

**COMMISSIONERS OF POOLESVILLE  
MEETING OF APRIL 22, 2009**

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

**Call to Order**

Mr. Kuhlman: Good evening ladies and gentlemen we will call the April 22, 2009 Commissioners Meeting to order. Let the record reflect that Commissioners Brown, Kuhlman and Hoewing are in attendance, Mr. Klobukowski is out taking care of a, he had a death in his family up in New York, he is up there. Also in attendance is our Town Manager, Wade Yost and Town Attorney, Alan Wright. First order of business will be the Pledge of Allegiance.

**Pledge of Allegiance**

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

Mr. Kuhlman: All right thank you.

**Announcements**

Mr. Kuhlman: Under announcements the only one I really have is at the Commissioner meeting on May 18 we will have a report from the Board of Elections on the elections, a swearing in of the new Commissioner and then Senator Garagiola, Delegates Dumais, Feldman and Rice will be here to give us an update on this past legislative session, so hopefully the citizens will be here to here what they have to say and maybe ask some questions. Are there any other announcements?

Mr. Hoewing: I have two, one is I went to the MML, the Prince George's County, Montgomery County joint MML league meeting and they gave a number of awards out one was to Mr. Eddie Kuhlman for his work on the legislative committee this year which I hope you got that.

Mr. Kuhlman: Board of Directors.

Mr. Hoewing: Board of Directors sorry.

Mr. Kuhlman: Yes I got it thank you.

Mr. Hoewing: And the other thing is that I am sure some other folks here like Dad and I guess Rudy didn't go to the debate, I just wanted to put on the record how incredibly refreshing that was, it was a good debate, 5 candidates the 6<sup>th</sup> one didn't show Bob Pierce couldn't make it but it was a great discussion for 2 hours and I thought there were some really good questions asked, some good discussion and go on Poolesville Blog you will see there is a post by Ralph Hitchens and he is right he said there is 5 good people that will lose in the election and we have some good candidates there I was impressed, good diversity and I am glad to see people running.

Mr. Kuhlman: Anything from you?

Mr. Brown: No I will just say this, I am going to career day tomorrow at John Poole Middle School representing the Commissioners and I actually have my own timeframe

and set up for all the kids and I'm fully armed I am going to get some more props from Wade and get ready to have a good time with the kids all day tomorrow so hopefully someone will buy printing one day.

### **Approval of Minutes**

Mr. Kuhlman: Good deal. All right very good. Next will be the approval of the minutes of the April 6 meeting.

Mr. Brown: I would like to make a motion to approve the minutes from the April 6, 2009 meeting.

Mr. Kuhlman: Is there a second?

Mr. Hoewing: Second.

Mr. Kuhlman: Any comments, all in favor?

All: Aye.

Mr. Kuhlman: Carries unanimously.

### **Open Forum & Citizen's Comments on Agenda Items**

Mr. Kuhlman: Open forum and Citizen's comments on the agenda items. We have a recommendation from staff to release or reduce?

Mr. Yost: Release.

Mr. Kuhlman: Release a letter of credit for St. Peter's Church for their construction, any comments all right. Under old business we will a decision tonight on the FY10 tax rate, any comments there, also we will have a decision on the FY10 budget any comments there, Mr. Gole please.

Mr. Gole: Rudy Gole, Oxley Farm Road **TAPE STOPS** and you have concluded that none of it was relevant so I am not going to go over those comments except for the \$600,000.00 that I still feel that you made. You were --- aware of a tax and spend tea parties that were held in various cities last week, well tonight this is my personal tea party regarding the infamous \$600,000.00 that belongs to the Poolesville taxpayers in which you have been unwilling to deal with and to honor the pledge you made with your residents in 005-06. It seems as though you are artificially showing expenditures in this budget for Capital Projects, which you probably won't incur and will attempt to justify keeping those funds. You are not being faithful to the very people you are supposed to serve and represent, this is your last chance before you adopt budget FY10 to act on that Resolution and refund the \$600,000.00 to the taxpayers. You need to do the right thing in this regard and stop ignoring that Resolution as you have been doing. Your responsibilities are to the residents of Poolesville and we residents expect you to act responsibly regarding pledges made with a Resolution. If you want to be a trustworthy Body you must do as you claim you would do in that Resolution which stated that if the funds were not needed by June 30, 2008 they would be returned to the taxpayers, it is irresponsible to pass a Resolution specific stipulation and for you to ignore it as you have been doing. I have been commenting on this matter of refunding the \$600,000.00 for about 3 years, during those times I don't recall ever getting a response from you, you all can have dialog with other individuals who comment but never to me on this matter, after I complete my comments or testimony I was just dismissed. Now I know you would rather not do this but tonight I would like to hear from each of the Commissioners who are here what your view or position is on my comments regarding Resolution 005-06 which 2 of you here voted for at the time. I would like to hear from Commissioner

Brown last because he wasn't on the Commission at that time, but he has heard my previous comments and he still has a responsibility to carry out commission business.

Mr. Kuhlman: Well I don't know I don't remember if I voted for the original Resolution to give the money back I don't think I supported that. The subsequent Resolution to give it back my the certain date I did vote for yes but the original one that Link made to give the money back I don't think I voted for. Regardless right now I support holding the money, I support funding the treatment that we are going to put on wells 7, 9, and 10 and see what the results are from that. There has also been some money spent out of that \$600,000.00 towards the alpha emitters heading, about how much Wade?

Mr. Yost: Probably about \$50 or \$60,000.00, the last 3 years of testing.

Mr. Kuhlman: And we have the \$30,000.00 pilot project that we just approved at the last meeting and if that does pan out that it does make the water a higher quality it appears as though we might go ahead and spend \$300,000.00 of that for the treatment. At that point once that is on and we see what the water looks like I would be willing to have a discussion amongst my colleagues about the remainder of the money and whether it goes back or what at that point but right now I don't like saying this but I am committed to keeping the money for right now.

Mr. Gole: The Resolution said that if the money was being held for the alpha emitter correction, your consultant has said there is no recommendation for any gross alpha emitter correction and your recent discussion with her about doing something for wells 7 and 10 going to amount to as your Town Manager has recommended \$300,000.00 as a limit and those figures were just rounded off to the nearest \$100,000.00. You are not using that money properly, you have taken some of the excess surplus and put it into projects that weren't programmed or planned for FY10 or for this year. You are doing everything you can to hold onto that money and to divert it to other things but you can't really do it properly and honestly. You are being dishonest with that money.

Mr. Kuhlman: Well I guess I can see why you say that Mr. Gole and I don't blame you for feeling that way. From my understanding the problem that we are looking at repairing at wells 7, 9, and 10 does fall under the ultimate headers of alpha emitters. One can interpret whatever Kathy said how they want to but I am under the impression that it does fall under alpha emitters heading. But honestly whether it does or doesn't and the money is there we need to do something that is quality water in my opinion and as I stated a few minutes ago I support right now holding onto the money, taking care of these 3 wells to the best of our ability and seeing what it looks like when that is done, and now I give the other 2 Commissioners...

Mr. Gole: Well speaking of the money, you have the money already without using that money you have excess money, you have taken some of the current excess surplus and as I say you have diverted to other projects, you are still showing for next year and for the next 5 years you are showing a surplus of \$1,300,000.00 for the next 5 years, may --- each of us for 5 years of what you show in the budget but yet you show it when you talk about your tax you say you want to have a surplus of 4 months expenditures, well 4 months expenditures is not \$1,300,000.00, it is \$900,000.00.

Mr. Kuhlman: Right and the way the budget is presented right now we will be in, we are showing red for the next couple of years in that unrestricted cash reserve.

Mr. Gole: No, no, no, unrestricted cash reserve for the next 5 years you are showing \$1,300,000.00.

Mr. Yost: That is correct. What you mean is we show a negative balance on it.

Mr. Kuhlman: Yea negative balance I am sorry negative balance. Anyway Mr. Gole that is my response to you and that is the position I am taking tonight and if either one of my colleagues want to join in they are welcome.

Mr. Hoewing: The initial idea was to try to frankly one of the reasons I proposed it was to try to force us to come to a decision on this whole issue and it actually has to some extent worked we are a year late but we are I think we are coming to a situation now where we are deciding how to spend any of that money if we decide we need to and I think we are going to spend \$300,000.00 so I would support since we have always said we want a budget surplus in other words a rainy day fund of \$850,000.00 approximately that \$600,000.00 if you add it to \$850,000.00 it gets up close to what our rainy day fund is so I would support taking the other \$300,000.00 after we decide we are definitely going to spend the \$300,000.00 and give that portion back, I would tell you though Rudy that is not very much money, I don't know how much it is but it is not very much at all so that doesn't mean we shouldn't do it because we did say we would do it a year ago and part of the reason we said we'd do that is because it was going to force us to decide something and we have decided I think we are going to spend \$300,000.00 I think is what it is going to boil down to so the reason I am saying this is we also said we were going to make an \$850,000.00 surplus and if we go down below that I think that is dangerous for us, I think we need to maintain that, so if we have \$300,000.00 left that is fair game I don't think the rest of the \$850,000.00 is fair game.

Mr. Gole: The Resolution...

Mr. Hoewing: Remember that was predicated on whether or not we had to spend any money.

Mr. Gole: It was predicated on a certain date, it was specific, it didn't say forever it said June 30, 2008.

Mr. Hoewing: But also Rudy I've also been in Legislature my whole life, I worked in Congress for 10 years you can't bind a previous Congress or previous Legislature by a subsequent action, it is a guideline, we can decide to keep going with that guideline if we want to but you can't really bind them so we are trying to live within I think the spirit of it and that is why I think \$300,000.00 is legit. I will tell you it is not a lot of money though.

Mr. Gole: There are 3 Commissioners that are on board here now that approved that Resolution.

Mr. Hoewing: Right.

Mr. Gole: Jerry being the 3<sup>rd</sup> one.

Mr. Kuhlman: Any comments?

Mr. Brown: No. I just would say of course I wasn't here when it all went down that is not my usual excuse but it's the one that --- right now and I just say Rudy I have listened to you every single time in front of this Board and you are spot on, on your recommendations and your thought process but at the same time too I will say that we have taken probably, I don't think we've gone off track, we've probably taken a parallel track on what we are doing with the money and I don't think it is fiscally irresponsible even though we have a recommended level for our rainy day fund, there are a lot of unknowns out there, I agree with the track that we are taking. I would also agree too that once there is a point where we can determine what our future costs are for what we are

doing I would be in favor of giving back whatever is left over as well, I think we are taking a positive direction right now.

Mr. Gole: How can I believe what you are saying that way when it has been 3 years and you are still not done yet, you are just delaying...

Mr. Brown: Let me ask you a question, that is ok that is fair, let me ask you a question. How bout this, what if we had decided to make another resolution to postpone the decision on what we were doing with where we were, that was the direction we were going to take, would that have been something that would have been within our legal range to do that, I mean we are one resolution away, which could happen tonight, to say well we resolve that we can't come up with the game plan beyond the first \$300,000.00 so we are not sure what is going to happen with the other \$300,000.00 until we get a full reading on what our efforts take, I mean if that is what you are looking for as language because the situation has changed.

Mr. Gole: I'm not looking for language I am looking for you to be a trustworthy organization and live up to your promises and your pledges that you make because you don't need those funds...

Mr. Hoewing: Yes we do. Rudy I disagree.

Mr. Gole: You got \$1,300,000.00 in surplus for this year, next year, 5 years in a row you are proposing that, you are predicting that so then you say you want \$850,000.00 well \$850,000.00 is not negative 3, also you are just tossing money around hand over fist in this budget trying to find projects to put this money into.

Mr. Brown: Well I wouldn't say that I wouldn't agree with you on that. I know that I don't know as much as everybody else here does but I do know that the debate was solid and that you may disagree with it but as far as I am concerned we are just one resolution away from saying hey times have changed and we are doing everything we can do to make decisions the right decision on behalf of the Town.

Mr. Hoewing: Rudy tonight we are going to probably approve a bill of sale for the lights in this Town, that is going to say us \$160,000.00 a year, no that is going to save us \$160,000.00 a year and the next several years it is going to save us a lot more than probably the \$600,000.00 that we are talking about and this is spending money, it is spending money.

Mr. Gole: I'm not arguing that point.

Mr. Hoewing: Well you say we are spending money and throwing the money around that is one of the things we are spending money on.

Mr. Gole: That has been in the proposal.

Mr. Kuhlman: Mr. Gole do you have any other comments?

Mr. Gole: Hold it let me just go free hand. You had \$400,000.00 in there for treatment, you jumped it to \$450,000.00 because you had to reduce something else, but you still got the \$100,000.00 there for well number 7, you are not going to connect well number 7 to 9 and 10, you are going to have some voluntary treatment for radon and uranium in 7 and 9 and 10 at the most at the present time, but you are still holding \$500,000.00 for treatment. You are just keeping things in the budget, keeping items in there, keeping funds in there and I'm not getting anywhere...

Mr. Hoewing: Well Rudy just so...

Mr. Gole: I'm not going to be involved with you guys anymore.

Mr. Brown: My question for you, are you done, if you have a suggested list of things that you thing we are just stowing away in the budget I would be glad to hear about it.

Mr. Gole: I make suggestions all the time.

Mr. Brown: Well no you have been making this suggestion for quite some time but beyond that.

Mr. Gole: I've had other suggestions regarding this budget and like I said you --- irrelevant all the suggestions that I made, you still for your income tax you are still showing the same thing you showed for this year and the projected not a round figure but 800 and some thousand six hundred thirty six dollars, I don't know how you can estimate \$636.00 2 years in a row...

Mr. Kuhlman: Because that is what the county has sent us telling us what we can expect to get and I didn't quite hear what you were saying and I want to wrap this up but Mr. Gole I think I have listened and heard and taken to heart one of your concerns because I raised this year and we did abolish the meter charge on the water bills and you are the one that championed that cause, you have raised that issue for years and I'm sorry it took me long but I did see the light you were correct and I do listen to what you say, I may not always agree and I always thank you for your comments.

Mr. Gole: Ok thank you.

Mr. Kuhlman: All right anybody else? All right then last item on the old business will be the streetlight purchase, is there anybody there that wants to make a comment? All right seeing no hands we will go back to the agenda, new business we have the release for letter of credit for St. Peters Church.

### **New Business**

Mr. Yost: That is exactly it, it is the release of the storm drain construction permit irrevocable letter of credit for the church and the final inspection has been done by the county and we have inspected along the way with our consultant also and we do have a recommendation for release from Staff for releasing the \$40,950.00 bond for the letter of credit.

Mr. Kuhlman: All right is there any questions or comments? Hearing none is there a motion?

Mr. Brown: I make a motion that we release the letter of credit for St. Peter's Church.

Mr. Kuhlman: Is there a second?

Mr. Hoewing: Second.

Mr. Kuhlman: All in favor?

All: Aye.

Mr. Kuhlman: Motion passes unanimously.

Mr. Yost: Just to follow up on that real quick there was a sidewalk issue with this particular property that they were to build a sidewalk within such amount of time and when Mike Conlon was here from Winchester Homes during one of our meetings he did say that they would take care of it but they are going through the planning phases now, setting the manholes and getting the elevations and as part of that plan they are looking at doing a sidewalk and they are going to carry the curb and sidewalk across so the church wouldn't have to do it, they are taking care of it.

Mr. Kuhlman: All right.

## **Old Business**

Mr. Kuhlman: Old business decision on Resolution 002-09 for the tax rate, FY10 tax rate. Resolution 002-09 reads: Be it resolved by the Commissioners of Poolesville that the attached tax rate is hereby adopted as the tax rate for the Town of Poolesville for the fiscal year 2010. Be it further resolved by the Commissioners of Poolesville that this Resolution shall take effect on July 1, 2009. And the attachment shows the tax rate at 15 cents per 100, is there any discussion on this? Hearing none is there a motion for approval of Resolution 002-09.

Mr. Brown: I would like to make a motion that we approve Resolution 002-09, which is the FY10 tax rate.

Mr. Kuhlman: Is there a second?

Mr. Hoewing: Second.

Mr. Kuhlman: Any further discussion or comments, hearing none I call for question on the motion, all in favor?

All: Aye.

Mr. Kuhlman: Motion passes unanimously. Decision on Resolution 003-09, which is the FY10 Budget. The Resolution reads: Be it resolved by the Commissioners of Poolesville that the attached budget is hereby adopted as the budget of the Town of Poolesville for the fiscal year 2010. Be it further resolved by the Commissioners of Poolesville that this Resolution shall take effect on July 1, 2009. Is there any comments or questions, hearing none is there a motion for approval.

Mr. Brown: I would like to make a motion that we approve Resolution 003-09, which is the FY10 Budget.

Mr. Kuhlman: Is there a second?

Mr. Hoewing: Second.

Mr. Kuhlman: Any discussion. Hearing none call for question on the motion, all in favor?

All: Aye.

Mr. Kuhlman: Motion carries unanimously. Last item is the streetlight purchase Wade.

Mr. Yost: Ok just a little history of where we are, we worked with Allegheny Power for a couple of years trying to get this deal going through and right now we pay about \$160,000.00 per year for the streetlight **TAPE STOPPED** agreement that we are speaking of tonight. We do have 565 14-foot streetlights that we are considering. Right now we pay anywhere from \$9.00 to \$24.00 per light per month depending on the age of the light and the type and the style. Once we purchase these streetlights it will cost us \$16,357.00 our cost light per month will drop to \$2.50 to \$5.00 a light again depending on the type of light that it is, different lights use more electricity obviously.

Mr. Hoewing: In that cost figure Wade are you including any additional equipment we may need to get to do any maintenance or is there any equipment needed?

Mr. Yost: There will be and we will get to that in a second, this is our electric bill will drop that much by \$80,000.00 a year at least. We will need to have similar to the bulb replacement a maintenance program that we have now with the lights that we own down Hoskinson and Tom Fox, staff does that now, we do have a couple in stock but we do want to build up our stock as you were just suggesting Link and there are some older lights in town particularly in the Wesmond development that is called a china cap and basically looks like a saucer kind of a light they are mercury vapor they are 30 some

years old and there are quite a few of them we will want to replace those as they burn out. Mercury vapor is on its way out with the newer style lights that have the mercury vapor we will be able to replace just the bulb itself as they burn out so it is not a full special kit you have to worry about but with the china caps we just want to get rid of those and I would like to put excess money in this particular account to be able to get some of these fixtures.

Mr. Hoewing: How often do they need replacing?

Mr. Yost: The fixtures themselves they lasted 30 years.

**RECORDING INAUDIBLE**

Mr. Yost: It depends on stuff getting analyzed, shaken, a kid hanging on them and stuff definitely loosens up the ballast and everything in them but every couple years as per the agreement with Allegheny Power every 5 years come through and does a full bulb and photocell replacement that is still part of this agreement even though we own the equipment.

Mr. Kuhlman: Say what now?

Mr. Yost: Allegheny Power comes through every 5 years and replace the bulbs and the photocells, so we just have to if anything breaks, the fixtures go bad you know whatever happens we need to replace them ourselves take care of them along the way but there still is that service agreement.

Mr. Hoewing: So the 338 high-pressure sodium bulbs we have now are the more modern lights, the 214 are the one we have to replace over time.

Mr. Yost: Exactly.

Mr. Hoewing: What are the metal halite is that another new word?

Mr. Yost: The metal halite is a whiter brighter light, the mercury vapor is a bluer kind of a light, (Inaudible) shine and the metal halite is a brighter white.

Mr. Brown: And I take it everything is going to be dark horizon that gets replaced.

**TAPE INAUDIBLE**

Mr. Yost: Just without electricians arcing power would come out just insert the charge come out and shut the power down on it and have a couple electricians working on that

**TAPE INAUDIBLE**

Mr. Brown: Give me a breakdown again what the streetlight breakdown is just a style that we are talking about.

**TAPE INAUDIBLE**

Mr. Yost: Yea well the mercury vapor we have 214 of those, we have 338 of the high pressure. The only place we have the china **TAPE INAUDIBLE**

Mr. Kuhlman: So after this if we do execute this agreement and then we go to replace any streetlights in the past we have run the conduit and then Allegheny has set the poles and made the hookup right?

Mr. Yost: They'd charge us.

Mr. Kuhlman: That would continue that way and what would their charge be for that.

Mr. Yost: I would have to look it up, it's the same we are being charged now.

Mr. Kuhlman: Ok.

Mr. Yost: They'd come out with a crew **TAPE INAUDIBLE**

Mr. Kuhlman: I did ask you a couple weeks ago, what did they say about us omitting the ones on Wootton Avenue from this deal since we intend to replace them in the next year or two?

Mr. Yost: It really doesn't matter if we omit them or not **TAPE INAUDIBLE** this is what you are getting. If we did a (inaudible) it would be right around \$400,000.00 but some have depreciated so far and some are mercury vapor that need to be replaced.

**TAPE INAUDIBLE**

Mr. Hoewing: If we wanted to replace a whole street of lights they would do that under contract with us?

Mr. Yost: Like we did Hoskinson exactly but the other ones sit so far back off the road really close to transformers. You run the conduit have string in it they come through they pull the wires through set the poles and they charge **TAPE INAUDIBLE**

Mr. Kuhlman: The other thing **TAPE INAUDIBLE** we don't have to buy anything else, we have the ---, we have tools and all that, this will be the only investment we make.

Mr. Yost: Correct **TAPE INAUDIBLE** very frustrating for the residents and they call in **TAPE INAUDIBLE** and we keep sending out forms to Allegheny to repair them, so that in itself is frustrating. I did make a couple changes to the bill of sale from what you guys have in front of you, one was our legal name which is Commissioners of Poolesville and Eddie brought that up I changed that from the Town of Poolesville to the Commissioners of Poolesville and Allegheny was fine with that and also they had the lights down incorrect so that is why I attached all the sheets to them of the inspections we did so we had every single light in town attached.

Mr. Kuhlman: Not that this pertains to this but you jarred my memory, did you or Mr. Kline ever get the light out in front of Mr. Davis' house taken care of.

Mr. Yost: There was a work order called in I don't know if they have ever changed that.

Mr. Kuhlman: All right is there any further questions or comments on this, hearing none **TAPE INAUDIBLE**

Mr. Hoewing: Second.

Mr. Kuhlman: All right any questions or comments? Hearing none call for question on the motion all in favor?

All: Aye.

Mr. Kuhlman: Motion carries. I guess before we move on to Committee Reports I should announce this coming Monday night the 27 the Commissioners will be having an Executive Session here at Town Hall.

### **Committee Reports**

Mr. Kuhlman: Committee Reports, Planning Commission.

Mr. Hoewing: We had a long hearing on the proposal for a wind turbine at the Hardware Store and it is the final decision of the Commission was to consider changes to the existing zoning regulations with respect to what a requirement would look like for wind turbines and that will probably take a few months to do that so that is why we basically said to John we need some time to do it, we said we would be finished in 6 months. The other thing we spent some time on too was talking about the focus groups for the Master Plan that is being developed, one of the proposals was to have a series of focus groups and we are beginning to waiting around and talk this Friday on how to start doing that.

Mr. Kuhlman: My one comment on the wind turbine thing Wade

**TAPE INAUDIBLE**

Mr. Brown: Developing signage at that ballparks around here and inside the Town of Poolesville and then we set a date prior to our next meeting walking the towns parks...

Mr. Yost: Well it would be Halmos...

Mr. Brown: Right just so everybody can get a good lay of the land for future discussion there.

Mr. Kuhlman: All right CEDC is meeting tonight so we will get a report at the next

**TAPE INAUDIBLE**

Mr. Davis: to help the businesses under the Grant situation so I tell you that I think I want to get the group together and come back to you at another point. I am not looking forward to this, last time it was 18 months but we do have a new sign across the street that I don't think is out of character or radical.

Mr. Kuhlman: Got a lot of holes in it.

**TAPE INAUDIBLE**

Mr. Yost: But they took a magic marker and drew all over it, no vandalism is picking up actually we had some complaints come in today about Stevens Park and doing different things.

Speaker: We are always going to have vandalism we are always going to have kids who are bored but I think the issue is...

**TAPE INAUDIBLE**