mr. Kuhlman: We are doing \$25,000.00 a year so I mean it could take, and if we get grant money so forth and so on I mean 5 years would be very optimistic, 15 years might take care of it, there is no plan to have it completed by a certain date.

Mr. Peck: And then the other thing I was wondering is how much is our property taxes going to go up this year, I already got one tax increase that I see on my mortgage so I was wondering...

Mr. Kuhlman: If the Commissioners adopt the tax rate that we had the public hearing on tonight your tax rate actually in a way would go down but because of rising assessments your property taxes probably go up a little bit, it will bring the Town \$26,000.00 more dollars this year, the tax increase this year.

Mr. Peck: Oh so I would take \$26,000.00 and divide it by 5000 and it would give me...

Mr. Kuhlman: \$26,000.00 from everybody in Town.

Mr. Peck: Oh so that would only be a small tax increase then.

Mr. Kuhlman: Very small.

Mr. Peck: Ok.

Mr. Kuhlman: Anything else Sir?

Mr. Peck: I guess that is all for now.

Mr. Kuhlman: All right thank you.

Mr. Peck: Thank you.

Mr. Klobukowski: Thank you.

Mr. Kuhlman: All right anybody else with just a general comment? Seeing none we will be hearing from the Poolesville Military Support Group asking for a grant request again from the Town for their project, does anybody have any comment on that. Ok Mr. Hobbs if you are representing that group we would like to hear from you now.

Mr. Hobbs: Good evening my name is Carl Hobbs I live at 17601 Darnestown Road in Boyds, Maryland. I would like to start tonight by thanking the Commissioners Mr. Klobukowski, Mr. Brown and Mr. Kuhlman for your support last year. The Town I think benefits from this I think it brings the Town close in support of what we have, the military personnel that we bring out and do this event each year. Last year was a big help and I know there was one concern and I'll bring it to the record tonight when we fill the application out this year, I spoke to Mr. Kuhlman after the event last year and we see that there could be a potential problem with alcohol being present, we have made it clear that this year we will not be having alcohol there although the alcohol is sold at White's Ferry so if someone were to go down there and purchase it we are not the person that has supplied it to them so we feel that it would give a more family atmosphere and I think it is something that we definitely have to take a look and do this year.

Mr. Kuhlman: Thank you Sir.

Mr. Brown: Mr. Hobb I have one question for you and this is probably can be tackled off line but would it possible for I know that the active's that come that make the trip they are obviously our guests and my hats off to them as I would tell each individual when I see them but if it is possible that we could figure out a way to get a little more name recognition and approachability for the ladies and gentlemen that come and are our guests so that they can be, the interaction between the people of Poolesville that come to greet them and make them feel they are part of our town so that it can be a little bit of an easier

interaction. I noticed last year it was difficult at times for some of the people to really have a good communication with the residents when it wasn't really obvious sometimes who was a guest from Walter Reed or who might have been an associate or a friend and I would like to see if that could be possible.

Mr. Hobbs: You mean to identify the individuals so they would have something that would identify them so if they were to wear a particular hat or some type of...

Mr. Brown: Yea something like that would be great I mean I don't want them to stand out due to what may just be a disability or something that they are recovering from but I would just like it to be that I have found I have been every year and that my, we want to make sure that we approach everybody that is there and tell them how much we appreciate their sacrifice and I don't want to miss anybody.

Mr. Hobbs: Ok well thank you. We will look at that it is a good idea thank you.

Mr. Kuhlman: All right. Also tonight we have a request in front of us from Relay for Life, any comments, anybody here representing Relay for Life, all right we have reappointment of the volunteers to Boards and Commissions anybody care to say anything there. And we will be discussing the recommendation I guess this is from the Parks Board on the band shell replacement or replacement improvement out here on Whalen Commons, any comments there, all right and under old business we will be discussing or maybe coming to a decision on Resolution 001-09 dealing with the water and sewer rates, any comments there. And also water allocation we had to report a month ago or so on what the available allocation is in the treatment plant and we have still many requests for those available allocations, any comments there.

New Business

Mr. Kuhlman: All right seeing no hands we will go back to the agenda. Grant request for the Poolesville Military Support Group. Hold up in case we need to ask you a question. All right the grant request is what do you got there Wade?

Mr. Yost: For the monetary amount?

Mr. Klobukowski: I don't see one listed.

Mr. Yost: I don't see one on there yet.

Mr. Kuhlman: Yea right here.

Mr. Klobukowski: No the amount how much are they requesting?

Mr. Kuhlman: \$2500.00 same as last year I would assume. It is not for a motion, we need to wait until the next meeting because our practice has always been to bring up the issue and wait for a decision till the next meeting, I just wanted to make sure there was no discussion or questions needed to be asked while the representatives are here.

Mr. Klobukowski: Well I am going to be the fly in the ointment I'd like to be sure has invitations gone out to Bethesda as well and do we have any idea as the approximate number that we will get, I mean I know some of the people who are at Walter Reed and Bethesda are very conscious of their situation and some of them although they would like to attend physically may not be able to but I've only seen one bus come out of there or go in there in the last 2 years that I have gone, I was wondering if there was anything you are doing to increase the number of participants that are able to avail themselves of this somehow.

Mr. Hobbs: Every year we try and increase the amount of participation out of Walter Reed and the question do we go to Naval Hospital. Naval Hospital unfortunately has not been approachable as of yet, yes we have tried to approach them but have not had good

success there as of yet. Once Walter Reed merges with NIH I think we will have a little better chance. The second question have we tried to increase it, unfortunately we have a sign up sheet that we go down and we go down and visit them 2 or 3 times prior to the event talking to the area people that are there staying for whatever time they are there, we have a very large sign up and the day of the event they are not forced to go and unfortunately if they get up and don't feel good they are not going to go, if the weather, you know we have had some rainy days, if it is raining they definitely do not come out, so we are down there that morning and prior to a few weeks prior to talking to them, giving them literature, giving them all types of information of what this event is all about and it is about the support from Poolesville Town and what we are trying to do as a payback for their sacrifice but every year we do try and increase it and the one bus actually last year they said we were going to have 2 buses and unfortunately we only had one bus so we don't know until we do have a sign up sheet but we don't know until that morning actually how many is going to come out, so it is unfortunate that we can't get a true commitment that they would stick on so it is really up to the military personnel themselves to get on that bus.

Mr. Kuhlman: Ok any further questions, Jim?

Mr. Brown: No.

Mr. Kuhlman: Ok thank you very much Mr. Hobbs, as stated earlier no decision will be made tonight. All right thank you. Relay for Life anybody here? I'm sorry Sir not until later. All right Relay for Life no one is here. Reappointment to...

Mr. Klobukowski: One second, one second, officially for the record are we, the funding request is for what \$2403.00 or for close to \$5000.00 what are we talking about here.

Mr. Kuhlman: For which one?

Mr. Klobukowski: For Relay for Life, we got \$2400.00 for the tents, \$550.00 for the DJ and then the school rental is \$1800.00 so are we...

Mr. Kuhlman: Well we have a \$2500.00 limit that we are willing to give out, that is our limit. Is there any discussion on this? All right hearing none we will put these both on the agenda for the next meeting. Reappointment of volunteers to Boards and Commissions, we have the following vacancies, one term on the, one position on the Planning Commission, and one of the incumbents have volunteered to serve again, we have had no other volunteers for that position. We have a vacancy or a term in expiration on the Board of Appeals by Mr. Hitchens and he has volunteered to re-up again, nobody else has volunteered. The Sign Review Board Mr. Willis Van de Vander his term will expire, he has volunteered to re-up, no one else has volunteered. The CEDC Mary Beth Dewey, Lynne Bodmer, and Helen Gunther all three of their terms expire at the end of this month and they have all 3 volunteered to be reconsidered. There are no other volunteers. We have a vacancy now that Mr. Yeatts has resigned from the Government representative. And we have 2 vacancies on the Parks Board and Mr. Behrend and Mr. McIntyre have agreed to re-up their positions. We had another representative said he wanted to be considered but the gentleman did not show up this evening for his interview. So I would entertain a motion, do we have to do all these individually Wade or...

Mr. Yost: Probably lump sum with the top category just reappointments and Kurt could be in that top one also.

Mr. Kuhlman: All right is there a motion for reappointment of Cal Sneed to the Planning Commission with a current new term expiring 4/1/14.

Mr. Klobukowski: So moved.

Mr. Kuhlman: Is there a second?

Mr. Brown: Second.

Mr. Kuhlman: All in favor.

All: Aye.

Mr. Kuhlman: The appointment of Mr. Ralph Hitchens to the Board of Appeals for a term to expire on 4/1/12.

Mr. Klobukowski: So moved.

Mr. Brown: Second.

Mr. Kuhlman: All in favor.

All: Aye.

Mr. Kuhlman: Mr. Willis Van de Vander for the Sign Review Board with a term to expire again 4/1/12.

Mr. Klobukowski: So moved.

Mr. Brown: Second.

Mr. Kuhlman: All in favor.

All: Aye.

Mr. Kuhlman: A motion for the approval of Mary Beth Dewey, Lynne Bodmer, and Helen Gunther with terms to expire 4/1/11.

Mr. Klobukowski: So moved.

Mr. Brown: Second.

Mr. Kuhlman: All in favor.

All: Aye.

Mr. Kuhlman: And then we need a motion for the Parks Board for Mr. Kurt Behrend and Mr. McIntyre and their terms would expire on 4/1/13.

Mr. Klobukowski: So moved.

Mr. Brown: Second.

Mr. Kuhlman: All in favor.

All: Aye.

Mr. Kuhlman: Motion carries unanimously to all. Thank you. Band shell concept Wade?

Mr. Yost: John?

Mr. Kuhlman: Or John one or the other. That little white switch Alan right behind you on the wall, down, down, down, there you go, we are getting to fancy for you, keep going.

Mr. Strong: Good evening Commissioners John Strong Huron Consulting. This is basically the same presentation I gave the Parks Board when they made a decision on which way they wanted to go as far as the band shell concept. We depict this particular layout the band shell will sit right in this area here, it will have a bathroom, male and female, with a mechanical room off the back, sewer and water comes off the back right here and there is sewer out to the road that would have to be tapped. Power comes up from the gazebo location and this particular shell is what they call a rainbow arch type shell it has a rounded stage with an elevated set of about 2 feet so you would have to go up either a set of steps or this ramp here. The platform area would be and also this ramp area would be a textured concrete so that skateboarders wouldn't be able to skate very easily. Inside the band shell is slanted with posts. We do depict it with 2 wings on the

side, they come off the band shell and you will see that in a lot of parks with band shells it is --- as it is known. This particular depicts more of a square this is the wave design band shell, where the restrooms and the mechanical room sit under the waved roofline, there is a circular step down area to the viewing area, again we are still at 2 foot above the existing grade. The park would have to be regraded slightly in order to get the viewing opportunities and all so as not to make it so that when you lay back in your chair you flip over. This is just a close up of that rounded shell with the rainbow arch and you can see the wings a little bit more clearly, again this one has a step down platform and the grade takes place out here.

Mr. Yost: I think just to pop in for a second this was a presentation that was given to the Parks Board and probably as far as going through the concept plan and they did look at the rainbow as well as the wave and they did decide to recommend going with the wave, just so as we are going through the process if there are any questions and the differences or whatever.

Mr. Strong: This is the waved arch stage, this is the Parks Board what they recommended, we presented with the brick column, we assume that the Parks Board they thought it would be a good idea to continue with the brick columns, also the partition wall will be in a little bit different place. This stage is 20 feet total, we are going to use half of that room for the restrooms so now you are talking about a 40-foot wide by 10 foot deep stage. This is just the basic pattern of how it is constructed there is 2, there is 4 posts that it sits on and it is just a laminated roof that will go on top from the underside and shingle on top, picked shingles that would match the roof on the Town Hall here. The brickwork thought pattern is that we would match the brickwork present here and also coping so that it would have a unifying technique.

Mr. Yost: Hey John when we talked about it I thought we said it would be 40 x 30 and the stage would still be 20.

Mr. Strong: We can get it there. What you are looking at is the cross section and it is a little bit hard to imagine, if you are standing in front of the stage you will have this wing design carrying down this 40 feet wide and posts. Here we can extend this further back to get the full 20 feet since we are going to step down the restroom area 2 feet and that will just carry it back, that will give us a 10-foot clearance at the top. Then almost 15 feet to the top of the side wing. Easy enough construction it just sits on piers, concrete stage and --- in place, this is typically constructed by the company who makes it which is Litchfield Industries. The rainbow arch, this one is a little bit more difficult to make work for the restrooms because the restrooms will actually be out the back here, back of the stage area so we will have to carry that roof line down a little bit. This stage is 40 x 28 feet deep. Here is an aerial view of it, you can see its panelized, we can again match the shingles on the roof of the Town Hall and also these columns would be covered in brick as we discussed before. This is the width of the stage you are looking into it, it is important that all these stages carry this angle carrying up to the rear it reflects the sound coming out otherwise you end up with dead spaces if you simply make a crowned roof such as this, this is just an open crowned roof and we can get that reflective ness carrying out into the audience and this area back here creates that reflection. There would be a wall in the back here also for the restrooms. This is the side view of it as you can see it is all the same level here but this is the reflection point as your performance will be in this area generally and there will be kind of a wrap around wall. This is the different aerially

view of it, it gives you a sense of how much of an open space it is, you are looking at approximately 9 foot across this way and then a deeper section that runs back into the stage area. Most performers the rock and roll bands will be up in this area, you will see in the older band shells more that rounded look and that is where the larger bands and symphonies sit back under here and use that central projection that is created by that roof line to carry the sound out. All right where we are at the present time the Parks Board recommend that we go with the wave design so we haven't progressed anymore than the recommendation at this point, so we are still at determining what type of structure to go in, then we need to conduct the site survey and we don't have an as built condition of the site to make sure the grading that we took off the existing plans still will work, address utility concerns that is water and sewer and electric, 200 amps will serve speaking with the Poolesville Band Project and a couple of the other people, address the architectural concerns this is where we actually develop a plan and go over it with the Planning Commission to make sure that the brick type is what you want and the other architectural concerns and steps and things like that are ok and then finally a set of plans to go up to for the final consideration to go out for bid.

Mr. Klobukowski: I just have one question with respect to the electrical.

Mr. Strong: Yes Sir.

Mr. Klobukowski: The panels that we've got, we heavied up, or maybe that is the wrong term, increased the number of panels over by the gazebo.

Mr. Yost: Yes we did.

Mr. Klobukowski: Do we have to turn around now and put in more panels over by where this is going to go or do we operate off of the panels by the gazebo and just run the line?

Mr. Yost: We probably want to put those, we can probably move what existing electrical components into the mechanical room itself, so it will be protected, not the box standing out by itself. Because that is a 200 amp service that we have right now also.

Mr. Klobukowski: Would we move all of them there then or just the ones for the band shell. In other words we would take the panels that are out as you say exposed to the weather right now and move them all into this room so there would be no panels out there by the gazebo period.

Mr. Yost: Right.

Mr. Klobukowski: Ok that is a good idea.

Mr. Kuhlman: What else you got John?

Mr. Klobukowski: And one thing with the wave design as I recall the Parks Board they liked that design because it was more open, it appeared not to be as many nooks and crannies for people to congregate maybe do something illicit.

Mr. Yost: That and then they took in for some of the folks who live on the road right here also, they wanted to make sure they had, to be able to see through the buildings.

Mr. Klobukowski: Exactly you are right so you could see through it from the street or you could see it from Fisher Avenue and from Beall Street to Fisher Avenue.

Mr. Brown: John is there a way, I don't know if I am speaking for my fellow Commissioners that we could task this Litchfield Group or whoever that we've got these proposals from to do it exactly like the wave except for a more traditional roof keeping in mind the acoustics have to be what they have to be, because I personally like every aspect of that design except for I feel the wave is not as traditional as it needs to be for this town, beyond that I love every part of it, I love the brick, I love the stage, I love the

width, I love the height you name it I love the bathrooms being behind it exactly where they were, I just wish there was a way that there could be a more traditional design that would incorporate the themes of the town and still accomplish it.

Mr. Kuhlman: Let me add on to that, just so I understand John on the wave and I am exactly where Jim is, but on the wave you are saying the roof if I understood your presentation the roof is going to be supported by metal columns just encased in brick for appearance.

Mr. Strong: That is correct.

Mr. Kuhlman: Ok and the arch beams I guess if you would on the wave, are they laminated beams, wood laminated beams.

Mr. Strong: That is correct.

Mr. Kuhlman: All right and have you guys had any conversation with this company about keeping the same, because I am with Jim, I very much like the looks of this other than I think the appearance from inside the structure will be fine but outside riding down the street just has to much of an oriental look or something to me to be in sync with the park, with this building, with everything else we have been doing and I think it would look better if it had a pitch normal type pitch roof on the outside of it. The inside yes I understand they need that for the sound and that is fine but if it had a traditional pitched roof to the top of it where the shingles go I would be very, very happy.

Mr. Yost: I doubt that company would, I think it would be a custom design of some sort, we did look, when the Parks Board was going through the process there was several meetings of looking at a variety of different band shells we had pages and pages.

Mr. Kuhlman: I know you have looked at a lot of them.

Mr. Yost: Yea we looked at all varieties but this just came down to one that they liked, the brick they really liked.

Mr. Kuhlman: I think it is fabulous looking I just I don't think the roofline fits in to the character of where it is going to be sitting. I would very much like to see you guys go back and find out can they put a standard pitch roof on it even if it is...

Mr. Klobukowski: They can do that, I know what you are saying is basically keep the interior confluent the wave but the exterior would be a pitch that could be done.

Mr. Strong: You want to keep the interior as a wave...

Mr. Klobukowski: Well if that is necessary for acoustics ok, you could have a sloped pitch for the top of it...

Mr. Strong: Right assuming...

Mr. Klobukowski: How much more difficult it would be, what that would add to the cost I don't know.

Mr. Yost: But I think again its looking at just doing a custom design for the roof, I mean we are talking about chopping it and customizing it, every situation we have looked at so far, putting the bathrooms on it, I mean that was all custom stuff.

Mr. Kuhlman: Also before we go too much further another question I had, we have 200 amps in that panel over there that we have been using for Christmas and everything right?

Mr. Yost: We just upgraded last year.

Mr. Kuhlman: I know but don't we always run out of power at that.

Mr. Yost: No not with the 200 amp that was with the 100 amp one.

Mr. Kuhlman: Ok all right.

Mr. Klobukowski: And that would be now the focus of location for the Christmas celebration.

Mr. Kuhlman: And if you gentlemen don't have any objection Mr. Gross is here and he usually plays soundman as a volunteer, I would like to hear if he has any concerns. Mr. Gross if you would come to the table Sir.

Mr. Klobukowski: I think he would like some heat on his feet.

Mr. Gross: Thank you very much Paul. Brian Gross, Phoenix Systems 17121 Spates Hill Road. Just a couple of things and I first want to thank Wade because Wade invited me into this process fairly early on to get my thoughts not only as a degreed engineer and agreed acoustician, but a performer and due to my work load I haven't been able to focus on this as I would like, but I do want to go on the record with just some thoughts and observations that I think would make the finished project great in all respects and maybe save the town some money. Not in any particular order I just want to look at some of the things about acoustically, first of all a slanted roof in all respects is a much better acoustic projector than any sort of wave interior, that is going to act as an absorber or a diffusing panel and not actually project any sound whatsoever and in fact that parabolic or that curve is going to do more to have any sound radiated come right back down on top of the ears of the singers or to the stringed instruments it would be very distracting. So in all respects a straight type of interior is by all respects a much better acoustical situation than any sort of curve or any attribute applied to it. So aesthetically it is very pretty but I am giving you just the absolutes as far as acoustics is concerned.

Mr. Brown: Brian just one question while you are on that subject. So it is a shame that that company that builds and designs these things comes up with something that by your opinion is not acoustically correct or proper but say with something that we are looking at a roof that has a pitch or a projection out I mean is that accomplishable with angles like we are potentially talking about?

Mr. Gross: Well as opposed to some of the other designs I am just saying in my mind I actually think a basic stick built structure could be designed fairly easily and not necessarily modifying a prefabricated solution.

Mr. Brown: Ok I got it.

Mr. Gross: I personally think that the materials that are available as well as some of the very fine local contractors that live in town that work in town would be able to fabricate an absolutely brilliant band shell that meets everybody's objectives and that money is spent on Bledsoe Construction or whomever comes in at low bid consistent with quality and that money is kept in Town, that is just a thought. A couple of things that I will just talk about that may not have been considered. 200 amps is of course very fine for power for general activities such as sound and whatnot, however, there is going to be a lighting component eventually in this if we want to attract some evening things that we do, you cannot run the lighting or lighting dimmers or any professional lighting off the same power panels that you do the sound panels, the dimmers will make the sound buzz and hum, I'm not saying we don't have enough amps I'm just saying we probably have to redistribute those panels and maybe consider a small isoformer if we want to do this correctly. And again if you look at the work that the Poolesville Symphony Orchestra all the talent that could be in there it is not at all out of the question that some amazing world class performers could be drawn here besides myself, no my point is we should look at the power a little differently as breaking out to provide for lighting. Second I love the

idea of restrooms in the back but if you look at the laminated beam proposal you see that huge gaping hole behind the back of the performing shell sort of I really don't want to be listening to Sandy Cameron necessarily and hearing kids in the background going to the bathroom or slamming doors or anything else like that so building that wall up higher is going to provide a natural acoustic barrier to the people using the facilities in the back, I love the idea of a curved kind of privacy wall that takes it around but with a little bit of engineering to make that wall slightly canted in is going to provide a much better acoustic energy bounce out, because lets face it there is maybe 50% of the time we want to use this where no PA is going to be set up, we want it to acoustically be able to resonate and sound nice for the choir or whoever wants to use it and what I see here is a way of sound from the bathroom jumping over top and basically distracting the performers or the enjoyment of that. I'll wrap it up here with just a couple of things, personally I think 10 feet deep is going to be woefully inadequate as far as the natural depth needed for any type of band or choir or any band with any equipment. It would be very easy to sort of pace this out and lay this out, I think the structure should be large enough to provide some additional coverage in the wings or in the front so that performers or other gear could be under elements or just at least covered from the elements and not being rained on, because the way you have this, talking about bands a comment was made that rock bands will be further out and stuff like that, personally I think any musician who wants to play here would like to be under the shell where they could take advantage of the lights and in case of inclement weather all their gear is not ruined, I think that could be easily accommodated. Last couple of things I certainly want to suggest that for safety and again for use that we consider a conduit bank that leaves from the stage and goes out to the mixing position where a professional sound board could live as well as the application of some power out there in a manhole or one of the access holes that are out there completely. This will allow snakes and other electronic cabling to be pulled out there without any worry of children tripping over it or anybody like that. I would also suggest the use of permanent flood lights being designed into because as you know with the Christmas thing I brought out all my lights to generally illuminate and it is also very nice in a concert to be able to illuminate the seating area for safety, right now it is a sea of darkness and nobody can see anything out on the commons and at the end of the evening for people leaving to be able to put on the flood lights and people to gather their belongings and everything is a brilliant idea. Lastly I do like the idea of a raised stage and I do like the skateboarders being off of it but none of these designs I actually see actually have handicapped access ramping to it and I can't imagine we would want to put something in Poolesville that would not allow and I may not see it on these plans and again I think that just should go on record that it should be accessible to anybody on earth who wants to do that. So in summary I can't wait to be the one to bulldoze the gazebo, I know Wade is going to be first in line. I think the placement of it is absolutely correct on that end because as you know the setting sun from that position will keep the sun in the performers eyes and not the peoples eyes as the sun sets at night. And other than that I will just go on record that a similarly beautiful structure with all the brick and all the things can be done at a vastly reduced cost and probably built locally and that is pride in construction and ownership and dedication rather than having something modified and stick built or shipped in on a truck and then trying to hodgepodge it together to what we want. Thank you very much.

Mr. Brown: Staff has already spent considerable time, Parks Board everybody, I mean obviously we are not to the point of no return, we are not even close, but we do need to get on a design, if you have suggestions or a place to look or design suggestions that are readily available to accomplish your direction which I like I mean I'm all ears but the time is now, so we got to figure out how to do it.

Mr. Gross: I appreciate that and I apologize my professional life has kept me from focusing on this but I...

Mr. Brown: I am not attacking you I understand I appreciate the suggestion.

Mr. Gross: Again it is going to be a group decision as I said this just happens to be my specialty on several levels and I just again as you know Phoenixx has never really charged for any of our services for providing PA and providing lights and heck I set my CD player on fire at the Christmas show because I was trying to keep it warm and I burned it up literally but it would sure be nice to be able to enjoy that as a person because these things were taken care of. So it is just a passion and I just thought I would share it with you and I really thank you for the opportunity to speak tonight.

Mr. Kuhlman: Thank you. All right Wade and John having heard the comments made what are your suggestions?

Mr. Yost: We did have a couple of the issues he discussed on some of the plans but I think they were ok with the base part and the brick and everything so it is the roof line I think we are looking at and to capture like he said the slant back and John had talked about the wall cantering into the rear so maybe just take it back to the Parks Board at this point. John and I could do some more work and come up with a design, if it is going to be custom we are not going to use Litchfield prefabs we know that.

Mr. Klobukowski: Let me ask you something with respect to prefabs Litchfield one was that designed with acoustics in mind or was that just a fancy schmancy stage?

Mr. Yost: That is what they told. us.

Mr. Klobukowski: So Litchfield said that was designed for acoustics.

Mr. Yost: Right and they are band shells but I know nothing about them.

Mr. Kuhlman: Is there a handicap ramp up there?

Mr. Strong: Yes there is.

Mr. Kuhlman: Ok I thought there was. All right so you guys are going to work on that and get back to us.

Mr. Yost: We will take it back to the Parks Board.

Old Business

Mr. Kuhlman: All right old business if none of the Commissioners disagree I would like to put off the water and sewer rates one until the next meeting when Commissioner Hoewing will hopefully be back. All right water allocation Wade.

Mr. Yost: You want to skip the water and sewer rates this needs to be decided before April 1 whether we are going to do it or not if we want to coincide with the budget turning over in FY10 on July 1. There is a 3-month lag in the billing process.

Mr. Kuhlman: Why do you complicate things?

Mr. Klobukowski: I thought this was starting on 1 July right?

Mr. Yost: Yes Sir. Well the rates actually start on April 1 to be able to collect the bill for that rate on July 1.

Mr. Klobukowski: That is not my impression, my impression was...

Mr. Yost: Ok that is the way the budget shows now so we can change the budget, reduce the money that is going to come in for the water and sewer, increase the grant, that is what will happen before the quarter, so you will lose a quarter of the revenues we thought we would increase by doing...

Mr. Kuhlman: Oh so you are saying the rates would go into effect April 1.

Mr. Yost: Right but you don't get your bill because you start billing on April 1 for the July bill.

Mr. Kuhlman: So how much impact would there be if we, I guess I am like Jerry I thought the new rates would go into effect July 1, we wouldn't start billing new rates until meters are read on July 1.

Mr. Yost: If that is the case if you want to do that then actually September, if the rate were in effect in September you could start billing for it and collect your revenues, so you are going to lose a quarter of revenue on the budget, so we had \$90,000.00 roughly so the increase you are going to lose \$22,000.00 in revenue for the water sewer so you can increase the grant for the water and sewer which does some things to the rest of the budget as you know.

Mr. Klobukowski: But the thing is it says here quite clearly effective date 1 July, 2009, which to me I would assume and have been assuming all along...

Mr. Yost: Is that what Bobbie put on there.

Mr. Klobukowski: Yea it is on here.

Mr. Yost: Ok well we got to make some budget amendments then.

Mr. Kuhlman: Yea that is what it says.

Mr. Yost: Ok.

Mr. Kuhlman: That is why I am kind of surprised because that is what has been on it since day one and I have always been under the impression like Jerry is that if we pass this the way it is the new rates would take effect on 7/1.

Mr. Yost: Ok she was incorrect that is my fault.

Mr. Kuhlman: I am still of the mind to put it off to the next meeting myself when Commissioner Hoewing is back, any disagreement.

Mr. Brown: What is the money loss by doing that?

Mr. Yost: About \$22,000.00.

Mr. Kuhlman: Residents get a break for three months.

Mr. Klobukowski: We have been chastised about the size of the upcoming surplus so.

Mr. Kuhlman: All right moving on to the water allocation, water and sewer allocation.

Mr. Yost: I gave you guys a series of --- reports a couple months ago, I think Jerry made some corrections on the rainfall on the sheet. Tom Kettler sent a letter in, he is requesting to get allocation for Phase 2 of Brightwell Crossing which just was conditionally approved on his site plan, conditioned upon receiving his water and sewer allocation but of course the allocation plan in general states that 10% of whatever is available goes to the 4 and under with basically means we have --- the 4 and under and then Tom can have his and go as far down the list, we have enough capacity to complete everyone on the list, unfortunately they can't use it until one of these wells or both of these wells come online so at least probably 8 weeks out I would say roughly.

Mr. Kuhlman: All right any questions or comments from the Commissioners.

Mr. Klobukowski: With respect to Mr. Kettler bringing on additional or I guess allowing him to have an entire Brightwell Crossing property available for the sale of homes, was

this ever done before as opposed to following the more or less you were granted 98 Phase 1, when you are done Phase 2 kicks in etc., in other words the completion of one phase marks the start of the next phase.

Mr. Yost: No not really I mean Winchester is in phases also and he has been granted his whole 98 and what not.

Mr. Kuhlman: Yea Winchester is phased in, Hunter's Run was phased in and the only reason why these weren't granted before is we didn't have the flow data.

Mr. Klobukowski: What about infrastructure, if the homes that are first sold are actually the ones in the back that have the larger lots as opposed to the ones in the front, roads have to be put in those roads would not be surfaced finished with a finished topping until all the what ya call its would go in and we would not assume responsibility and I can hear people if they are all the way in the back and they live there for say a couple years and the homes aren't finished and the roads not finished topped...

Mr. Yost: Right --- not accepted it and that is in the PIA that he has to maintain it.

Mr. Kuhlman: Excuse me a second gentlemen we are discussing a mute point. Mr. Brown happens to be on the list since he bought the Varno property so his property is on the list, he fully intends to recuse himself from discussion and a vote on this matter so there is not enough here tonight to make a decision on this, we need to have Commissioner Hoewing to have enough to make a decision.

Mr. Klobukowski: I understand but the thought is in my mind now I just want to make sure we understand all the unintended consequences that come along.

Mr. Kuhlman: Well the consequences to me are there is no negative, there is a positive because people especially on the 4 and under list are reluctant to do anything and spend any money till they have been allocated. Now if they get the allocation they go ahead and start their plans working with their engineer or builder or whatever and move forward and they all are notified in the letter that they can move forward with planning but they can not secure a building permit until at least one of these two wells is turned on and running producing water to the Town. So I think from a planning concept it behooves us to move forward with the granting of these allocations but unfortunately with only two Commissioners eligible to vote tonight we cannot take an action on it tonight. Am I correct Mr. Wright?

Mr. Wright: That is correct.

Mr. Kuhlman: Ok did you have any further questions you wanted to ask Jerry?

Mr. Klobukowski: No.

Mr. Kuhlman: Ok.

Committee Reports

Mr. Kuhlman: All right Committee Reports Planning Commission?

Mr. Brown: I wasn't there don't look at me.

Mr. Yost: Oh that's right. Planning Commission...

Mr. Kuhlman: Oh Mr. Hoewing that is right he isn't here, what you got.

Mr. Yost: Mr. Speelman came forward with his windmill proposal. We had a public hearing the last meeting, received a few comments. The Board kind of tossed back and forth a couple ideas and Alan has got to do an opine on this was a windmill is not listed in the Use Chart so if its not listed as a permitted use in the chart itself could they even approve it. And a couple of the Board members felt that perhaps as part of the site plan and maybe there was an accessory use that it could in the site plan be approved, so we are

waiting for that opinion from Alan on that before they can make a decision so that matter was actually tabled until the next meeting.

Mr. Kuhlman: Well I know the opinion of other jurisdictions is that if it is not in the Use Chart than its not allowed.

Mr. Yost: Right.

Mr. Kuhlman: Ok.

Mr. Yost: That is kind of where we are heading with it.

Mr. Klobukowski: I was at the Planning Commission when Mr. Speelman made the pitch for it and I asked the Planning Commission not to basically just approve it because there is no guidelines. I thought that there should be something given some thought as to the location of it and everything that goes with it with respect to foundations, planning, tying in, not just well it's a hot topic and everybody wants to do something green so we should allow it be done, there is a lot of other things that need to be considered and if you are going to do something we ought to formulate a policy or a law.

Mr. Yost: Oh guidelines definitely.

Mr. Klobukowski: More than guidelines it should state in there what can and can't be done, where it can and cannot be done, now if this were something, and I just have a hard time seeing this in the middle of town because there is more than one thing but anyway that is a side issue I can talk to you Eddie but the thing is, is if we are going to do this lets do it right, lets come up with not a patchwork quilt but something that will define what can and cannot be done.

Mr. Kuhlman: Well the way I understand the Code is this would not be allowed in any residential right now because we have a maximum height of accessory 14 feet and the 14 feet isn't going to get the blades turning.

Mr. Klobukowski: But the argument there was is that there were higher structures within town mainly church steeples and...

Mr. Kuhlman: And that is covered by a Special Exception.

Mr. Klobukowski: Right.

Mr. Kuhlman: Or a Variance.

Mr. Klobukowski: But I think there is other issues that you have to look at too. Signage so what if someone decides that they want to put the name of the thing in big letters going down the pole or whatever. I think this has to be looked at from more than just one aspect, it has to look at every aspect that every sort of regulation, signage, setback, everything.

Mr. Yost: And that is what they were talking about that next month they are going to start looking at Code and Subdivision Regulations and talking about the green initiative and having to format those into not only general commercial cbd and everything but sort of like a window with a Special Exception with certain guidelines along with it to make sure you can limit anything you are talking about like a sign or anything.

Mr. Kuhlman: All right Parks Board.

Mr. Brown: Parks Board met and we actually went through an explanation on the Grant Process that was set in motion at the previous Commissioners meeting for the Skateboard Park. The big news had to be the resignation of George Deyo from the Committee, from the Board. Not just as Chairman but from the Board in general, very sad, George had done a great job. We talked about the possible dedication of a ball field in memory of Dale Carnahan who passed away a few weeks ago. Nothing was decided on that and we

received committee reports from Doug McKenney and Butch Zachrel for Parcel 840 and the Skatepark respectively and then last but not least some permit issues where worked out so I am told after I left that we were wrapping the meeting up and I drove by an hour and a half later and there were still cars in the parking lot so that is it.

Mr. Kuhlman: Ok before we go any further we need to set a work session for the budget.

Mr. Yost: Yes you do.

Mr. Kuhlman: Yea I forgot that. We need to have a work session scheduled for the budget after the public hearing tonight. What are your schedules like?

Mr. Brown: I am available.

Mr. Kuhlman: 5 minutes late but available.

Mr. Brown: Well yea I might be 5 minutes late. What do you got next week?

Mr. Yost: Monday is actually a bad day. I have things I have to take care of on Monday.

Mr. Kuhlman: Doesn't have to be a Monday in my opinion.

Mr. Yost: Other than that the rest of the week is open.

Mr. Kuhlman: Jerry?

Mr. Klobukowski: I am looking right now. Yea next week is open, the rest of this week is open except one night I have to be home to make lasagna.

Mr. Kuhlman: I think we will do one night next week.

Mr. Brown: Tuesday is fine by me if that ends up being good for everybody else.

Mr. Klobukowski: Tuesday is fine.

Mr. Kuhlman: All right this coming Tuesday night.

Mr. Yost: Tuesday the 31st.

Mr. Kuhlman: Yea.

Mr. Brown: You going to pitch it to Link.

Mr. Kuhlman: Yea I will see him tomorrow.

Town Managers Report

Mr. Kuhlman: Ok Town Manager's Report.

Mr. Yost: Ok lets see I want to touch on one thing brought up by Mr. Hoewing this evening was street lights and I really don't want to quote a price because I have not seen anything in writing, but the negotiations seem to be over as far as the purchase of the street light facilities, we are waiting for an attorney for Allegheny to draw paperwork up, it is a lump sum for the facilities and then we will ship it over to Alan he will take a look at it and then be bringing it back to this Body hopefully in April to finalize that purchase.

Mr. Kuhlman: Good great.

Mr. Yost: Wednesday we are having a pump down of the Rabanales well to determine if there is a radionuclide alpha emitter problem associated with that well since we do have it planned to bring online next year and we are talking about --- treatment systems fully functioning to the well so we'll do that pump down and test it. And hopefully some time in April Kathy Mihm and John are working together to come up with some information as far as what the treatment systems may need, the costs associated with them, I definitely want to have this in early April. I know we are supposed to adopt the budget by April 20 so having this information is very important because I think treatment systems are probably going to be more than what was allotted in that \$400,000.00 category for a treatment system, so there is a quite a bit more into it than a simple little purchase of a treatment system it is pretty detailed. And we sent out an RFP on it and I think she put a deadline on it of the 31st of this month to get the RFP back for the

treatment system so we are trying to compile all the information as quickly as possible to give you the best picture, hopefully by April 6 we can even do it, I am not for sure. And now we have our budget work session so that is all I have.

Mr. Kuhlman: Thank you very much.

Mr. Brown: Oh hang on, first thing again, what was the first thing on your list?

Mr. Yost: Streetlight purchase.

Mr. Brown: Got it. Short-term memory.

Mr. Klobukowski: With respect to the streetlights I noticed down on Hughes Road there was a area there with a whole line of lights...

Mr. Yost: That is one of my questions, there is an underground wiring problem there.

Mr. Klobukowski: Because I saw that going down right near the corner of Tom Fox and Hughes. The other thing is with respect to the Rabanales well or the treatment system for the 3 wells how soon will the, ok Wednesday is the pump down, how soon will the results be back for the radionuclide?

Mr. Yost: It will take a couple weeks.

Mr. Klobukowski: Because I thought one of the options might be to would be I thought we talked about possibly just abandoning one of those wells and bringing Rabanales on line.

Mr. Yost: Kathy is actually drawing up a model, they have a model in their organization where she can plug all the data in, she just picked up the data today and what the water depths are, the pumping rates and the little bit of information we received when we did the Rabanales well we had monitored different wells and plug all this in and it is going to give you after a long period of time what is the sustained yield, how it will impact, and we did have some interference with the Rabanales well. So that might be a good piece of information to have since the Rabanales well is going to take this one down anyway so you might want to take this out of service and see exactly what...

Mr. Klobukowski: Because I was hoping to find out with respect to 7 is the other bad boy right, is it 7 that we had questions with?

Mr. Yost: 7 does have some high radon but it is 47 gallons a minute.

Mr. Klobukowski: I want to make sure that when we look at this we look at it from a holistic standpoint but not just like looking at one specific area and not we fix the problem but there was a larger fix.

Mr. Yost: And that is exactly what we are trying to get all together for you.

Mr. Klobukowski: Ok and have we told people by the way that Winchester and Jamison are questioning our...

Mr. Kuhlman: No.

Mr. Klobukowski: What do you call it, rates, I'll get it here yet...

Mr. Yost: Impact fees.

Mr. Klobukowski: Impact fee schedule.

Mr. Kuhlman: No we have not. We are waiting for some answers yet from our attorney.

Mr. Klobukowski: Well I think people should know because this impacts the budget, it impacts out years that our impact fee structure is being challenged by 2 developers within town or that have developments within town and that this could impact how much revenue we get in succeeding years out of these developments and I think that is important for everyone to know.

Mr. Kuhlman: Well that is not quite true. They are questioning the amount of the impact fee given and requesting that they be reviewed as the Master Plan suggests that they be reviewed from time to time and I am not trying to make it look better, I am not happy that this request has been sent in at all but I have nothing, I mean I am kind of upset Jerry we are waiting for a couple answers from our Council before that information should have went out number one so I appreciate you for sidestepping the authority of this Board and deciding on your own what the hell to do and that is the end of it thank you.

Citizen Forum

Mr. Kuhlman: Citizen forum anybody out there having anything to say?

Mr. Klobukowski: That is not the end of it.

Mr. Kuhlman: It is Jerry.

Mr. Klobukowski: It is not classified and...

Mr. Kuhlman: No it is not classified but it is not your decision solely to decide what to do.

Mr. Klobukowski: Right it is not my decision but at the same token you didn't touch upon it at all, you didn't say you wanted to touch upon it all in public to any of the Commissioners, you didn't raise...

Mr. Kuhlman: No if it is not on the agenda I set the agenda, if it is not on the agenda there is a reason, ask me privately.

Mr. Klobukowski: Excuse me it used to be that anyone could add something to the agenda but the way it appears is unless you want it to go on the agenda that is the way it goes, and that is not the way I always understood it to be and that is the way...

Mr. Kuhlman: You can have anything you want added to the agenda as long as Town Hall and I are notified by the Wednesday a week before the meeting that has always been the rule. If Wade doesn't hear or I don't hear by the Wednesday before the meeting we go with the agenda as set unless it is an emergency item.

Mr. Klobukowski: Well I think the public has a right to know about this and also your characterization that well...

Mr. Kuhlman: Well you have made the public aware of it.

Mr. Klobukowski: Excuse me, your characterization that from time to time, you said that from time to time as it states in the Master Plan the impact fee structure should be examined. I agree with you 100% with that, however, when you go in you set the structure and everybody goes in and knows what it costs you know when you get on the I-95 N and you hit the Delaware Memorial Bridge you are going to pay a toll and you know what that toll is going to be, you know if you get on the Dulles Greenway you know what the toll is going to be, if you get on the New York State Thruway they give you a card and they tell you exactly what you are going to pay at each stop exit that you get off at it. Now I think this is no more than the same thing and to have this come up now and not tell the public or to intimate that this is a matter of fact thing in my opinion is the incorrect thing to do. I don't think it goes for open government we have seen enough of that out of Washington as to well did they know about the bonuses or didn't they know about the bonuses.

Mr. Kuhlman: Well you are entitled to your opinion and I was trying to ascertain from our Town Attorney what was the legal thing to do and that is all. You just made a decision without our input and taken care of it.

Mr. Klobukowski: I have made no decision.

Mr. Kuhlman: Yes you did by telling everybody you made a decision unilaterally by yourself. All right citizens forum anybody have anything yes Sir.

Mr. Peck: I was wondering about how much the water rate per household will go up when the rates go up on the average.

Mr. Yost: About \$8.00 a month.

Mr. Kuhlman: He will give you the answer. All right thank you very much Sir. Anybody else?

Adjournment

Mr. Kuhlman: All right seeing no hands I entertain a motion for adjournment.

Mr. Brown: Motion to adjourn.

Mr. Klobukowski: Second.

Mr. Kuhlman: All in favor?

All: Aye.

Mr. Kuhlman: We are adjourned.