

APPROVED JULY 6, 2009

COMMISSIONERS OF POOLESVILLE  
MEETING OF JUNE 15, 2009

**PRESENT:** JIM BROWN, JERRY KLOBUKOWSKI, LORI GRUBER, LINK HOEWING AND EDDIE KUHLMAN. ALSO PRESENT WAS TOWN MANAGER, WADE YOST, TOWN ENGINEER, JOHN STRONG, AND TOWN ATTORNEY, ALAN WRIGHT AND JAY GULLO.

**Call to Order**

Mr. Kuhlman: Good evening ladies and gentlemen we will call the June 15, 2009 Commissioners Meeting to order. Let the record reflect that all Commissioners except Mr. Hoewing are here and we will start off with the Pledge of Allegiance, Mr. Klobukowski please.

Mr. Klobukowski: Yes Sir.

**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. Also let the record reflect that Staff present tonight is Mr. Yost, Mr. Wright, Mr. Gullo and Mr. Strong, Town Engineer.

**Public Hearing**

Mr. Kuhlman: Our first order of business will be the public hearing. Good evening ladies and gentlemen this is a public hearing to amend the 2005 Poolesville Master Plan the amendments are required by House Bill, Maryland House Bill 1141, and includes the Water Resource Element and Municipal Growth Element, these amendments were approved by the Poolesville Planning Commission on January 20, 2009. The required notice has been given and this is the public hearing for any person wishing to testify or ask any questions. Copies of these amendments have been available at Town Hall. The file for tonight's public hearing contains the following exhibits: 1) draft Water Resource Element; 2) draft Municipal Growth Element; 3) transmittals dated February 9, 2009 sent to the Commissioners of Poolesville, Maryland Department of Natural Resources, Montgomery County Park and Planning Commission, Montgomery County Department of Environmental Protection, and Maryland Department of the Environment; 4) review and comments from the Montgomery County Planning Board dated March 9, 2009; 5) notice of public hearing; 6) copy of the June 3 and June 10, 2009 issues of the Poolesville Gazette containing the notice of public hearing; Any person wishing to do so may not testify or ask questions about the draft amendments after giving your name and address. Written testimony will be accepted at Town Hall, at this hearing, or before the record closes. Is there anybody that wishes to testify on these 2 amendments? Seeing no hands we will close the public hearing and the record will close this Friday at 4:00 close of town hall.

**Announcements**

Mr. Kuhlman: With that, any announcements from any of the Commissioners?

### **Approval of Minutes**

Mr. Kuhlman: Seeing no hands we move on to approval of the minutes from the June 1, 2009 Commissioners Meeting. Is there a motion for approval?

Mr. Klobukowski: So moved.

Mr. Kuhlman: Is there a second?

Ms. Gruber: I second.

Mr. Kuhlman: All in favor?

All: Aye.

Mr. Kuhlman: Motion carries.

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

Mr. Kuhlman: Open forum and citizen's comments on agenda items. Tonight we will be hearing under new business some recommendations on sidewalks from the Parks Board, is there any comments from the public. All right also we will be dealing with Resolution 006-09 the Impact Fees, is there any comments there. Seeing no hands is there anybody that has an issue that is not on the agenda they would like to discuss tonight. Yes Sir if you would come forward and give your name and address please.

Mr. Yarmas: My name is Jeffrey Yarmas, 17209 Whites Road. I would like to ask questions or make comments about the stormwater runoff. I have had an issue on Whites Road recently with the extreme amount of rain we had with a lot of water and that was a lake in my front yard. Had occasion to talk to Preston King today, the third request that I had for them to come out and look at my property, there is a storm drain basically caving in, they were apprised of this 2 years ago when they removed a tree that the previous owner had left and was way overgrown, I called them because I was afraid to pull the roots out and maybe damage the drain. So they came out and pulled it out and I was appreciative of the Town for doing that. Preston at that time acknowledged that there was a problem with this thing and it had been covered over and they didn't even know it was there to tell you the truth and that they would, there was a lot of loose bricks and stuff falling in and they would take care of it. That was 2 years ago, today Mr. King told me it never made it on the schedule, they have done nothing about it, today the problem is that the culvert the swale apparently is filled in at the bottom so it is higher at the up ends than it is by my driveway. I get a lake 8, 10 feet wide at times with the amount of water that we have had lately. I was told today by Mr. Yost he considers that to be the homeowner's responsibility to re-grade the property, it is Town policy. I asked him about that just a few minutes ago said where can I find this policy it is not on the website, he said well Town policies aren't on the website, in fact some of them aren't even written. How do we have Town policies not written down, discussed, and approved? I find this outrageous, we have a big problem with this because that little piece of park that is at the end of Whites Road gets half flooded with water with all the water that comes down from Chiswell, it comes down across there my neighbor has a driveway and I have a driveway there is about 10 to 15 feet between us, 2 culverts, the water has been 6 to 8 feet across this spring, we have had an exceptionally wet spring I understand that, this has been going on for a while, I have spoken with them over a period of 2 years now without any response, without any help. I think providing the infrastructure and the stormwater management is the Town's responsibility not the homeowners, I don't think that I should be expected to bring out a piece of equipment and re-grade when I have not done any changes to it, this is just time, and I find it offensive that I am told that policies aren't

written and its just the way it is and I would like you guys to review this, I would like someone to come out and take care of this problem, it's a matter of the water comes in and lakes up, so what happens is the water backs up in the drainage swale, covers the entire pipe with this heavy water, then the water can't exit the pipe and it almost overtops my driveway coming down from the neighbors.

Mr. Kuhlman: Ok well let me understand what you are trying to describe to us. If you are standing at your front door looking out to the street is it the on the right hand side of the driveway that you are concerned about or the left hand?

Mr. Yarmas: Both actually.

Mr. Kuhlman: Both actually.

Mr. Yarmas: Both actually and if you continue up that little piece of park that is at the end of Whites Road that you guys borrowed the tap for to give to somebody else, the water comes down across there, it is fed off of Chiswell it comes down through a number of the backyards and it comes across there it is abhorrent it is 8 to 10 feet wide up there, it backs up to the driveway at Ed's number I don't know, I'm 17209 I think he is 17213, it backs up across his property, across where it comes down the road, down through the park and it is a cul-de-sac so it comes around the cul-de-sac to the culvert pipe at 213 starts to back up, then there is a 10 or 12 foot area between 213 and 209 where it lakes up, you can go swimming in it.

Mr. Kuhlman: Ok so let me go back. So standing in your driveway looking out at the street on the right hand side of your driveway apron you say it ponds there.

Mr. Yarmas: It does pond there.

Mr. Kuhlman: And on the left hand side you have ponding there where the entire length of the swale or where?

Mr. Yarmas: Yea the swale at that point is only about maybe 20 feet from driveway to driveway.

Mr. Kuhlman: No on the left side of your driveway looking out at the street.

Mr. Yarmas: Ok yes I have ponding going down to the drain that goes down into the ground.

Mr. Kuhlman: Ok but I mean the whole swale ponds, the bottom half, the upper half, the middle?

Mr. Yarmas: The whole thing when rain is coming down heavy yes the entire thing looks like a river, then when the water starts to drain it ponds in 3 areas, there is a high spot just before the drain and I get a good size pond there, then back a little bit there is another small hump that has developed and I get a pond there and right now there is standing water in the culvert.

Mr. Kuhlman: Ok Mr. Yost you were out there today what do you got to say?

Mr. Yost: I did the Town Engineer John Strong and I both visited the site and the couple areas that we did see, no doubt he gets a lot of flow coming down from those areas especially in heavy downpours that we have had in the recent months. Two of the areas definitely is erosion that is occurring on the property causing sediment to deposit within the swale on the property itself. Upstream from his property there is not any sediment or construction going on that would have caused the problems to occur. The parcel of land that we own there is all grass so it is not dirt that was washed down by any means. The culvert itself has an intake area there are 2 bricks that are missing and a couple loose bricks and it is not dangerous by any means and Preston will take care of that, I just

learned about that today myself. We did take a bush out a couple years ago as he said and that may have had something to do with the second, there is actually 2 humps if you are looking at your driveway on the right hand side and I am sure sediment built up over the years because that stream was blocking the drain at that point but the rest of it is definitely caused from things on the property themselves that is bald areas and there is 3 inches of where you can see where it has cut into the soil and it is very deep where it has washed all the sediment into the swale itself.

Mr. Kuhlman: Yea I rode out there today and looked at it and walked it a little bit. All right any questions or comments?

Mr. Brown: I haven't seen it so I saw a picture.

Mr. Klobukowski: Either have I, I haven't seen it.

Ms. Gruber: I haven't seen it.

Mr. Kuhlman: Link?

Mr. Hoewing: I haven't seen it either.

Mr. Kuhlman: What I observed out there walking the property was about the middle of your property about where your front door is it looks like you've had a habit right, wrong, or indifferent, of parking vehicles on the grass in fact as Mr. Yost said there is a tire track or rut down near the swale and it appears as though a lot of that topsoil and what not has gravitated down into the swale so what do you recommend.

Mr. Yost: The homeowner needs to remove that soil definitely and then --- the yard would be the best thing and plant some grass seed back and make it so that we don't have that runoff problem of the sediment depositing in the swale. As far as the second hump down where the tree was, we can definitely while we are out there pointing up the structure itself we can level that in.

Mr. Kuhlman: All right when do you anticipate Preston and the guys being able to go out there, I mean this week, next week?

Mr. Yost: We can probably take care of those 2 areas this week.

Mr. Kuhlman: Ok.

Mr. Yost: But we did see water in the swale and it just looks like it needs to be cleaned the culvert pipe under the driveway it just needs to be cleaned out. We stuck a screwdriver down and measured the sediment that is in there and it just needs to be cleaned.

Mr. Klobukowski: Whose responsibility is it for cleaning the sediment?

Mr. Yost: The homeowner.

Mr. Yarmas: How and where is that spelled out?

Mr. Kuhlman: Well I really truly don't know if it is spelled out that has just been the practice that we have followed for years, we have not ever to my knowledge and I have been a Commissioner for 13 plus years, not to my knowledge have we ever went out and done any work in a swale.

Mr. Yarmas: Well see you are saying from where I got, there is a tire track on the edge of the road because my van was parked there for a short time and when I pulled off I got stuck that is the only reason that has not been ongoing, ever since they repaved a while back I have had a problem with that edge there the grass just went away it has never grown back, it is clay it won't grow, that is nothing I did, it is nothing that I can feel responsible for it is something that just occurred over time and to tell me that this is all because of what you did it is not, the reason that all backed up and that sediment sits

there is because that sits there and takes the sediment drops out, there is no sediment runoff from my property from the backyard, the garage was built there the stuff was hauled away and there was grass seed planted, there was no sediment runoff from coming down there, that is all from backing up and sedimenting in and I think it is absolutely outrageous to say that that is the homeowner's responsibility, I can't control that, I can't control the amount of water that comes down from other areas and you are telling me that I need to take care of other peoples runoff. Runoff is the Town's responsibility.

Mr. Kuhlman: How long have you lived there Sir?

Mr. Yarmas: 6 years I think, 4 years, 6 years.

Mr. Kuhlman: All right well what I am hearing right now is that we will have Town crews out there by Friday, the bricks will be repaired, we will look at the one side where the tree was removed by the Town and see what we need to do there and we will have to see how that goes from there.

Mr. Yost: Alan may have had a comment on the driveway culvert.

Mr. Wright: Well I don't have a very clear picture of what is out there but it is not a policy issue, as far as I can tell there is nothing in the Code that says this is a town responsibility, and in the absence of some Town responsibility either in law or other regulations then what happens on the homeowners property is the homeowners responsibility.

Mr. Hoewing: Where is the setback coming from though isn't it, the front of the house for example in my case I was going to put a porch on one time and it had to be more than 50 feet away from the property line, the right of way line, the right of way line was not in the road it was actually up the grade at the top of the grade pretty much, so is the culvert itself or not the culvert but the ditch itself our responsibility?

Mr. Yost: It never has been unless we did a construction project or trees or something that we had caused a problem with.

Mr. Hoewing: So none of the drainage ditches anywhere in Town are our responsibility?

Mr. Yost: No we wouldn't have the capacity to go through and try to, every time a cable company came by or something to try and re-grade and do that we just don't have the capacity.

Mr. Hoewing: Just the sewer drainages where the ditches go in that is our responsibility.

Mr. Yost: Right.

Mr. Klobukowski: If someone changes the width of their driveway or redoes their driveway and has to replace that pipe under their driveway the Town doesn't replace that at the time the homeowner decides to repave his driveway or widen it correct?

Mr. Yost: Not ever that is --- access sort of that is probably not the right the legal term for it but it is the property of the homeowner.

Mr. Yarmas: And that was not changed in any way. And according to this plat, which is on file with the county your easement, your right of way is 10 feet in that cul-de-sac because I have been told at different times it is 15 feet to 20 feet, but that is what is on file. And that culvert is 10 feet in right there.

Mr. Kuhlman: That is true. On your property we have an easement and a right of way but it is your property.

Mr. Yarmas: I just can't believe that you would say that all this build up is coming down from others and you are telling me well you are responsible to take care of it even though we directed the water on your property.

Mr. Kuhlman: Well I think we are trying to do something here Sir, we are coming out and we are going to repair the bricks at the inflow, we are going to look at the area where you are saying the tree was removed, and see if there is an improvement that we can do to that area to make it flow better and lets see what happens at that point.

Mr. Yarmas: Well you know I have been more than willing to work with the Town I asked for the Town's help in this issue, I didn't come to you and say you need to do this, the reception I received was "that's your problem go away".

Mr. Kuhlman: I don't feel you are receiving that reception...

Mr. Yarmas: No not here I am not but earlier today from Mr. King and Mr. Yost that is basically what I received.

Mr. Yost: I told you I was going to contact the Town Engineer to come out and take a look at it and get back with you.

Mr. Yarmas: No you told me you'd come out and take a look at it but you wouldn't be able to get to it today.

Mr. Yost: I wouldn't call you back today to let you know because I didn't know if I would have contact with the engineer today or not.

Mr. Yarmas: I'm sorry I disagree you told me you'd get out to take a look at it but you wouldn't be able to do it today, but obviously you did.

Mr. Yost: Well that is a lot different than I didn't want to help you at all.

Mr. Kuhlman: Whatever happened today if the Town owes you an apology I am sorry about that, we will get these 2 things taken care of and we will see what happens here in the very near future.

Mr. Yarmas: I would just like somebody who has got a machine to kind of smooth it and then I think it would drain fine. And if you look at it you went by you see the humps come up when water pools I got a problem I am trying to deal with and its not honestly runoff I created.

Mr. Kuhlman: Well we will get out by Friday and take care of those 2 problems and then we will see what happens all right.

Mr. Yarmas: Thank you.

Mr. Kuhlman: You are welcome Sir. Anybody else? Mr. Kettler.

Mr. Kettler: Tom Kettler, 18201 McKernon Way, Board of Elections I just want to give a quick update on our, we had a meeting a couple weeks ago and I spoke with Wade, I can do it now or I can do it at committee reports.

Mr. Kuhlman: That is fine you are here.

Mr. Kettler: Just a quick background, we got a couple letters or a letter or some correspondence after the most recent election having to do with the voter roles and how is it updated and procedures that the Board of Elections have so we called a meeting a couple weeks ago and Mr. Wright attended, the Town Clerk attended and our Board of Elections and we went through four items to try to clarify some things and educate ourselves on a couple of the items but just for the benefit of the Commissioners our voter roles actually derive from Montgomery County and it is a little bit of a problem because if voters are listed in Montgomery County as residing in Poolesville and they are registered voters we get that list, we don't have the unilateral authority to just say you are not here take them off, we have to go through a procedure which we are working with Bobbie on to go back and notify the County, we have a challenge list of which we generate the list after the last election. We have 135 or so people that we believe are not

in Town. Bobbie has sent a written notice to the Board of Elections of Montgomery County saying that we think these people are not in Town, they have a procedure where they send out a written letter to those people at that address, and if they get no response back it is presumed that they are not there, so this all generated initially from a conversation or a letter from Dr. Bob Pearce who said his son who lives in Montana now I guess was still listed on the voter roles and why is that, and that is what sort of generated this whole discussion. Again we unless the --- voted himself when he moves to another location notifies the County where he left that he is no longer there, then there is no easy way to get them off. Montana is not calling Montgomery County saying that Mr. Pearce just showed up in our town so it is a little bit of a catch 22. But anyway we have got that letter off, apparently there is a, Alan can jump in here, once the County establishes the people have a, that we think they are not in Town, the County puts them on a 4 year inactive list, so they are kind of in limbo, they are there if they show up to vote and can prove it by a drivers license that they live here than that is fine. Another couple items that we ran through is we are going to send out a notice in the newsletter sometime in the next couple months and also in the newsletter that goes out right before the next election just suggesting to people if they know of people or their kids in their house that have left the Town and are no longer living here they can notify the Town, we would be happy to start that list. And we are also going to ask people, sort of be proactive at the next election, as people come in you recall they sign they tell us where they live and they sign themselves in and we are going to ask them to review their families. Because we do have that where people go oh Bob is not here anymore and with that we will make a notation and we will give that list to Bobbie so hopefully we can clear out some lists, there were no, I just want to be clear, there were no concerns that there were any irregularities in the election, it is not like people who weren't supposed to vote voted it was just more I think a concern that we have 3000 and some odd people who are on our roles and maybe there aren't that many people in Town. The last item that came up and this was just a housekeeping thing and we discussed when people are coming in to sign up to vote they sign the book, we also have them sign a 3x5 card to take to the poll, we all kind of asked each other why they do that and I think that dates back to when we had paper ballots and people would sign their name so we realized that is just a duplicate, a process we don't need anymore, we have people sign their name when they first come in that verifies that they are at that address and they showed up to vote and we will hand them a 3x5 card but they don't need to sign it again they just take it to the poll and they are done and we hope that will take care of that. There was a little bit of discussion about should we ask for drivers license but the general sense of the Board was that is part of the small town character most of the people on the Board know somebody who is coming in to vote so we are not going to tell people, we are not going to ask for drivers license as everybody comes in because we don't think that is necessary at this point. So I would be happy to answer any questions but I wanted to just kind of button that up while it was fresh in my mind.

Mr. Hoewing: Wouldn't it be easy though just to have them show their license I mean it is pretty simple. The reason is all my daughters are on there and only 1 of them could vote this time and one of them actually thought she said oh I really should vote this time and I said you live in Beallsville now you can't vote, but she would have come in and there is nothing that I saw that had an address on it when I signed just my name.

Mr. Kettler: Was her name listed under you as a resident?

Mr. Hoewing: Yea it's still my address and she is not living there anymore.

Mr. Kettler: Well that would be a situation where you would notify Bobbie and...

Mr. Hoewing: Well yea theoretically I would...

Mr. Kettler: I mean we certainly can do that I think it was just the general sense of the tenor of the small town character and that's...

Mr. Hoewing: When I do voting at the other poll I have to verify I live at that address, I mean you just have to.

Mr. Kuhlman: When I go to the elementary school they don't ask to see my...

Mr. Hoewing: Your address is on there and they ask you if this is your address and you are basically saying its true or not, we don't even have the address listed.

Mr. Kettler: Yes we do.

Mr. Hoewing: I didn't see it.

Mr. Kettler: Yea on the registration we have the name and the address and a blank so the theory is you are looking at the name and the address and signing that and verifying that you are on that. There are certainly addresses because we have got people with different families and we have to double-check which address they are at.

Mr. Hoewing: Well then I actually think that my daughters are on there.

Mr. Kuhlman: Yea when they ask you to sign that book at the front desk your name and your address is there.

Mr. Hoewing: I didn't see it though, ok.

Mr. Kettler: Well next election is hopefully not until November of 2010 unless one of you go somewhere, 2010 we can certainly take that under advisement Link before the next election, but the sense of the Board was we didn't want to go that way at least not now.

Mr. Kuhlman: All right any questions?

Mr. Klobukowski: I have the same problem my son is now a legal resident of the State of California and his name appears there and I was told and I got the form and I gave it to him and whether he sent it in to the County to take his name off the role I have no idea.

Mr. Kettler: Well I think to address that I think this intermediate thing is next time we have an election and you are signing and see his name below it you tell one of the Board of Election members there that hey he is not here anymore, they will make a notation, Bobbie will start the process which again has to start at the Town and go back to the County, it is not like we can just say oh they are not here anymore we have to go back to the County and they will start the process.

Mr. Klobukowski: So it is a County process it is not a State, I guess is it a County rule or State rule?

Mr. Wright: It is the State local Board of Election with the County, but it is a State Board of Election that...

Mr. Kuhlman: Ever since universal registration.

Mr. Wright: And there is a provision in the State law that says if you are a municipality if you are registered for the local board as a resident of Poolesville then you are considered to be registered for Poolesville, then they have a procedure for removing people from the roles as Tom has described, so that is the procedure we have to go through to get people who are no longer here off the list.

Mr. Kuhlman: All right thank you very much Mr. Kettler. Anybody else?

## **New Business**

Mr. Kuhlman: All right seeing no hands Mr. Yost Parks Board Sidewalk recommendations.

Mr. Yost: Ok as we talked about during the budget cycle we had 2 different pots of money, one was impact fees from swales and the other was for construction of sidewalks on Tom Fox. We sent them to the Parks Board to prioritize and take a look at the swale system so that is what we have done. On the trail side of it we did walk around Hunters Run and we considered doing around Snake Lake which is right across from Halmos Park and it is very, very wooded, very sealed behind houses and the Parks Board didn't feel very safe with that area. When we looked at the Master Plan it had the overall vision of how the trail system is going to be made and Fisher Avenue was part of the overall plan so and John said we are going to walk through the sections of the trail, some will be a 6 foot wide curb and gutter starting from Tom Fox near the Catholic Church and go down to Wootton Avenue and that was their --- trail system if the monies are adequate enough and then they should be because the developers are actually building portions of that as they come online. As far as the sidewalks go the sidewalk money they prioritized several areas and we did look at them, Tom Fox Avenue was number one and they wanted to build the 5 foot sidewalk with the curb and gutter with no green space was the recommendation at this time and basically due to saving money for having to move streetlights and fire hydrants and things of that nature and redigging of the swale. Second on the list was West Willard Road and that is the, they have one there is a sidewalk on Leonardo's side of or Virtual Sprockets whatever that is over there now on that side, they wanted one across the street where we have our cemetery down that side they said most of the kids actually come out of school and walk down that side of the road through the grass. We don't have right of ways through there we would have to work on that. Elgin Road was next in line and we know Tom Kettler is going to be building portions of the sidewalk and again there we have some issues with right of ways that we need to acquire to make that successful also. And then very last was Parcel 845, which is contiguous with Parcel 840, which is the parcel we are looking to put the Skatepark on up to Norris Road.

Mr. Strong: Elgin Road that is approximately 400 linear feet of sidewalk that will go up to Brightwell tying into the existing sidewalk on the church side. It is fairly straight forward you are looking from the existing sidewalk we will have to jog around the power pole right there and then it is a clear shot up. Ok Fisher Avenue this is Wootton and Tom Fox we will start at the Wootton intersection this is the existing proposed --- intersection, there is existing curb and gutter down the side that you see, we may have to put in a small --- wall in order to keep the trees to do the grade but we do not have any survey information on any of these properties or any cost estimates at this point. Then you come down to Luhn, this is the hill in this area which we anticipate placing a retaining wall somewhere in here wherever the property line falls and right of way creating curb and gutter facing the Selby side and fairly straight forward, retaining wall goes for about \$25.00 a square foot we anticipate about ---. If you notice here the orange area those are pieces to be paid for by developers.

Mr. Hoewing: And that that goes to the intersection there does it go past that all the way to the corner of Hughes Road, does it go all the way down that far or not?

Mr. Yost: It is going to go to Westerly.

Mr. Hoewing: Right I know where that is.

Mr. Yost: Those 2 --- properties and the white house on the corner.

Mr. Hoewing: Ok but when you come out of Luhn going right nothing is going to happen there?

Mr. Yost: No it will carry all the way.

Mr. Hoewing: All the way to Hughes Road.

Mr. Yost: To Westerly.

Mr. Hoewing: I mean Westerly.

Mr. Yost: Yes.

Mr. Hoewing: And then what happens from then on out the rest of the way.

Mr. Yost: Then you cross over and Quito is on the allocation list.

Mr. Strong: I will go through that.

Mr. Hoewing: All right.

Mr. Strong: This area is to be developed by a developer, this is Westerly right here, we do have a little bit of a slope here, we can grade it out it looks shallow here but as you round this corner the slope does pick up so a retaining wall may have to come through here. You can barely see in the background there is one in that area where the slope is so this will be a fairly shallow wall. This is just looking back up from the church up Tom Fox the speed cameras right there so we will be able to probably tie in, we will probably have to --- a little bit to get back on the property line.

Mr. Klobukowski: We just can't take those speed cameras out?

Mr. Strong: Well that is very interesting because it seems that the State will probably be relocating the speed cameras at the other end of Town because they applied for a State permit but not a County permit and that is not --- to the County, the County never got a building permit and Stoney Springs is going to be, there right of way is in that area so the cameras getting relocated is probably going to take place.

Mr. Kuhlman: So where would the sidewalk go in this picture John?

Mr. Brown: On the hill or beside it.

Mr. Strong: See the orange line right there.

Mr. Kuhlman: No in the picture there.

Mr. Strong: It would probably go right along here, there would be some storm drainage improvements that have to be made because there is a swale over here but we are going to be adding curb and gutter that is so we don't have to relocate the power poles.

Mr. Kuhlman: So you would have not much green space between the curb and the sidewalk.

Mr. Strong: Well what we are hoping to get is a minimum of 6 feet but until we survey it and get it all laid out we are not too sure, we are assuming the tree line is the property line so if we move 6 feet this way that puts it right about here which means it has to be built up a little bit to set it into the curb and get the flow that way but we don't have the survey so we are just making our best estimate.

Mr. Klobukowski: The church has a survey.

Mr. Strong: Yes they would have a survey and some of this is probably information we have such as this --- here is based upon some information we gathered but even though the church has a survey it should be resurveyed again because sometimes when people build things they are not for what the original design was.

Mr. Hoewing: This is never going to work beside --- and I am probably going to get a speeding ticket.

Mr. Strong: So looking at that we estimate the following Town's portion of construction (inaudible) as approximately \$290,000.00. The developers portion around \$56,000.00 and that brings the total project cost to \$275,000.00.

Mr. Klobukowski: There isn't any chance that Allegheny Power is going to do anything with the lines above their respective telephone poles.

Mr. Strong: When I talked to them they just reset most of these poles so it did not sound like they were going to be doing anything anytime soon. Now when the developers come in they will be required by Town Code. Those--- will have to go underground.

Mr. Klobukowski: So would those poles come down?

Mr. Strong: These poles were done I gather by the church or they would have been a part of the church. They graded out the road.

Mr. Kuhlman: But Jim is the thought of the Parks Board to end up with sidewalk on both sides of Fisher Avenue eventually or just the one side?

Mr. Brown: Just the one side. And I think we talked about the other side but there was a lot of right of way issues all the way down.

Mr. Strong: (inaudible) back quite a bit before the sidewalk. In fact my CAD guy got a little happy as far as crosswalks.

Mr. Yost: There is a couple easement issues even on this side.

Mr. Hoewing: What are the requirements with respect to a church and putting sidewalks in front of it, is it any different than a developer?

Mr. Kuhlman: Do what Link?

Mr. Hoewing: A church with respect to putting a sidewalk on something like this, would they have normally had, did we have a plan already for it.

Mr. Kuhlman: We put it all the way down Tom Fox.

Mr. Hoewing: On the other side yea but what about this side, I mean if it was in the plan for the Town already they would have had to have done it?

Mr. Yost: Should have been yes.

Mr. Strong: If it was approved by the Planning Commission yea.

Mr. Kuhlman: Yea I know we were required to put it all the way down...

Mr. Hoewing: Yea I know it is on that side.

Mr. Kuhlman: And get the easements and right of way for all this on Fisher Avenue but nobody asked for a sidewalk to be built.

Mr. Klobukowski: No one asked for it but was it Wade...

Mr. Yost: Before my time but I can look it up.

Mr. Klobukowski: I know back then well right about that time the State had money for sidewalks along State roads, they had a plan and they had a grant program, that has gone away.

Mr. Kuhlman: In your plans John where you are placing curb, new curb are they going to be set back will there be any road widening at all?

Mr. Strong: No plan to widen the road at all.

Mr. Hoewing: You can't do curb along the State road right.

Mr. Strong: Yes you can do some curb along state road, we do that quite a bit but we have to get a permitting process for stormwater management with the State, it is a

permitting process we have to show that there is adequate intake for stormwater and into the existing stormwater system if we are not developing is adequate.

Mr. Klobukowski: One thing if you put curb and gutter along that side I would hope that the drainage is improved because I would hate to see something combine because on Jim's side there is the water there, the last couple storms it was really up there.

Mr. Strong: I have seen it down there as I go through town and if we put curb and gutter we would have to show, it is called spread calculations to the State for 25 year storm, now we have had greater than a 25 year storm and once you have a greater than a 25 year storm and these are numbers that are done by a calculation to determine what a 10 year storm is, 25 year storm or 100 year storm, we have to show that it is not going to impact travel lanes or the existing condition to create a hazard.

Mr. Kuhlman: On these areas where you are talking about adding curb and not adding any width to the road, you are talking about the gutter pan up and the curb like that?

Mr. Strong: Yes I am not sure that the State would allow you to have a roll up curb along the roadway.

Mr. Yost: You going to start about farm equipment I know your going there.

Mr. Kuhlman: You knew where I was going.

Mr. Klobukowski: I would be more concerned about somebody walking there and falling off the curb.

Mr. Kuhlman: I agree with you there Jerry.

Mr. Brown: So the gutter pan we would expect that the gutter pan would actually be where the road ends right now.

Mr. Strong: No.

Mr. Brown: Or are we talking about chopping away part of the road.

Mr. Yost: It is on that picture right there.

Mr. Strong: We would propose to sit the edge of the gutter pan along the existing roadway where this white line is...

Mr. Brown: Right chop the road.

Mr. Strong: Chop the road and then sit the gutter pan in. Asphalt varies a little bit but the white line is always within the pavement section so that is what we propose.

Mr. Klobukowski: And the sidewalk is 6 feet wide.

Mr. Yost: That one would be because of the trail.

Mr. Kuhlman: All right any questions or comments on the presentation?

Mr. Brown: No.

Mr. Kuhlman: All right and we have to make a decision on this right?

Mr. Yost: Well we are hoping for direction, we want to move forward with this we definitely need to get some surveys start negotiating with property owners on right of way issues find out exactly how much we are going to need.

Mr. Kuhlman: All right and what about the Tom Fox one?

Mr. Yost: The recommendation was to use the funds that are currently in the sidewalk account and do a 5-foot sidewalk with a curb without the green space. Which was the lowest cost estimate of the couple we had to look at and again that needs to be surveyed and those funds are not available until July 1.

Mr. Kuhlman: Ok so I mean one of the options we discussed back on Tom Fox was having a survey done and seeing about putting a sidewalk on top of the swale.

Mr. Yost: That is one option that was discussed.

Mr. Kuhlman: I mean is that still a viable option once the survey is done?

Mr. Yost: It depends on how much you want to spend.

Mr. Hoewing: But it was not the recommendation of the Parks Board.

Mr. Yost: Right.

Mr. Kuhlman: All right so we don't make any decision on this tonight.

Mr. Brown: Well Fisher Avenue.

Mr. Yost: Which is a different pot of money if you want to wait to make a decision or hold off if you want to see the survey to see what will happen on Tom Fox.

Mr. Brown: But the trail money cannot be used on Tom Fox?

Mr. Yost: No that is specific to the trail. So that is a whole different ballgame and it is going to take time to work through a couple of these issues anyway.

Mr. Kuhlman: All right any questions or comments?

Mr. Brown: Are we going to make a motion to move forward with the Fisher Avenue trail money portion of this, is that not your desire Mr. President?

Mr. Kuhlman: It is up to the Commissioners. Normally the practice has always been unless this is something different to make a presentation and hold off on a decision till the next meeting when there is money involved. But yet this money has been allocated for a year. I mean Jim I don't care we can go ahead forward tonight the only concern I have and I know Jerry is going to get tired of me saying this but my concern is putting more curbing on this road where it is already hard for farm machinery to get through there now and that is the major thoroughfare for all this farm machinery and it is very nice, I mean in front of that one house where I was questioning John about it, it is very nice that there is no curb because its tight there when cars are coming you can put your right hand tires up on that grass. If there is the curb he is talking about then you are looking at possibly breaking up equipment and climbing up on top of that curb and some of these cars are very willing to challenge you.

Mr. Hoewing: Let me ask John a question about that because on the main roads like that where they haven't had any curbs it just seems kind of strange from a water standpoint to have curbs, they put curbs on the road going out of town now towards Beallsville and that is the most ridiculous thing I have ever seen there is water sitting there now and there never was before. I mean I think they are kind of nutty in some of those kinds of locations they never had them, they didn't need them because they had a ditch on the side the water went off and that was fine, so why are they needed in this case.

Mr. Strong: Because it is the Town's wish to have curbing on...

Mr. Hoewing: Oh it's our fault.

Mr. Kuhlman: Well I mean it was the --- of this Board to come back and retrofit Tom Fox because there is no gutter.

Mr. Hoewing: Well the pedestrian safety argument is only I gather that a car would be less likely to be able to jump the curb and hit somebody is that it.

Mr. Kuhlman: Yea and you are right about 109 I mean the farming community opposed that but the State went ahead with it anyway.

Mr. Hoewing: Wow that is ridiculous.

Mr. Kuhlman: They said it was going to make stormwater improvement.

Mr. Hoewing: Nope.

Mr. Brown: But as you know the difference is there are no sidewalks on 109, which does make it ridiculous and we would be doing it for the benefit of the sidewalk.

Mr. Kuhlman: I think Link's point was though they created a bigger stormwater problem.

Mr. Brown: I totally agree, I agree.

Mr. Hoewing: You've already got a stormwater problem across from you, now they are going to put a curb on the other side.

Mr. Strong: One of the problems for you water doesn't flow across the road, which on your side of the road it runs relatively flat down that side of Fisher Avenue.

Mr. Hoewing: Yea but my point is the curb is on the other side the water is not going to go anywhere on that side it is going to have to go in his direction.

Mr. Strong: Keep it in the gutter pan because we are not allowed to take water across the road in a sheet flow situation it has to be in a gutter pan and that is where that gutter pan will be placed.

Mr. Hoewing: Must have had some interesting engineers on Beallsville Road it does just the opposite.

Mr. Klobukowski: So you are saying you have to have stormwater inlets against the lawn.

Mr. Strong: You have to have somewhere conveying the water down the roadway and there are inlets on Fisher Avenue on that side.

Mr. Kuhlman: Ok anything further or is there a motion or what?

Mr. Klobukowski: Well I guess the question is do we want to wait for a survey of Tom Fox and this one here.

Mr. Yost: You need to give me direction or authority to use those funds for the survey for Fisher Avenue.

Mr. Klobukowski: Yea that is what I would assume. Ok I make a motion that we use the money to do a survey of Fisher Avenue and draw the plans up and I also recommend that we use monies allotted toward Tom Fox if we are going to do the survey we might as well do it concurrent right simultaneously, do Fisher Avenue and do Tom Fox.

Mr. Yost: That would actually be a budget amendment.

Mr. Klobukowski: Oh it would be so we have to wait.

Mr. Yost: This money is available now where the other is not.

Mr. Klobukowski: Ok well I make a motion then we use the money to do a survey of Fisher Avenue.

Mr. Brown: I will second that.

Mr. Kuhlman: Any discussion, question, comment?

Mr. Hoewing: Just want to reinforce something not arguing on the curb but and not necessarily against it in all cases I just think on the State road there it never was in existence it just seems kind of a new addition that might cause more problems, but I was supportive of the sidewalks, the Master Plan one of the biggest parts of it was making this a walking Town so this is a great idea I have no problem with that.

Mr. Brown: Then lets ask the question while we are still in the question mode. I mean there is no other alternative right if we are going to have a trail coming up Fisher Avenue we have to have curb and gutter is that...

Mr. Yost: If it is far enough or a safety issue I am not --- how far over the road would even have to be if the sidewalk according to...

Mr. Strong: It is 6 feet generally and if you were to --- the project as we did on this portion of Fisher Avenue they may approach in a different manner, it actually slows before it gets to Tom Fox.

Mr. Yost: Its 25 here and then it goes to 30.

Mr. Strong: Yea it is 40...

Mr. Yost: Way farther down.

Mr. Strong: Yea it is way farther down so you might be able to do it in phases.

Mr. Kuhlman: Well my suggestion would be right now we hold our questions until the survey is done and John comes back to us with a full scale drawing on what intends to be done and then we can...

Mr. Brown: Stick with the plan.

Mr. Kuhlman: Yea all right all in favor of the motion?

All: Aye.

Mr. Kuhlman: Motion carries unanimously, thank you.

### **Old Business**

Mr. Kuhlman: Old business Resolution 006-09 impact fees. The record closed on this past Friday the 12<sup>th</sup> we have had 3 communications since then, one from Mr. Kettler, one from Winchester Homes, and one from Mr. Pearce and I think you all have copies of the communications or should have them. We also have before us 6 pages of impact fees kind of different scenarios. I guess for the benefit of the audience Mr. Pearce's comments take up 4 pages and from what I can really tell is his thrust or the main point he is trying to make is that he feels there should be a 2 tier impact fee to the 4 and under list and he feels that he has been a taxpayer for years and he should get a reduction in the impact fee because he has been a taxpayer and his tax money has been used to put in the infrastructure. My point if I were discussing with him is he is correct, his tax money has paid for the infrastructure that is here for the existing homes and existing residents and the impact fee is to cover the infrastructure for the 3 or 4 homes he intends to build on his property, so I don't see that there is a plausible concern in his comments. Mr. Kettler talked about the well 15 construction, the confusion as he sees it on the potential peak daily demand of 600 gallons and then he also raised the issue of his proffer in the allocation list of his \$221,250.00 having reread his proffer letter the way I would describe his paragraph is it was a generous gift to the town and it did not have any hooks or not hooks that is the wrong word had any codicils as Winchester's did that it would be used to off set any of the impact fee expense and Winchester's letter mainly raised one issue and that is the discount rate that we have calculated in our impact fees through Dr. Moore and their work with Staff we have shown a 4.7 discount rate and Winchester through their advisor Tish Levice is suggesting that 1.4 discount rate would be more in line. And Wade I know that you have made a couple changes in this formula from 418 homes down do you want to...

Mr. Yost: Sure I did and you will see the original one basically Bill had 418 homes for the calculations, 410 is more accurate and then once that changes well 15 actually drops to 50% of the cost instead of 57% so that is really a big change also in the projects Bill didn't have them lined up in 2009 he had them out in 2012 for the wastewater plant in the I&I and it made the Town Hall in a --- column it made a few dollars change in the impact fee also but I figured if we were taking a look at what Tish Levice had proposed for a

discount rate so I said well if we are making changes lets fix everything so everything is perfect.

Mr. Kuhlman: Ok any comments or questions from the Commissioners, come on Lori I am looking for something intelligent.

Ms. Gruber: I am not jumping into that one right now.

Mr. Kuhlman: Then I will start. On the discount rate I appreciate Winchester's suggestion. When you look at it our notes that we have out currently do average out to about 1.4 but there is also in my opinion an administrative cost above and beyond this, we have to track the receipt of the impact fee, we have to track the disbursement of it to the payment, there is some administration costs there, there is also administration cost with the auditor because they audit the impact fee account as well. So I would strongly suggest that we reduce the 4.7 down to 2% trying to cover some of the administrative costs and there is a scenario in front of you showing the 2%.

Mr. Hoewing: That is with 50% of well number 15, that is what we are talking about. But based on what you said though Wade it is 50% right.

Mr. Yost: The 410 from 14 to 410 changed that 57 to a 50.

Mr. Hoewing: Right so the scenario is 2% - 50% of well number 15, which is ok, I see.

Mr. Kuhlman: Yea. Then my second comment or concern and that is up to the Commissioners is as you just said Link Wade has now backed that well 15 or Cattail Road well down to 50%. I still make the argument the only reason that well is being developed is to allow the developments to take place. We can't build a 50% well house, we can't put in a 50% pump, we cannot chlorinate just 50% of the water, I would in my opinion I would think 100% of that well should go in to the impact fees, the only reason the well is being developed is to allow these 410 homes to go forward.

Mr. Hoewing: What does well 15 bringing online what does that do in terms of the 600 gallons per day figure, does that actually get us way above us, is that what it does.

Mr. Yost: It does take us over that a bit.

Mr. Hoewing: So it is more than safety it's actually some part of it is actually existing.

Mr. Yost: I'm not sure of the exact number 630.

Mr. Hoewing: Ok.

Ms. Gruber: And it is needed to bring the new homes up to 600?

Mr. Yost: Absolutely.

Ms. Gruber: Ok.

Mr. Hoewing: Under your argument though Eddie lets take the Town Hall we would say that because the Town Hall is for future use of the, before it was built it would have been 100% regardless.

Mr. Kuhlman: No I mean we calculated that because the Town Hall serves the existing people, we expanded the size of it in anticipation of the new people and the expansion is what went into the impact fee calculation.

Mr. Hoewing: That is what I was getting to so you are saying really that regardless of the 50% of the well, you don't get to build a 50% well or whatever, your real argument is that there is no reason for that well except to support future development.

Mr. Kuhlman: Exactly.

Mr. Hoewing: Ok.

Mr. Kuhlman: That is the bottom line I mean if it was only 380 homes on the list we would not have to develop that well.

Mr. Hoewing: Yea I agree with you.

Mr. Kuhlman: That is my feeling I throw it out to see what my colleagues agree or disagree with me.

Mr. Hoewing: The discount rate actually represents essentially the amount of money it, what it costs you to get money in the future right, so what has that been in the last 10 years for us, has it been around 2%?

Mr. Yost: No it has been 4% I mean that is an average that Bill said the governments use.

Mr. Hoewing: So 2% is generous I would say in terms of where they are coming from.

Mr. Kuhlman: Yea I think so I mean if you look at our budget we have a 3.5% note that's been out for years but it is paid off or will be paid off under the current fiscal year budget, then our other 2 notes for water and sewer are 1 and 1.1% interest rate. To me there is an administrative cost though, we have to track the receipt of that impact fee, track it to the account that it goes to, issue the check to pay the bill on that loan, we also have to pay the auditor to audit those accounts and track that so to me there is an administrative cost on top of the interest on the note, so rather than task the Staff to sit down for God knows how long to come out and try to segment that administrative time I am just suggesting we take the 1.4 that they suggested and call it 2% to cover the administration costs and move forward, go with it. And we can handle this any way tonight I mean we could handle a decision on any one of these scenarios, we could handle a decision on the discount rate and then well 15 and that would decide which one of these scenarios we go with.

Mr. Hoewing: Under what you describe that is really the last scenario that is 2%, 100% of well number 15, that is what we are talking about.

Mr. Yost: Which one.

Mr. Hoewing: The last scenario, which says 2% discount rate, 100% well number 15, which is different than what is in the Resolution because you have got 4.7% there.

Mr. Kuhlman: Yea.

Mr. Hoewing: Ok. Jerry what is your feeling?

Mr. Klobukowski: I will go with the 2% that we discussed earlier, can't go half a well house, half the piping and all the stuff that goes into it to tie it in.

Mr. Kuhlman: Lori?

Ms. Gruber: I agree the 2% is reasonable and you need well number 15 to support the community so.

Mr. Kuhlman: Link?

Mr. Hoewing: I think we have been fair in the process, I think we considered this very carefully and I think the 2% and the 100% of well number 15 is the best way.

Mr. Kuhlman: Ok I agree with the 2%, Jim you are still looking to recuse yourself?

Mr. Brown: That is correct.

Mr. Kuhlman: All right well so far we didn't have a tie vote on that one so you are still in the clear.

Mr. Brown: Good.

Mr. Kuhlman: All right now we have the well 15 we have either 50% of it or 100% and I think you all have heard my argument so I am waiting to hear yours.

Mr. Klobukowski: I already stated mine I said you can't build 50% of a well house, 505 of the piping you have to build it all in order to make it worthwhile so I am for 100%.

Mr. Kuhlman: Ok Link?

Mr. Hoewing: I'm with you or your rationale.

Mr. Kuhlman: Lori?

Ms. Gruber: I agree.

Mr. Kuhlman: And I agree to that so with those 2 straw votes that would set the new impact fee at \$10,588.00 a unit and I guess Alan or Jay we need a motion to adopt that particular fee.

Mr. Hoewing: Do we have to read all the whereas' or we just have to say that that is the fee we...

Mr. Wright: You are just basically substituting.

Mr. Hoewing: Number 6.

Mr. Wright: Number 6, what is the number of houses on that?

Mr. Hoewing: 410.

Mr. Wright: Ok substituting page number 6 for page 1 summary and that it is attached to the motion.

Speaker: Use it as Exhibit A.

Mr. Wright: So your motion would be to amend...

Mr. Hoewing: So the motion would be to accept the Resolution but amend it so that the discount rate is 2% and the well allocation is 100% for well number 15.

Mr. Wright: Right.

Mr. Hoewing: I so move.

Mr. Kuhlman: Is there a second?

Mr. Klobukowski: Second.

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

Mr. Kuhlman, Mr. Klobukowski, Mr. Hoewing, Ms. Gruber: Aye.

Mr. Kuhlman: Abstain?

Mr. Brown: Abstain.

Mr. Kuhlman: All right motion carries and the new impact fee will be \$10,588.00 per unit.

### **Committee Reports**

Mr. Kuhlman: Committee reports, Planning Commission Mr. Hoewing.

Mr. Hoewing: Refresh my memory Wade we had a long discussion about something and I forgot what it was, it went on all night, it was over 3 hours and it was so exciting I forgot what it was.

Mr. Yost: Road construction.

Mr. Hoewing: Road construction that is right. The discussion was really about the proposal that Huron had made to us that we have a different standard for the road construction. We reached no conclusions but it was a good discussion and I think we are getting close.

Mr. Kuhlman: Ok any questions. Ok Parks Board Jim?

Mr. Brown: Parks Board met and we reviewed a race permit that is going to take place and start at Barnesville School October 11, 2009 that is a bicycle race. We also approved the basic concept and the company that will be building the Wootton Heights Tot Lot so we set that up. We had tons of discussion about the band shell which I plan on continuing prior to the next meeting so we can come to some sort of conclusion, we kind

of went off course I think which that is being charitable but I am going to do the best I can to reign us back in on that one, I am going to consider it my personal mission over the next couple weeks. We made the recommendations you have already seen for the Fisher Avenue, Elgin Road sidewalks, we completely deferred on the Park Rules and Regulations for another month that seems to be the regular process for that unfortunately as we ran long. Parcel 840 Committee met just recently Wade if you want to give us an update there.

Mr. Yost: Sure.

Mr. Brown: Sorry to put you on the spot.

Mr. Yost: That is fine. We took a look at breaking it down into different phases the Skatepark we placed in the upper right hand corner right behind McDonalds, we took a look at making sidewalks with improvements and all the frontage of the roads and half for the parking area and it will probably be impervious concrete of course funding is going to be dictating exactly how far we can go with the project and phase 2 would be a tot lot and pavilion area which would be part of the Skatepark and then 3 would be the Community Center and finish out the parking areas and --- down the road so it is broken up into 3 different phases at this time and an RFP has been sent out for the Skatepark for a design build so we will see what comes back by July 17 I believe the RFP is due back in.

Mr. Brown: That includes the Skatepark update too.

Mr. Kuhlman: Ok.

Mr. Hoewing: One other thing I forgot with the Planning Commission, we also discussed fairly extensively the way we would frame some of the environmental zoning changes that we have been talking about including the issue of the windmill, no decisions were made but there was a lot of discussion about how to do that and what should be permitted and not permitted so I think at the next meeting we will probably get down to some closed in decisions at that point.

Mr. Yost: And I did have a meeting this morning with a Chief Executive Officer of one of the Solar Standard it is called, a solar company, John and I did to see some of the regulations they have problems we would have as far as we are too onerous as far as having regulations that wouldn't allow certain things.

Mr. Hoewing: This includes things like whether we should have standards for solar panels for example for any kind of in-ground thermal systems which I think there is a lot of concern about that but at least it should be considered because it could happen.

Mr. Klobukowski: Do we know if anything is at the MML Convention in June with respect to environmental, they take to be behind the power --- that is the problem. I can't remember I did see I remember seeing some of the topics that they were going to have but I can't remember what they were and if they addressed any of this area.

Mr. Strong: If you go to the Maryland State Energy Department their website is constantly being updated and a lot of information is coming out on wind generators and it will also direct you to the Department of Energy sites that are helpful.

Mr. Klobukowski: But do they have stuff on zoning ordinances and stuff like that.

Mr. Strong: They have links to help you.

Mr. Kuhlman: All right very good. If we have any more questions lets wait until the Planning Commission does a little bit of work and gets back to us. Lori, CEDC?

Ms. Gruber: CEDC meets this Wednesday so nothing new. The survey did go out for future activities, interest in future activities and I don't know when they are planning on getting the results in from that.

Mr. Kuhlman: Very good. Mr. Manager.

### **Town Manager's Report**

Mr. Yost: I talked with the County Health Department today, Dr. Tillman's office and they do have some information, they don't have a complete CDC report yet but they want to come out July 20 and have an informational hearing with Dr. Mitchell, Dr. Tillman and go over what the findings are from the reports. They really don't have anything they could tell me right now I was trying to get something out of them but there was no red flags that went up and that is all she would tell me at this point.

Mr. Kuhlman: They want to come out on the 20<sup>th</sup>?

Mr. Yost: Yes.

Mr. Kuhlman: At our Commissioners Meeting?

Mr. Yost: Yep.

Mr. Kuhlman: How much time do they figure they are going to need?

Mr. Yost: At least a half hour to give their presentation and see if there is any questions.

Mr. Kuhlman: Ok and fortunately I think I saw Maggie folding and getting the newsletter ready to go out.

Mr. Yost: The CCR, the newsletter went out last week, the water quality report goes out this week.

Mr. Kuhlman: Oh that was water quality?

Mr. Yost: Yes.

Mr. Kuhlman: So we will be able to get this meeting notice that the County will be here in the next newsletter?

Mr. Yost: No but it will be online, posted at Selby's, posted out front.

Mr. Klobukowski: What about postcards?

Mr. Yost: We could do a special postcard.

Mr. Kuhlman: All right what else?

Mr. Yost: Getty Gas Station we were talking about a little bit before. MDE is still working it, they pulled extra samples from a couple other private wells in the area, one from the church they said they actually thought they smelled something in their well, they took samples out of that I don't have reports back yet of what the analysis came out with. They are talking about replacing all the tanks underground, one of the tanks the Kerosene tank has been pulled out and they are going to replace that one and they talked about putting a regular in-ground tanks which are double walled tanks, piping has to be replaced but the inspector is not going to put it in his full report yet so they are still in between like exactly what the cure is going to be, not that there was a big problem but it doesn't meet standards so they moved on it.

Mr. Brown: I probably don't know enough about this but does this mean that that is going to stay a gas station that they are looking for a renter to come in and that tenant so in preparation for that they are prepared to go through all these steps.

Mr. Yost: I guess so they are going to spend the money for it.

Mr. Brown: At their cost?

Mr. Kuhlman: It is up to the property owner.

Mr. Brown: That is a pretty large commitment. Now they have gone out of business a couple times now in that position.

Mr. Klobukowski: Well they only went out of business once really because well they could have continued on but the estate decided not to continue that as a gas station so the succeeding owners went out of business.

Mr. Brown: Operators.

Mr. Klobukowski: Operators right.

Mr. Hoewing: That's probably why they went out of business Jim they had water in the gas.

Mr. Kuhlman: Although that raises an interesting question. That station is only open under a special exception and if it lays fallow for 6 months the special exception dies and if they want to reopen it as a gas station they will have to reapply for a special exception correct?

Mr. Yost: That is correct.

Mr. Kuhlman: Ok all right anything else?

Mr. Yost: That is it.

### **Citizen Forum**

Mr. Kuhlman: All right citizen forum anybody have anything? Seeing no hands I entertain a motion for adjournment.

### **Adjournment**

Ms. Gruber: I motion to adjourn.

Mr. Hoewing: Second.

Mr. Kuhlman: All in favor?

All: Aye.

Mr. Kuhlman: We are adjourned see you on July 6<sup>th</sup>.