

**COMMISSIONERS OF POOLESVILLE
MEETING OF DECEMBER 5, 2011**

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

Call to Order

Mr. Kuhlman: Good evening ladies and gentlemen, we will call the December 5, 2011 Commissioners Meeting to order. For the record Commissioners Brown, Kuhlman, and Klobukowski are present, Mr. Stump is out of state on vacation and we also have Town Manager, Mr. Yost and Town Engineer, Mr. Strong. First order of business will be the Pledge of Allegiance, please rise, Jerry.

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 very much.

Announcements

Mr. Kuhlman: Announcements. First if anybody missed Friday night, the Holiday Lighting Ceremony, it was wonderful. We probably had about 500 people out front and Cathy Bupp and Town Staff did a wonderful job getting ready for it and I think everybody had a good time. And if you get a chance after the meeting, please step out in the foyer and look at our wonderful Christmas tree that Mr. Coakley so elegantly decorated, he did a good job on it, any other announcements?

Mr. Klobukowski: I would just like to take this opportunity to wish everyone a Merry Christmas and Happy Hanukah and a healthy, happy, and prosperous New Year...

Mr. Kuhlman: We've got one more meeting before Christmas.

Mr. Klobukowski: I know but I'll forget, that's the problem, I'll forget, I forgot last year and I think the year before that, so its like get it in now and also I hope that people are aware or recognize the sacrifice of our service men and women overseas who are separated from families at this time of the year, which I know is difficult from personal experience, and I hope they keep them in their prayers and their families as well, thank you very much.

Mr. Kuhlman: Ok Jim.

Mr. Brown: Nothing.

Mr. Kuhlman: All right under announcements we did have an Executive Session at the last meeting. The purpose of the meeting was to interview applicants or candidates for the unexpired term of Mr. Hoewing and we did interview one candidate, and we only had one person show an interest in that, and all the Commissioners except Mr. Stump were present as well as the Town Manager, Mr. Yost. All right moving on we have the approval of the minutes, oh wait a minute, after the interview is there anybody care to make a motion?

Mr. Brown: I want to make a motion that we elect by Commissioner vote, Brice Halbrook, to serve the remainder of Link Hoewing's term.

Mr. Kuhlman: All right is there a second?

Mr. Klobukowski: Second.

Mr. Kuhlman: All in favor?

All: Aye.

Mr. Kuhlman: And also Mr. Stump emailed me yesterday that he concurs with this decision. At this point Mr. Halbrook if you would come forward please and take the Oath of Office. Ok raise your right hand and repeat after me. I Brice A. Halbrook

Mr. Halbrook: I Brice A. Halbrook

Mr. Kuhlman: Do swear and affirm

Mr. Halbrook: Do swear and affirm

Mr. Kuhlman: That I will support the Constitution of the United States

Mr. Halbrook: That I will support the Constitution of the United States

Mr. Kuhlman: That I will be faithful

Mr. Halbrook: That I will be faithful

Mr. Kuhlman: And bear true allegiance to the State of Maryland

Mr. Halbrook: And bear true allegiance to the State of Maryland

Mr. Kuhlman: And support the Constitution and laws thereof

Mr. Halbrook: And support the Constitution and laws thereof

Mr. Kuhlman: And that I will

Mr. Halbrook: And that I will

Mr. Kuhlman: To the best of my skills and judgment

Mr. Halbrook: To the best of my skills and judgment

Mr. Kuhlman: diligently and faithfully, without partiality or prejudice

Mr. Halbrook: diligently and faithfully, without partiality or prejudice

Mr. Kuhlman: execute the Office of Commissioner of Poolesville

Mr. Halbrook: execute the Office of Commissioner of Poolesville

Mr. Kuhlman: according to the Constitution and laws of this state.

Mr. Halbrook: according to the Constitution and laws of this state.

Mr. Kuhlman: Congratulations, here is your seat. You need to sign that Oath and give it to Wade before you leave here please. All right is there anything that you would like to say at this time Mr. Halbrook?

Mr. Halbrook: Well it is going to be an interesting experience. I'm very much looking forward to learning more about the Town, I don't really come in with any preconceived agenda or notions about, and I don't have a lot of particular ideas about things I'd like to do and that sort of thing, but I look at it as more of a learning experience over the next year and I welcome the opportunity and I hope I can bring something to the Town.

Mr. Kuhlman: Very good Sir. All right thank you.

Approval of Minutes

Mr. Kuhlman: Moving on we have the approval of the minutes of November 21, which include the Executive Session minutes, is there a motion for approval?

Mr. Klobukowski: So moved.

Mr. Kuhlman: Second anybody?

Mr. Brown: Second.

Mr. Kuhlman: All in favor?

Mr. Kuhlman, Mr. Brown, Mr. Klobukowski: Aye.

Mr. Kuhlman: Abstain?

Mr. Halbrook: Abstain.

Mr. Kuhlman: Ok motion carries, 3 to the good and 1 abstention.

Open Forum & Citizen's Comments on Agenda Items

Mr. Kuhlman: All right at this point we have open forum and citizen's comments on agenda items. Tonight we will be dealing with the draft Master Plan that the Planning Commission worked long and hard on, there have been a public hearing at the Planning Commission level and a public hearing at our level, and very possibly could move to adopt the Master Plan tonight. Is there anybody wishing to say anything on the Master Plan. All right seeing no hands, our other business item tonight will be the introduction of some Charter changes, most of this is housekeeping and grammatical, Wade do you have a quick rundown that you can give on this?

Mr. Yost: Sure. There is 10 different changes that we are looking at doing, and they range from basically renaming like the Town Clerk, which is called the Chief Clerk, that was one of the changes. The Supervisor of Elections will be called the Board of Elections. Most of it is just the way we operate day to day within the last 10 to 15 years, and then just old things need to be updated, there is really no substance to any of it, like you said just grammatical in nature.

Mr. Kuhlman: Ok anybody have any comments they would like to make, Mr. Coakley please?

Mr. Coakley: George Coakley, 17304 Brown Road. On the first page of Charter Resolution Number 003-11, the red change should be plural, should be Commissioners.

Mr. Kuhlman: And what was your comment Sir?

Mr. Coakley: There should be an S after Commissioner.

Mr. Kuhlman: All right.

Mr. Coakley: And on Resolution 008-11, shouldn't that be 003-11, no I am sorry 008-11, on Section B2.15, the first Commissioner under there should be plural also.

Mr. Kuhlman: Oh ok, all right, thank you Sir, anything else?

Mr. Coakley: That is it.

Mr. Kuhlman: Good man. All right, anybody have any comments in general on anything they want to raise to the Commissioners at this point, yes Sir? Have a seat, I need your address for the record.

Mr. DeVriendt: I live at 19325 Hempstone Avenue. There was a water main break in August, August 3, still have nothing resolved, we had flooding and everything, nothing was resolved, it has gone to your town insurance who said "we are at fault but we are not going to pay" and we'd just like to have a resolution on it.

Mr. Kuhlman: All right Wade is this the one you forwarded us the other day?

Mr. Yost: Yes.

Mr. Kuhlman: Ok. What have you got to say?

Mr. Yost: I did get a hold of the investigator with LGIT on either Thursday or Friday he called me back and he said that he has all the emails you guys are sending, and we kept sending inquiries in on it also wanting reports, that his supervisor was

going to look at the record and open it up again and take a look at it. I don't know if they have done that, if you have heard something else by now.

Ms. Kindel: Well supposedly the supervisor had reviewed the claim prior to the decision being made, and on request I had contacted the investigator for information for his supervisor and managers, and on many occasions he has not given me the information that I asked for. I have an email that states that the information requested is confidential.

Mr. Kuhlman: Ok if you bear with me a minute, let me read you guys for your sake, what we were supplied. Background, a few months ago when we had a water main break on Hempstone Avenue, a water hammer occurred at one residence that caused a pipe to burst. Once we received a call from the resident, Devon went to the residence, the owner stated that they had shut the water off and they would have a plumber come repair. Two weeks later, I received a call from the owner who said that they needed to make a damage claim for the incident, I requested to come over, I being Wade, over and take pictures or informed her that she could submit pictures, I also informed her that we would need a cost proposal for the repairs, she explained that a contractor had already demolished the bathroom where the pipe had broken, so there were no pictures to take. She also informed me that she didn't have a proposal from the contractor but would get one within a few days, a few days later she did submit a proposal, which included a new toilet, vanity, complete tile floors and showers, etc., totaling around \$6,000.00. This information was then submitted to the insurance company, a few days ago the owner called to say that LGIT, our insurance carrier, had turned down the claim and informed the homeowner that they should go through their homeowner's insurance. I put a call into the investigator for details and that is what you heard. Is that an accurate statement?

Ms. Kindel: Here is a copy of the estimate.

Mr. DeVriendt: That was not part of the bill.

Mr. Kuhlman: All right so I am at a loss. I do have some mechanical experience and a jack of all trades. How can a water main break hurt the vanity, the toilet, the shower stall...

Mr. DeVriendt: He had to take them out, he had to get to the pipes. When we walked in we heard it going down like Niagara Falls flowing from the ceiling. All right, I went upstairs, shut the water off, the valve, and it was just, I didn't know if it was sewage, and then he informed me later it was mud, but it was flying down, and Devon had every opportunity to...

Ms. Kindel: There was water pouring through my floor, through my ceiling, where my main water valve is to turn off. Devon saw that, he saw the water leaking underneath by master bathroom and on several occasions before leaving, I asked him, do you want to go upstairs and look, will you go upstairs and look, don't need to Ma'am, I don't need to, just send the town the bill.

Mr. Kuhlman: Ok so in other words what you are saying is they had to pull the floor up and fix the pipe.

Ms. Kindel: The flooring was wet, there was a leak in the wall behind the toilet, there was a leak in the wall behind the shower, and there is no access to the water panel, it is just the wall and the outside of my house. So that shower needed to be

torn out to replace the subflooring because it was soaked. The tile needed to be torn out. There was about 2 inches of water in my bathroom.

Mr. Kuhlman: And what did Devon report seeing when he was there Wade?

Mr. Yost: He didn't go in and take a look and he probably should have, and taken pictures and that is pretty much standard what we do.

Mr. Brown: So where is LGIT again on this right now?

Ms. Kindel: I can give you the letter that they sent me, on it, it states "We conclude that the Town of Poolesville was in agreement to cover your plumbing bills billed to service your pipes after the event of 8/3/11, but never agreed to cover the expenses to your bathroom, which you submitted to the Town in August, without the opportunity to access the damage and determine (inaudible) to the 8/3 damage episode". Basically you --- after you told me there was no evidence to the condition of your bathroom prior and they are not going to pay a penny. I had a full functioning bathroom. Would you like to see this letter?

Mr. Kuhlman: So according to the way I am reading your estimate, you guys went out and bought a toilet and vanity and all that.

Mr. DeVriendt: Yea that wasn't even on it.

Mr. Kuhlman: Right and this is just --- to all the new stuff.

Mr. DeVriendt: Yeah.

Mr. Kuhlman: Ok.

Mr. Brown: So you came out of pocket on those items.

Ms. Kindel: Correct.

Mr. Brown: And are not asking for reimbursement for those items?

Mr. DeVriendt: Just for the labor and the tile and the floor.

Ms. Kindel: The labor and the tile and the floor.

Mr. Kuhlman: All right any comments?

Mr. Brown: I don't like how we handled it, it doesn't sound like to me.

Mr. Kuhlman: Huh?

Mr. Brown: I don't like how we handled it.

Mr. Kuhlman: No.

Ms. Kindel: I would also like to add that on several occasions and one of the reasons why I asked for written statements from Clive Essex, to what statements were provided by Wade, Clive Essex told me that on several occasions Wade attempted to come to my house, Wade did not. I talked to --- about it, he had also contacted the contractor saying that he was with the Town of Poolesville, he never told him that he was the insurance person and I believe he was very deceitful towards me, along the lines of just not stating the facts, several times he would tell me he would call me within the next day or two, it would be 3 weeks later and I have documentation for each call, I feel like he kind of strung me along.

Mr. Kuhlman: Ok, I want to help you here to some degree, and this is just for me, there needs to be a vote, but here is where I am at, you have according to this estimate, repair leaking water pipes at shower and behind toilet, the vanity isn't even a part of the problem, I know you upgraded to a new vanity, but part of this money is to install that vanity, which wasn't a part of the problem, and I understand you don't like a mess in your house but when you had that you should have called immediately so we could get pictures of it.

Ms. Kindel: We did.

Mr. DeVriendt: We did call.

Ms. Kindel: They were at my house within 5 minutes of the incident, like I said water was leaking from the ceiling.

Mr. Kuhlman: Yeah, but I'm sorry, and came forward with the estimate and everything before all the work was started. You don't go and fix your car after an accident and then go deal with the insurance company, there is my problem.

Mr. DeVriendt: We also we are paying insurance for this company, they are not stringing along for months and months, I mean it is ridiculous. I mean if you rear ended somebody wouldn't you not want to have your insurance company, who you pay good money for, to --- the person's car.

Mr. Kuhlman: Oh I'd want it fixed but I would follow the process of calling the adjuster, going to them, they take the pictures of it, write an estimate, approve the work to be done, then get it done.

Ms. Kindel: And the reason why it was done so quickly and I had told this to Mr. Yost as well, is that I had family coming in at the beginning of September and having one full bathroom in my house working and a half bathroom wasn't going to fly, pretty much for me.

Mr. Kuhlman: I don't know.

Mr. Klobukowski: I guess I would like to see that again because I'd like to know exactly, I heard you describe it, but I'd like to see a list of exactly what the pipes broke, what the water damage because of that pipe caused, I can't understand the toilet being damaged by a pipe breaking unless the pipe falls on the toilet, I understand your bringing in a new vanity, I understand about the wall, because of construction basically in my own house, and the shower in the master bathroom, and you have to go through the shower to get to the pipes, etc., and you are saying that was in the basement now?

Ms. Kindel: No upstairs.

Mr. Kuhlman: Master bedroom.

Ms. Kindel: I only have 2 floors.

Mr. Klobukowski: Ok.

Mr. Kuhlman: Did you have anything further to say as staff on this. And LGIT is totally down on it.

Mr. Klobukowski: Are they down on it or are they reconsidering it, the supervisor?

Mr. Yost: Well the supervisor is going to reevaluate.

Mr. Klobukowski: Ok.

Mr. Yost: Particularly we had water hammers happen before and when Devon did go in he said he saw water from the ceiling...

Mr. Kuhlman: I didn't understand that, would you then please, we have heard your case, check with him, ask him to reevaluate it, we have our next meeting is on December 20, if you think you can get an answer out of him by then?

Mr. Yost: Hopefully.

Ms. Kindel: But I also have an email from Wade saying that LGIT or Local Government Insurance Trust, they have the final say in the decision.

Mr. Yost: As far as that reimbursement goes, yes.

Mr. Kuhlman: Yeah. He will talk to them and see what can happen and hopefully we can bring this to resolve by the meeting of the 20th with LGIT, if not put it back on the agenda, how is that.

Mr. Klobukowski: Yeah I would also like to know if the insurance is, based on what Caroline just said, not cooperating as well, I mean its time Wade we want to put our best foot forward if we have a situation, I would think that they would want to help us out and that the adjuster would be up front.

Mr. Kuhlman: All right Wade stay in contact with them and let me know what is going on please.

Mr. Yost: Definitely will.

Mr. Kuhlman: Best I can do for you tonight, all right, thank you very much?

Ms. Kindel: Thank you.

Mr. Brown: Thank you for coming up and making your case you guys.

Mr. Kuhlman: Sorry for the headache. All right anybody else have anything?

Old Business

Mr. Kuhlman: All right seeing no hands we will move on, we have no new business, so we go to old business and we have a draft master plan. All right as I said under announcements, the Planning Commission is done their work, they have had their public hearing, made some minor changes, and it came to us, we've had our public hearing and we had 2 people testify at the last meeting. Mr. Potemra's concerns and comments all around the lagoon and I&I, and I didn't quite understand Wade what he was trying to get at about the 1000 feet, did you understand that, when you put a new subdivision next to an old one...

Mr. Kuhlman: I think he was saying, I talked to him before, he was speaking of like the sidewalks down Spurrier Avenue, the developers should of made for the improvements into that subdivision some way.

Mr. Kuhlman: Oh ok. And then we had Mr. Hartz talking about the fact that there is property in town still zoned RDT, 20 years after being annexed. All right any comments?

Mr. Klobukowski: I am basically happy the way the Master Plan is right now. I have a problem with the RDT being in the town, having been here at the time, the idea was that development would lessen as we go out further out away from the center of town and I think the Planning Commission did a real good job of putting it together.

Mr. Kuhlman: Jim any comments?

Mr. Brown: No I am with Jerry.

Mr. Kuhlman: All right, I got a few. I'm still wondering on page 31, not that it really matters, but I will ask before we adopt it, what kind of incentives did the Planning Commission envision, where it talks about establish financial incentives to support existing or new businesses.

Mr. Yost: Nothing specific at all and it was written that way just for that purpose, it could be tax, it could be tax credit, it could be an impact fee waivers that they are building a new building, it could be water credits, maybe something we don't even have in place right now, sometime in the future, it was very vague and just open that we should be open to some ideas and incentives.

Mr. Kuhlman: Ok. Page 33, under zoning “prevent any further strip mall development within the town”.

Mr. Yost: Right a lot of things in this Master Plan speak to the aesthetics of the town and having strip malls similar to the one down where Leonardo’s used to be and across the street also, they want something that is up closer to the road, better aesthetic looking, more of a character of the town that we always have in our architectural guidelines and not parking areas in front with strip malls that are half empty or look poor for the town.

Mr. Kuhlman: Well my concern is the word prevent, because you can’t really prevent it because if you were to build, I guess if you want to pick on the one over here where the Library is, the only way to I guess get around what they are talking about, would have been move it to the street so there is no parking in front of it, and then you have to have the front doors on both sides of the building, you have no stock room area, you have no back room area for storage or a kitchen area or whatever, and it gets to be a lot more expensive to develop that type of property, is that what they are envisioning?

Mr. Yost: It is more about the aesthetics and it is more copying Leesburg, old town Frederick, things like that, that do have things in place that have that character and that style and they do operate very well.

Mr. Klobukowski: There was a thing a couple years ago with MML where they talked about development, instead of having the parking lots in front, have the buildings up front and the parking in the back and I don’t see that having a problem with deliveries and stuff like that I mean as long as the developer takes into consideration the design and they do it all over the place.

Mr. Kuhlman: Yeah but the problem is, all right, you have a front door up front and a front door in the back because people aren’t going to want to walk around to the front of the building, so you have to have a two entrance store, you got no place for a back room, the bathroom to be hidden, so forth and so on, you got additional expense in a front façade on the back and the front of the building. It’s not that I am opposed to that type of building but prevent is the word that bothers me, if for example we got a use that came to town and we figured would be very beneficial to the Town, and they said no I cannot afford or am not going to build that type of building because it says prevent, I mean are we willing to just wave goodbye to something we might want in town...

Mr. Yost: Well as you are aware, the Master Plan is only a guideline, it is not codified, so it has to be codified to really prevent it.

Mr. Kuhlman: I would be much happier if it said “encourage” anything but the word prevent, prevent is shutting the door. It is not time for public comment, Mr. Coakley might get a chance to speak as the Chairman of the Planning Commission but we will see.

Mr. Yost: That is exactly how the Planning Commission felt, they had a vision of what downtown Poolesville should look like and they want to stick by it.

Mr. Kuhlman: George is your comment as Chairman?

Mr. Coakley: George Coakley, Chairman of the Planning Commission. When we were discussing that, there are options other than what you mentioned and several would be to have some parallel parking in front of the establishments and have that,

and then you could also design that type of building, where you have one or two arcades or something, where you can park in the rear and then walk through to the frontage, to get through, and that way you are not encroaching upon anybody's storage space or anything else, you have public access out to the front, to the street level, do it that way. It is just a matter of having the developer incorporate that into the plan.

Mr. Kuhlman: I understand that, maybe I am not making myself clear...

Mr. Coakley: Similar to like Shab Row up in Frederick where they have parking in the rear to what is the ladies, Talbots, Talbots you park in the rear there but then you have an access area from the rear to bring you to the stores that are in the front.

Mr. Klobukowski: Yeah most of the deliveries too are going to be made when the shopping center is closed so I don't think that is a really big issue, but there they have entrances on both sides, front and back, a lot of those places, the yarn shop up there, a couple of the others I've walked through.

Mr. Coakley: Well my concern is that right now we have our commercial space spread out over the length of the commercial district and to try to keep that in closer and encourage more people to access them along the sidewalks rather than to pull into a parking lot and then if want to go to the next area to go shopping or something, you hop in your car and go to the next parking lot.

Mr. Kuhlman: I understand and I am not saying I don't support that, I just don't like the word "prevent", discourage or some other word would be better in my book then prevent, prevent is pretty closing in my opinion, pretty stern.

Mr. Coakley: Well we got an awful lot of feedback from the residents that the look of our commercial downtown area is less than appealing and that it also detracts from businesses getting business, and from visitors coming out to visit Poolesville. So the aesthetics do play a big part of it.

Mr. Kuhlman: What prevents us from getting businesses here is a lack of population, lack of customers, that is more than anything.

Mr. Coakley: Does that prevent or discourage?

Mr. Kuhlman: That's enough Mr. Coakley.

Mr. Coakley: But that was their rationale.

Mr. Kuhlman: But nobody cares to help me change that.

Mr. Brown: I would be actually very happy with discourage, I'd be on board with that.

Mr. Klobukowski: I'm fine with it.

Mr. Kuhlman: All right so two against one, so that gets changed to discourage.

Mr. Klobukowski: Wait a minute there is a third person here.

Mr. Halbrook: I think discourage is a good idea, I agree with that.

Mr. Kuhlman: He had told me before he was probably going to abstain on it. I apologize if I was overlooking you. Page 38, county facilities, I don't know that it really matters but Owens Park is closed, the ball fields are open but the building is closed.

Mr. Klobukowski: I thought the building could be used though by groups.

Mr. Kuhlman: No it is closed completely.

Mr. Klobukowski: All right.

Mr. Kuhlman: And my last real one is page 42, the chart of existing zoning and acres, would it be that hard to put another block in there showing percent of totals.

Mr. Yost: No, what page was that again, 42?

Mr. Kuhlman: Rather than somebody having to do the math.

Mr. Klobukowski: Percentage block for developed and undeveloped.

Mr. Kuhlman: Yeah add another block before total and just put percentage of total in each category. Mr. Strong a question for you if you could approach Sir, on the streetscape map on sheet 1, are we closing that driveway entrance off to that business, with this heavy black line, this is Jamison Real Estate Office, the Barbershop, you got a parking lot there and it looks to me like that is sealing off.

Mr. Strong: No it is just a curb line and you see the apron right there?

Mr. Kuhlman: Oh ok. All right very good, those are my comments. Any comments or statements from the Commissioners before we move forward? Hearing none...

Mr. Brown: Hold on I have one. How does, just back to the math real quick, how does that address the issue surrounding by where the dry cleaners and the flower shop and that area, what is the final disposition of that based on this Master Plan.

Mr. Yost: The Goldberg property?

Mr. Brown: Yes.

Mr. Yost: The --- was adopted in 2004.

Mr. Brown: No change.

Mr. Yost: No change.

Mr. Brown: That is fine. Thank you.

Mr. Kuhlman: All right so we have the one word that got changed, is there a motion for approval?

Mr. Brown: I would like to make a motion that we approve the draft Master Plan as final with the one additional change made.

Mr. Kuhlman: All right is there a second?

Mr. Klobukowski: Second.

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

Mr. Klobukowski, Mr. Brown, Mr. Kuhlman: Aye.

Mr. Kuhlman: Abstain?

Mr. Halbrook: Abstain.

Mr. Kuhlman: Very good thank you. All right the Charter changes, take them one by one. Resolution 002-11, which basically adds "The President shall with the approval of three of the other Commissioners, appoint, remove, and fix the compensation of the Town Manager and Town Clerk" and then deleting "heads of all office departments and agencies of town government and all other officers and employees of the town except as otherwise specified by state law or this Charter", this should have been changed back in 1992 when we hired the first Town Manager but it was overlooked. Now the Commissioners have hiring and firing ability of the Town Manager and Town Clerk, but then the Town Manager has the authority of everybody else, and that is the reason for the change. Any questions or comments? Any questions or comments there Mr. Brown?

Mr. Brown: No I don't, besides Mr. Coakley so observant grammatical corrections.

Mr. Kuhlman: Ok then Resolution 003-11, it changes the word “they” to “The Commissioners”, thank you Mr. Coakley for the plural recognition. Any questions or comments there? All right, 004-11, it deals with the Board of Elections and right now they are called the Supervisors of Elections and we are proposing to change it to Board of Supervisors or Board of Elections...

Mr. Yost: Yeah now it is the Board of Supervisors of Elections.

Mr. Kuhlman: Yeah.

Mr. Brown: And that is what we are voting to change it to?

Mr. Yost: To the Board of Elections.

Mr. Kuhlman: Any questions or comments there? All right hearing none we will move on to 005-11, which adds a new section under Town Manager, “Town Manager shall act under the supervision of the Commissioners, as an executive arm of the town government and perform such duties as the Commissioners may assign, the Commissioners shall allow the Town Manager such compensation as they shall think proper. The President of the Town Commissioners shall have the immediate responsibility for overseeing the work of the Town Manager”, any comments? All right hearing none, 006-11, dealing with the Town Clerk, and it has always said Clerk, we are just installing the word Town to be a little bit more identifiable, any comments there? Hearing none 007-11, again dealing with the Board of Elections, any comments there? 008-11, the rules of order of business and journal, just adding the word “business” under the first sentence, “The Commissioners shall determine their own rules and order of business” and then adding “they shall maintain the minutes of their proceedings, which shall be kept by the Town Clerk”, and it kind of says that now but we are just changing the verbiage around a little bit, any comments? All right that is it, having heard no comments or criticism, we need a motion to set this for a public hearing December 20.

Mr. Brown: I would like to make a motion that we set December 20 as the Public Hearing date for review of the Charter changes that we have discussed tonight.

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

Mr. Klobukowski: Second.

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

All: Aye.

Mr. Kuhlman: Unanimous vote, thank you. You abstained?

Mr. Halbrook: No I said aye on that one.

Mr. Kuhlman: Ok.

Committee Reports

Mr. Kuhlman: All right committee reports, Planning Commission, Mr. Coakley.

Mr. Coakley: We meet next week.

Mr. Kuhlman: Good. Parks Board, Mr. Brown.

Mr. Brown: Wednesday night we meet.

Mr. Kuhlman: Good oh and Brice as your assignment, we will assign you to the CEDC committee.

Mr. Halbrook: I heard that.

Mr. Kuhlman: As Commissioner liaison to that group. And any report Wade?

Mr. Yost: From the CEDC, no they had their big yahoo this Friday.

Mr. Kuhlman: I saw them here a minute ago.

Mr. Yost: They are having a meeting tonight.

Town Manager's Report

Mr. Kuhlman: Oh ok then Town Manager's report.

Mr. Yost: Ok I want to touch base on a couple things here. Paying water bills online we are now up and operating, finally worked out a deal with BB&T and our proprietary software, so they can go online to pay it and also when the bills go out now they will have information that they can pay it online. Lighting Contest, the Holiday Lighting will be on the weekend of the 16 and the CEDC is doing the judging on that, that's Tim Pike and Marci Calantonio. I did want to touch base really on the last meeting (inaudible) I&I, I pulled up records from 2000 to take a look at how the flows were **(Recording Malfunction for 3 minutes)** going on down 2005, 7.9 million gallons, 2008 it was 5.6, 2009 it was 3 million gallons that went in the sewage basin, so that shows a little **(Recording Malfunction 3 minutes)** actually we have settling and it was mostly on Hempstone Avenue, which was where the pilot program began, so when we had that huge rain event 92 of those laterals were leaking probably 10 gallons per minute.

(Recorder Malfunction 2 minutes)

Mr. Yost: And it pumped almost 3.5 million gallons through the wastewater plant, it was very diluted because of the rain water but still it wasn't treated as strict as the standards are now, and we are not allowed to do that stuff anymore, so fixing the pipes was the right thing that we did and it is working.

Mr. Kuhlman: We ought to change the name of it. It's our insurance policy. I mean if you understand the hydraulics and how that works I mean all of the gravity system goes down behind my house there on Wootton into the plant. When it hits the pump station down there at the plant first or when the plant is full and when the pump station can't pump it over to the pump station, it starts backing up that line and when it gets so far up the line then it gets back into the ---.

Mr. Yost: Right another pump station pumps it.

Mr. Kuhlman: And if we didn't have that somebody else would have had 6 million gallons of water in their basement when we had that 10 inches of rain, so it is an insurance policy.

Mr. Yost: And over the month of September we had over 15 inches of rain.

Mr. Kuhlman: All right anything else Sir?

Mr. Yost: That is it.

Citizen's Forum

Mr. Kuhlman: All right citizen's forum, anybody have anything in general, you had your hand up a while ago Ma'am.

Ms. Craven: I would like to go back because I'm a little, I would just like some further clarification and understanding because there is a concern of the fact of (inaudible). There is not any draw coming through Poolesville that has that "wow lets stop" draw to the business district, so I completely understand and (inaudible) and taking a stand of some point to have the aesthetics be the driving factor for decision making. So I also understand the need to be able to support having businesses in town and there is a balance there somewhere and there is a fine line for that balance **(Tape Malfunction 2 minutes)**. So who makes that final decision?

Mr. Kuhlman: The Planning Commission and it is very subjective. And a prime example for my discussion, is the CVS building. There are people in town that think that is beautiful and there are people that think it is ugly. So I will not give my comments on what I think of a lot of buildings in the downtown, yes it could be a lot better, but where is the money. Unlike other jurisdictions, Annapolis and other places that have made a real concentrated effort to beautify, they are using tax dollars to do it and we don't. They have grants, where it is tax dollars going to the businesses, there is low interest loans that is government money going to the businesses to help them do that. We are looking at trying to get this done with private money as it can be done. And the main point of my answer is, it is up to the individuals to decide, there are those people that will walk up and down the street and say CVS is beautiful, there are others that will say it's ugly.

Mr. Klobukowski: Well compared to what it was going to be, it is much more beautiful, because we would have gotten CVS like there is down in Quince Orchard, and that was a last minute decision by the Planning Commission, because I remember I was at --- when it occurred (**Tape Malfunction 1 minute**). If a business wants to come to this town, it happens all over the place, businesses will comport with local regulations, however we have Savannah Rules that are guidelines, we have nothing like formal zoning, we have nothing in our regs that say (**Tape Malfunction 1 minute**). Businesses will if they really want to come into your town, will do what you ask them to do, its been proven, I have attended meetings at MML, I see it with my own eyes, down in Alexandria they had a nice brick McDonalds, there was one in Lewisburg, there is one in Rochester, New York, Gaithersburg had a brick McDonalds, which is now a Panera. Home Depot will do it, Lowes will do it, Wal-Mart will do it, they will all do it, but you have to have the intestinal fortitude to stand up to them and say, no, no, no we are not going to accept your gray slab sided building because that is what you want to do, they may not like it, but you can make them do it.

Ms. Craven: There is an underlying assumption, and I get the point, there is an underlying assumption in your comments, in that there is a working ongoing relationship that the business that wants to come in here will have those discussions when there is nothing that they absolutely have to do or abide by, that is a known entity of --- that states that these are the rules, these are the guidelines, that standard applied versus an exception based process gives a more known quantity, for lack of a better term. Exception based approvals can work, I agree with you, it is based on, I've seen it at other places, it is based on having the, depending on the parties involved, it does not always work.

Mr. Klobukowski: No that is true, but when we first came to town, McDonalds was very attractive, it was a, it fit into town, it was a dull brown color, it was not your typical McDonalds, and I thought it fit very well in it, then all of a sudden either the owner or the new owner decided, according to what we were being told, was is that McDonalds mandated you will go to the red and white building and we didn't have to but there was a mistake or two made along the way on that one, and they did, now they have gone back to a semi-brown color, which is better than what it used to be, red and white, but not as good as what it used to be when I first moved here, when they first constructed it back I can't remember when, but you are right, if you

rule by exception all the time you run into problems, if you have a standard like informal zoning outline as to what each individual lot should look like, so it ties in the town from east to west, north to south, you have a more cohesive look and a more attractive town, I agree with you.

Mr. Kuhlman: Having set on the Planning Commission before and made some decisions, especially on these 2 centers here, I mean the Planning Commission has the authority to sit there and say “we don’t really like this, we want to see something else”, we don’t have any hard fast rules that give them that ability but the applicant knows they have to make the Planning Commission happy to get approval, and the other thing, Jerry is right in Alexandria you have a lot of leverage to force them to do a lot of things, they got over 100,000 customers right there...

Mr. Klobukowski: But this is in Crystal City...

Mr. Kuhlman: I didn’t interrupt you. But in Poolesville where we are looking at that right now with the grocery store, I mean people are figuring out that Mr. Selby is going to close here pretty soon, and we will have no grocery store, and as a commercial real estate broker I’ve been on the phone for the last couple weeks trying to find and we don’t have the demographics to get a grocery store, we are going to be lucky to get a super convenience store maybe, but I mean and you can’t just develop the people, you can’t lie to the businesses, I mean we are at best 5 miles outside of this town, maybe 10,000 people, it is hard to make a living with that limited customers.

Ms. Craven: I completely agree. My next question, and I appreciate the discussion and the understanding, my question is on one that you had brought up, which was the grants, who pursued the grant to be able to support this, was that the Planning Commission or was that the...

Mr. Kuhlman: We don’t have that ability here in town right now, we don’t have any programs for that. The ones that are available would be Main Street that is through the state government, there is also Heritage Montgomery, but right here through the Town of Poolesville we have programs that we can work with at the state, the county level, and Heritage Tourism and we can help business owners do that, but we are not like Rockville, Gaithersburg, or Frederick, that has a pool of money in our budget that is set aside for aesthetics to loan.

Ms. Craven: No to be able to write those grants effectively to get those grants as a source of funding.

Mr. Kuhlman: If a business owner wanted to go after those grants they should talk to Mr. Yost and he will give them all the help he can in applying for it and if there is support needed by the Commissioners of Poolesville it will be brought before us and I feel pretty confident we would support it, if it was good.

Mr. Klobukowski: But let me correct your thing about McDonalds. The one I know of in Alexandria, is called Alexandria but it is Crystal City, next to the used to be Howard Johnson’s I don’t know what it is now, and across from where the Navy used to be, there is no other buildings that look like it around there period. The one in Lewisburg on Rt. 15 is out in the middle of nowhere all right, the one in Rochester I saw was out in the middle of nowhere, it did not agree with the rest of its surroundings but the person did it, so people can do it, they can have it done, it depends again to a degree on the owner, and how much they are willing to put forth.

(Tape Malfunction 1 minute) well the Planning Commission though can overrule, they can come in with a plan and the Planning Commission can say “no we would like to see this” and if they strongly enough insert themselves they probably could get that changed.

Mr. Yost: And I think you probably will see something come forth from the Planning Commission to help codify some of these rules. The CBD right now is codified that they have to follow the architectural guidelines within the Master Plan.

Mr. Kuhlman: Yeah we have a very restrictive CBD zone, most anything done up at the intersection of 109 and 107 requires a special exception, which then allows the Planning Commission to put a lot of rules and regulations on the use.

Ms. Craven: All right that is all for now.

Mr. Kuhlman: All right anybody else?

Adjournment

Mr. Kuhlman: Seeing no hands I entertain a motion for adjournment.

Mr. Klobukowski: So moved.

Mr. Kuhlman: Is there a second?

Mr. Halbrook: Second.

Mr. Kuhlman: All in favor?

All: Aye.

Mr. Kuhlman: Oh wait a minute, one other thing I’m sorry. January meeting, January 1 is New Years Day on Sunday, are we going to meet Monday night?

Mr. Yost: No that is a holiday.

Mr. Kuhlman: January 9 will be our first meeting and will also be the State of the Town.

Mr. Kuhlman: That is right ok. Mr. Newspaper, January 9, State of the Town.