

**COMMISSIONERS OF POOLESVILLE
MEETING OF JULY 11, 2011**

PRESENT: LINK HOEWING, JIM BROWN, JERRY KLOBUKOWSKI AND EDDIE KUHLMAN. 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 July 11, 2011 Commissioners Meeting to order. For the record all Commissioners are present with the exception of Chuck Stump, as well as the Town Manager, Mr. Yost and Town Engineer, Mr. Strong. First order of business will be the Pledge of Allegiance, please rise.

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.

Recorder Malfunction due to power outage

Announcements

Marci Calantonio was appointed to the CEDC as a business member.

Approval of Minutes

The minutes of June 6, 2011 and the Executive Session were approved.

Old Business

Ordinance No. 184 – Chapter 12 – “Motor Vehicles, Traffic Control and Highways” – Amend various sections to address parking issues, was adopted. Jerry Klobukowski made the motion, it was seconded by Link Hoewing, and the vote was unanimous.

Recorder picks up from this point.

Mr. Klobukowski: Enforceable and just whether or not you have a will to do it.

Mr. Kuhlman: Are we back on yet?

Mr. Yost: Yes.

Mr. Klobukowski: No Jim said it is not enforceable it is enforceable if you have political will to do it and my previous comment was that you make it either, the only person who can park in the right of way is the way who is the property owner, of which that right of ways abuts their property, or with permission of the property owner, so if someone is having a graduation party, a shower, or something a birthday party across the street and they come to you and they say may we use your swale to park cars and you say fine then I have no problem with that, then I’m assuming responsibility if something happens.

Mr. Hoewing: Wade is the way this is written right now does this cause you a lot of hard times.

Mr. Yost: Only with regards to someone saying well this guy is parking over here, which we have heard a lot of that, people saying that.

Mr. Yost: Yeah so then you are judge and jury in a sense.

Mr. Klobukowski: I mean the towns I’ve talked to range in various sizes and it didn’t matter. Middletown up the road said, nobody, period.

Mr. Brown: And they are Frederick County.

Mr. Klobukowski: So what.

Mr. Brown: I know.

Mr. Klobukowski: I don't know, it seems like we are worried about we are going to offend somebody, that we are going to do something that is not going to make people happy, that we are going to be the nasty boy because we want people to show respect for each other as being part of this community. You know people move to this community with an expectation, and I am sorry if I am boring you...

Mr. Yost: No.

Mr. Klobukowski: I know I am. Because they have the expectation that people when they move to suburbs will do a minimum of taking care of their property, fixing the broken window, etc., and they don't expect it to look like something out of West Virginia with a couple cars in the back of the yard and stuff piled all over creation and etc. So I mean you know if people were nice to each other we wouldn't have this problem. If people respected each other we wouldn't have this problem, but they don't and that is why we create laws.

Mr. Kuhlman: Well what is your, a lot of what you are saying is very true Jerry, I mean you got two people in this room tonight that are affected by this. When they go home they have to ride past crappy yards, mud in the street, because this situation exists. I am not saying that anybody is worried about irritating somebody but I viewed this, when we started this, as helping legislation for property owners in Town that have not been able to figure out a way to get things done and correct the wrong for years.

Mr. Klobukowski: But see we are talking about how do you enforce it, what if the person is not there, how do you know who did it, etc., etc., you are not always going to know but sometimes you will. It is amazing, we can email everybody in a nanosecond going out around the world or in the middle of Sudan, you know we can send pictures back, people can't take pictures with their cells phones or cameras and upload them.

Mr. Kuhlman: I don't know how mine works.

Mr. Klobukowski: Anyway what about what I recommended?

Mr. Gullo: Take another swing at the plate here, if you want to get your language out I will read some things I just wrote in here. The current language says "park a vehicle with any of its tires resting off the pavement and in a stormwater or drainage swale or ditch", we are adding the rest so I will put in the new, new language, "or park a vehicle in a public right of way, which does not abut their property" we will figure out how to say that right, "which creates ruts, gullies" it keeps going on until you get down to the section that says, "will be restored to its original state and maintained by" currently it says property owner and we can put by the responsible party, we can stop it there, we can say responsible party and or the property owner, and then we just go down and change owner to violator and then the last section says further if no action is taken to repair the property in the designated time, the Town can take all legal action to repair the property, the cost of which shall be borne by the responsible party.

Mr. Klobukowski: What about the part with permission, or allowed with permission of the property owner.

Mr. Gullo: I would say that I mean we could put that in there but you are looking at, if I park in front of your house, it doesn't abut my house, you didn't give me permission, you are calling the authorities. I mean it is your action to call the authorities under that.

Mr. Klobukowski: No I am saying I gave you permission to park there.

Mr. Gullo: Right so nobody would ever call. I mean I guess I am jumping one step ahead, if I park in front of your house with permission who is going to call and turn me in. I mean is the Town coming by to see who has got permission and who doesn't.

Mr. Klobukowski: I thought the whole thing was then you assume responsibility if any damages occur because you gave the party permission to park there.

Mr. Hoewing: Currently what is the status of their --- do they actually have technically any authority to tell anybody they can or can't park there. How can we do this, we can't do this. Anybody that wants to can park there and whether you give me permission or not, a courtesy that is what neighbors should do Jerry, what they did in your case, but they don't have to.

Mr. Gullo: Right you have to make it illegal to park there.

Mr. Hoewing: I mean all the rest of that is fine, I don't know if it is going to create more problems, maybe we should just take another look at the language. I tend to agree with what people said earlier, I think we are making a mountain out of a molehill here. I do think and I don't want to make Wade's job more difficult by passing more and more of these kinds of things that are not really --- enforcing and that give people excuses to complain or say --- him and that is not what your job is all about. I mean yes there are cases where you do have to do that but you shouldn't be occupied doing that all the time and the more we pass these kinds of unenforceable things the more it is going to happen.

Mr. Klobukowski: Well we stuck our nose in with Hempstone Court. The guys were clearly within 25 feet of the intersection where they were parking and the police wouldn't enforce it, and now we got no parking signs on that one side because of a snit between two neighbors too. It happens here but it doesn't happen there...

Mr. Yost: (Inaudible) allowing them to park period in a right of way because the roads are very narrow in the two subdivisions.

Mr. Hoewing: They are, that is right.

Mr. Yost: So you do want to drop a tire or two off otherwise you are blocking the road, that does occur also. But it's the habitual parkers and during wet weather and snow that doesn't...

Mr. Hoewing: Yeah we had a bad situation this spring because it got so wet. Well see what we got next meeting, I am not rushing to vote on this, unless you are.

Mr. Kuhlman: All right so what was your language again Counselor?

Mr. Gullo: Well if you still like moving ahead I will come up with some language that you can sit in front of you and read that talks about responsible parties, that seems to be a thing, it has to stop people parking from the right of way unless it abuts your house, and you can take this language out later, and then you can deal with the permission issue as long as now you have the permission to do it.

Mr. Kuhlman: So you are talking about going back revising this and bringing it up at a later meeting?

Mr. Gullo: I don't see you voting on what I just said tonight.

Mr. Kuhlman: Huh?

Mr. Gullo: I don't see you even if I can make it pristine, I would not feel comfortable with you voting on it without it being...

Mr. Kuhlman: All right well do that, if that is alright with everybody, and while we are at that point, lets change gears real quick, there is really nothing to be on the agenda at the next meeting, but now that the Master Plan is out, we the Commissioners have a time period to review this and issue comments. So I would suggest that we just schedule the next meeting as a work session only and we will go through the Master Plan and be ready for that, so then our next meeting won't be until August.

Mr. Brown: I will not be at the work session, the last week in July right, the Monday of the last week in July I will not be here.

Mr. Kuhlman: Two weeks from tonight, whenever that is.

Mr. Yost: The 25th.

Mr. Klobukowski: I may not be here the first week in August.

Mr. Yost: We talked about having the first meeting August 8 because of the 25 and the first is the following Monday so it would have been the 8th, this is the procession we will go into September and it goes back to the first week.

Mr. Brown: So August 8, August 22 and then the first week of September.

Mr. Yost: Exactly.

Mr. Hoewing: So you will be here on the 8th?

Mr. Brown: Yes.

Mr. Hoewing: But Jerry won't be.

Mr. Klobukowski: I don't think so.

Mr. Brown: No he said first week of August.

Mr. Yost: Monday the 1st is, August 1st is the Monday.

Mr. Klobukowski: I don't know yet, I will let you know.

Mr. Kuhlman: So what are we doing for July?

Mr. Brown: You said work session, which I won't be here but you guys can...

Mr. Kuhlman: Ok. So you can have something back to us so we can have a few days to review it before that meeting in August.

Mr. Klobukowski: Are you saying we are going to go through the whole thing at that meeting?

Mr. Yost: Lets talk about how you want...

Mr. Gullo: All right so back to the parking, I will have it for you for the agenda on the 8th right.

Mr. Kuhlman: Yeah but we would like to have it in our hands a few days before the meeting so we can read it and stuff like that.

Mr. Gullo: I will have it to him this week.

Mr. Kuhlman: Good.

Mr. Gullo: I can't guarantee it is going to satisfy everybody.

Mr. Hoewing: Maybe we can start out at the first work session looking mainly at the Vision Statement to see if we think, because that is kind of the heart...

Mr. Yost: You know we probably shouldn't because the Planning Commission wants to redo the Vision Statement a little bit. What they did, they started out exactly like

that, the Planning Commission started out and did the Vision Statement first and then tackled each section.

Mr. Kuhlman: Well let's discuss that under new business. We still have one more old business item.

Mr. Hoewing: All right.

Mr. Kuhlman: Mr. Strong.

Mr. Strong: John Strong, Huron Consulting, Town Engineer. We have all the permits for 7, 9, and 10. The uranium radon removal system, we finally got the State of Maryland to give us that permit. The building permit is in hand and also sediment control, stormwater management...

Mr. Klobukowski: Hold on a second. This should be wells 7, 9, and 10, not 9 and 10.

Mr. Strong: I don't know what you have in your hand.

Mr. Kuhlman: The agenda says 9 and 10, it should say 7, 9, and 10.

Mr. Strong: I'm sorry, yeah 7, 9, and 10.

Mr. Yost: Got to be my fault.

Mr. Strong: We ran the cost estimates, we still believe that the original budgetary price is adequate, that is cost opinion. And lets just run over what is going to take place real quick. We will bring a 4-inch line down Fisher Avenue to Budd Road, down Budd Road and tie into the new building facility proposed. We will use the existing well house and a lot of features that are in the existing well house. In the back of the facility we had them put in a 24 inch water line, in the back of the storage facility for that in order to get the contact --- that MDE is requiring for the chlorination to take affect.

Mr. Klobukowski: Excuse me, those buildings aren't going to be connected then?

Mr. Strong: They will be connected by pipes, they will be separate buildings.

Mr. Kuhlman: Is that building setting on the property line?

Mr. Strong: It is 2 feet off the property line.

Mr. Yost: Planning Commission approved it.

Mr. Kuhlman: Yeah but that doesn't meet our Code.

Mr. Klobukowski: Yeah just like you said it doesn't meet Code.

Mr. Kuhlman: It doesn't.

Mr. Strong: That is what was approved by the Planning Commission.

Mr. Kuhlman: How can they approve an illegal structure?

Mr. Strong: Well the same way that you can do certain things in parks and public facilities but you don't have to abide by the same Code, because that subdivision is what is it set up for?

Mr. Klobukowski: Not sure.

Mr. Kuhlman: Half acre.

Mr. Strong: Half acre. Does this building meet the ½ acre requirements?

Mr. Yost: The parcel is only ¼ acre.

Mr. Kuhlman: As far as what?

Mr. Yost: Anything within that zone. It is a ½ acre parcel.

Mr. Strong: You are building a public facility...

Mr. Yost: On a ¼ acre parcel.

Mr. Kuhlman: Yeah.

Mr. Yost: Well they are subdivided in a ½ acre zone. So luckily the whole thing you can go outside your own parameters of your own code for public facilities.

Mr. Kuhlman: I understand that I just don't like violating our own laws.

Mr. Hoewing: What's behind that, is there a house down there?

Mr. Kuhlman: Not yet.

Mr. Hoewing: There will be a house at some point?

Mr. Strong: That is correct. The same thing would also apply to the park over here, doesn't need forest conservation either, that was waived as a fee in lieu. There is a lot of cases where public facilities, due to their nature, do not meet the criteria for the zone in that particular area.

Mr. Hoewing: What was the reason John that they had to put it so close to the property line?

Mr. Strong: In order to get this arrangement, which I will go into in the building.

Mr. Hoewing: Right.

Mr. Strong: Just like we come into this facility and then we go underground out of this facility into the new facility, in order to minimize that cost and rather than putting the building back here and running pipe back around which then would create a problem with this piping for the new facility that is basically a big storage area, in order to get the contact (inaudible). Comes out here and goes into 2 filter systems, which are called PES36, they are basically big fan filters except they have a different media in them, that media traps the uranium and that by doing this we were able to treat 200 gpm, gallons per minute, or as little as 80 gpm, because we are restricted in the size of the booster pump. So we have 200 to 80 gpm. After it passes through the PES systems it comes out and goes into the breeze unit, these units are just two big aeration devices that blow air into the water and then from that, once it comes down through there, they are stacked one on top of the other, it goes into a booster pump, which that boosts the water pressure back up to the proper pressure to get the water to flow into the water system. Once it comes through here than there are backflow devices present. It then goes into the chlorination process that currently exists and we are using the same chlorination system and then back into the water supply system. So that is how this system is devised and planned. There will be (inaudible) and also our well pumps will have to be changed out. Right now the other thing that we are planning to do is go ahead and have the Town purchase directly the PES36 units, the breeze units and the booster pump and then also the scata. The contractor will have to install those items, but it will save the town enormous amounts of money by doing that. If we didn't do that, the pricing of course would go up. The piping from 7, 9, 10, I am sorry from well house 7 to 9 and 10 is a considerable chunk of change, you are looking at approximately \$110,000.00. The plan to go ahead and lease this, put this out as 2 separate contracts, one a storage building area and then the other for piping, because they are two different types of contractors that do that type of work, one is a utility contractor and the other is a building contractor.

Mr. Klobukowski: There's no people who would do both?

Mr. Strong: Well sure there are but there is people that do both but they are general contractors and builder general contractors are just going to go and sub it out.

Mr. Klobukowski: Right there is no one that does in house for everything?

Mr. Strong: There probably are but the likelihood of those people bidding on a project of this size and scope is fairly slim.

Mr. Klobukowski: Is that because we are buying the equipment?

Mr. Strong: No it is not because you are buying the equipment, its because the total cost of the project is well under 2 million dollars.

Mr. Hoewing: Its small for these kind of guys?

Mr. Strong: That is correct. Big for us, small for general contractors.

Mr. Brown: How is the Uranium treated again?

Mr. Strong: There is a media that captures the Uranium.

Mr. Klobukowski: Ion exchange.

Mr. Strong: Yes and what it does is it captures the Uranium and holds the Uranium and then once that media becomes full of Uranium particles, if you will, it will just start to pass what is in the water system through and we don't plan to ever get to that point. Operational expense, we talked it over with Wade, we are looking at about \$10,000.00 a year and that would be just banked away and that is assuming that the vessels are pumped at full volume, 200 gallons per minute, 24/7.

Mr. Brown: What happens to the Uranium?

Mr. Strong: Once it is captured it would have to be, it is considered low-level radioactive material. The volume that you would be looking at is less than 15 pounds of Uranium, which is well under the federal guidelines and that then would be hauled...

Mr. Kuhlman: 15 pounds per ...

Mr. Strong: 15 pounds, you are not allowed to hold more than 15 pounds...

Mr. Kuhlman: Per day, per week, per month, per year?

Mr. Yost: Ever.

Mr. Strong: Ever. You are not allowed to have more than 15 pounds, you are going to be under that, considerably under that, but it is a low level radioactive material and that will have to be hauled out to a low level radioactive...

Mr. Klobukowski: Which is where?

Mr. Strong: Well there are several of them around, they are in Pennsylvania, they are in Tennessee, they are in Virginia, there is one that is proposed to be built down in Stafford, but there is various facilities that it goes to.

Mr. Klobukowski: So once a year that would be emptied?

Mr. Strong: No you could actually let it run long, it depends if you run it at 200 gallons per minute, we figured that you could run it for 3 years before you would have to clean it. You could actually run it less than that, correct Wade you do not plan to run this plant 200 gallons per minute, 24/7?

Mr. Yost: No. But I think we will plan for every 3 years to have it --- automatically and put \$10,000.00 away to just...

Mr. Klobukowski: So it is 30 grand to dispose of this stuff?

Mr. Strong: To replenish it and dispose of it.

Mr. Klobukowski: Ok now are you going to just replenish, you just have to replenish the media, you don't have to replenish the container as well.

Mr. Strong: No just the media. And the other thing is the workers will never have to come in contact with the media because it will be done by a remediation firm.

Mr. Klobukowski: Is that \$10,000.00 part of the, does that \$30,000.00 include the cost of remediation firm as well as shipping.

Mr. Strong: They come in with, basically a big --- is what comes in and they pull the media out and replenish it.

Mr. Brown: Once this gets done, what percentage of the Town's water is going to be supplied by 7, 9, and 10, round number?

Mr. Strong: It depends on how much you pump it, it's one of those...

Mr. Yost: Probably a third to a quarter maybe. Depends on what time of year, because well 2 runs 24 hours a day during the summer time but the winter months we have it off so then 9, 10, and 7 will run a little bit more during those months if the demand is up.

Mr. Brown: Ok.

Mr. Klobukowski: Why couldn't you reorient the building perpendicular to the other building?

Mr. Yost: The well head is in the way over there.

Mr. Strong: You have got the well head here and if you put it back here now we have a problem because this property line here, now that 24 inch line is like hitting stone, so I end up with a problem trying to fit the thing in, also this water quality swale here that you are required now under stormwater regulations. So the only configuration that would work without a lot of other complication.

Mr. Klobukowski: Ok well my last question is why didn't we just knock out the wall, make it one long building?

Mr. Strong: That was a decision that was made to keep it separate because we weren't gaining anything by knocking out the wall, it was actually easier to take this down and around because we had electrical panels over here in this area, remember this is where the electrical panels will sit, this area is lost because of the filters, because getting behind them is a problem. This area is lost because of the blowers and also the pipes were here, so we have this area to work with and then we had this wall, so we even kind of used the wall there to make it work.

Mr. Klobukowski: Why couldn't you just build a step wall then?

Mr. Strong: That then presents problems with the Fire Marshall. We talked it over with the Architect and this was actually the cheaper way to do it believe it or not, than trying to tear into this building and take a wall down.

Mr. Klobukowski: The thing is, I understand what you are saying, it is cheaper to do it this way now, but long term costs, what are the long-term costs?

Mr. Yost: Yeah we talked about it before and I didn't really see a difference in the long term cost either way. It seemed like the simple solution.

Mr. Klobukowski: You got to run outside from one to the other.

Mr. Kuhlman: What is the gap between the two buildings?

Mr. Strong: It's a gap area, just open area.

Mr. Kuhlman: What distance?

Mr. Strong: Four feet.

Mr. Klobukowski: Why not just build a little alleyway between them? I mean my point is if you've got to run between buildings for something.

Mr. Strong: You shouldn't have to run between buildings because what is located here is your --- room here, your pump for 9 and 10 information here, the only thing

that is taking place over here is the operation of these booster pumps and these blowers because it is a pressure system, so the necessity to go into this building is fairly low.

Mr. Yost: Well the guys go in there every day and do a check, everything is going to be done in that one room, all the electrical panels where they check the meters to see how long they run, they test the raw pH, they test the chlorine levels, everything gets done in that one room, they don't have to go back and forth.

Mr. Strong: And this was the original configuration, it has been the configuration for some time.

Mr. Kuhlman: Are the elevations of the rooflines going to be identical?

Mr. Strong: Actually this roof will be a little bit higher up because these pumps, in order to get clearance, you have to have to the bottom of the truss, 13 feet.

Mr. Kuhlman: Ok is the width of both buildings the same?

Mr. Strong: No not quite. This building is 20 feet and I think this building is like 18.

Mr. Yost: Exactly.

Mr. Kuhlman: Well I don't know. I don't understand why you are going to build 4 walls instead of just 3 and attach it to the existing building.

Mr. Strong: When we went through this, this was the most logical way of attacking it, other than ok you take this wall in here, you had to build a support system for a wider roof and a different way of attaching it to the building. This may not, that would also mean that you had to do structural calculations to make sure that that additional work would have to be done. This was the original proposed way of going through...

Mr. Brown: I think it is a brilliant idea. And I don't know jack poop about contracting but I can tell you that matching up rooflines and walls and trying to knock down and join can make a bigger cluster mess than 2 of the same ---. So why not trust our Town Engineer and our Town Manager to come up with a good plan.

Mr. Kuhlman: I am entitled to ask questions.

Mr. Brown: You can ask questions all you want.

Mr. Kuhlman: It doesn't make sense, I would have shrunk the building a little bit. I mean we are building a wall we don't need to be building, if you attach the 3 walls to the existing building. It is a --- building.

Mr. Brown: Well you just said why that doesn't make sense.

Mr. Strong: Do you want a corridor through there? A corridor can be put in. What you gain with that corridor I am not sure.

Mr. Yost: I didn't see a need for it, that is why when we went over the plans this made the best sense. You are right we have to have 2 buildings because 1 building is going to be taller and wider so you got to cut the roofline off, tear the wall down, so you got to match that up or you have to expand the other building too, so you are going to spend a lot more money trying to do that, then this is just a simple approach to it. And these are closed container vessels, they are sealed units, they won't be going in there, but the guys that go in there every three years will suck it out or set a pressure gauge or whatever, so it is not like it is...

Mr. Klobukowski: Well never say never, never say always. Every three years that is what everybody says, I mean the thing is you still may have problems where you have to go in there or run back and forth. There is an advantage from the standpoint

of if something happened and people were getting all upset or something, you had a leak and you had radioactive material, people would go nuts, so if you had two separate buildings that makes sense that way. But we are not talking.

Mr. Yost: No that is why we did it.

Mr. Klobukowski: Yeah right. This isn't a reactor, so that fear is not...

Mr. Kuhlman: All right so what are you looking for here tonight, just giving us information?

Mr. Strong: Just passing along information. Right now the schedule is as follows, package out for bidding purposes 7/19, pre bid meeting 8/17, last day for questions 8/23, bid opening 8/31. And then once those evaluations are done we would expect the bid to be awarded roughly around 9/12 and then 30 days later start construction, which is around 10/11, completion around 4/3/12 and operational 5/3/12.

Mr. Kuhlman: All right any questions for John?

Mr. Klobukowski: I have one last question.

Mr. Strong: Yes Sir.

Mr. Klobukowski: We are going to be buying the equipment, is there a warranty problem since the installer is not going to be the one buying the equipment, I mean it is like going in and buying a Chevy and saying you want a Ford engine and you want Chevy to guarantee it.

Mr. Strong: The warranty would be for materials. The nice thing about the breeze units are basically they are already skid mounted so its slide the skid in, set the skid, and making a connection. Everything up to that connection, would be the contractors responsibility and then the skids, from the skids inward that would be Lang Christianson, and then once on the other side the contractor picks up, same thing with the breeze units, they are very simple. Wade has seen those, they are just great big boxes and they are already assembled, again just big skid mounted pieces.

Mr. Yost: Will the manufacturer come out and do a start up.

Mr. Strong: Yeah.

Mr. Yost: And I think that is what you were getting at and we purchase them 6 months in advance or whatever.

Mr. Klobukowski: Say that again.

Mr. Yost: We want the manufacturer to come out and do the startup because that is when the warranty would begin.

Mr. Klobukowski: Ok.

Mr. Yost: I think that is what you were asking.

Mr. Klobukowski: Yeah I just want to make sure we don't end up voiding the warranty on any of the equipment if there is, or we got people pointing you got the wrong thing, the connections weren't right, oh no he screwed it up, he did this, no you should have done that.

Mr. Strong: Well Lang Christianson is going to supply, well Lang Christianson, the Breeze Unit, they will all supply the drawings of what they are going to supply and what that connection point is and the dimension. Now there is the option of going out and bid having the contractors who purchased this equipment and bidding it but I think you will lose the Towns, it will cost the Town more money. We are knocking around how much more a foot cost, and it could be up to \$300,000.00 more.

Mr. Kuhlman: Well the manufacturer stands behind the warranty no matter who buys it.

Mr. Hoewing: As long as it is installed professionally.

Mr. Kuhlman: Yeah.

Mr. Klobukowski: There are some ships floating out there now where there are warranty issues, so again...

Mr. Strong: So you will just verify them and they will have a warranty. And I know that they all just have warranty that come along with them and typically you specify where the connection points are, and from the connection point inward it is the supplier or contractor.

Mr. Klobukowski: I think the magic words I am looking for is the manufacturer is someone who knows what's going on, will verify that the installation is done correctly and will work, that is what I am looking for.

Mr. Strong: And you will have that because they come out for the start up for the project.

Mr. Klobukowski: Ok.

Mr. Yost: And that is typical all over. They have the manufacturer out or the rep doing the startup.

Mr. Kuhlman: All right thank you Sir.

New Business

Mr. Kuhlman: All right new business, the Master Plan.

Mr. Brown: What now?

Mr. Kuhlman: I don't know Mr. Town Manager was having a conversation.

Mr. Yost: Mr. Kuhlman started a conversation and I was trying to carry it on but then he said stop. So the Planning Commission they did exactly what Link was you know starting with the Vision Statement and work through it, well the back end of the --- it kind of changed a little bit, so they are going to tweak the Vision Statement a little bit and we can certainly take a look at it but I think the Planning Commission is going to want to reshape that a little bit. They are doing a whole lot more focus on the downtown area here and retrofitting these areas, streetscape, improving the business frontage, all type of things like this for the downtown area, it's the biggest function of this Master Plan. So with that we can start, a lot is going to be standard at the top, it's the growth management plan, the elements, the water element, all those things we've seen before, they were just updated a couple years ago, transportation section didn't change a whole lot, really it is the downtown business area that did change, so I think we will be able to jump on a few sections, go through them pretty rapidly and then we will have a couple sections that will take awhile to digest and get everybody's head around.

Mr. Klobukowski: Do we have a markup of what the previous Master Plan was versus the changes we've made?

Mr. Yost: No and because there has been about 50 different markups. That would be impossible, they have revised revisions of the rewrites.

Mr. Klobukowski: I understand that, but I mean the problem is, is then there is no real comparison unless you sit down with the other Master Plan and go word by word and to me...

Mr. Yost: That is why they did a rewrite, they are throwing the other one out and this is a whole brand new one to start with fresh.

Mr. Kuhlman: All right that is the plan.

Mr. Hoewing: So you are recommending we go through some of these other sections?

Mr. Brown: Primarily what takes place in the CBD?

Mr. Yost: That is going to be the biggest change and the biggest focus on this Master Plan.

Mr. Kuhlman: You think we can get through this thing in one meeting?

Mr. Yost: No.

Mr. Kuhlman: I don't either.

Mr. Yost: No I think everybody takes one and do a mark up on them and then we will just take it one section at a time and see how far we get.

Mr. Kuhlman: All right very good. Anybody have any other comments on that?

Mr. Klobukowski: So which section are we going to look at?

Mr. Yost: I would just skip the Vision Statement for right now and just go right into a chapter.

Mr. Kuhlman: Might as well start at page 1.

Mr. Klobukowski: I --- at page 6.

Mr. Kuhlman: Pardon me?

Mr. Klobukowski: Page 6 and go through the whole thing in a work session.

Mr. Yost: No I think we just do a one hour, one to two hour work session, pre set a time and then when we get a couple...

Mr. Klobukowski: If we are going to do something like that I would rather set a section.

Mr. Yost: However you guys want to tackle it.

Mr. Klobukowski: Because if we don't have a markup, to me I tell you now it's unacceptable. We should see side by side...

Mr. Kuhlman: You have it Jerry. You've got the old Master Plan.

Mr. Klobukowski: We have the old Master Plan, not the way I do business, when I do business you have the original, and you have the final markup, wait a minute, you have the original and the final markup together so you see what changes were made.

Mr. Kuhlman: You have it, you just sit the old one here and the new one there and read.

Mr. Klobukowski: That is not the way you do business.

Mr. Kuhlman: All right are we just going to start then on page 3.

Mr. Yost: No. Skip the Vision Statement.

Mr. Kuhlman: No we are starting on page 3.

Mr. Yost: Ok.

Mr. Kuhlman: Start at the front and go to the back.

Mr. Klobukowski: Why are we going to start on 3 if the Vision Statement is not ready, number one?

Mr. Kuhlman: It is ready, it's got to be ready, it's there.

Mr. Klobukowski: He is saying they want to make additional changes.

Mr. Kuhlman: You told me today George Coakley said there was going to be no more changes.

Mr. Yost: No. But I just said it a second ago at the meeting right here.

Mr. Klobukowski: And I'm the one accused of not paying attention.

Mr. Yost: They still want to tweak the Vision Statement. The Vision Statement is not set in stone.

Mr. Kuhlman: All right. I mean they have already passed time on having this thing done. And according to what you told me this morning, the Chairman said this is what they are going with.

Mr. Yost: With the draft correct.

Mr. Kuhlman: Ok. So who has approved more tweaking?

Mr. Yost: The whole Body has decided that they want to be able to do it, but they wanted to get this whole thing out and start getting other comments before they did the final tweaks.

Mr. Klobukowski: Wait a minute, wait a minute.

Mr. Hoewing: Of the draft.

Mr. Yost: Well that is the purpose of this.

Mr. Kuhlman: It is supposed to be a draft. If they weren't done with it, it shouldn't be out.

Mr. Yost: If they were finished it wouldn't be a draft.

Mr. Klobukowski: Time out, that is not true, that is not true. I produced a hell of a lot of drafts. If you produce a draft, you produce it right up to the final thing incorporating everything and at that point it is your first draft, it is the final thing and then you send it out, if you are going to send it out for comments or the community then you are not really serious about what you put in here.

Mr. Yost: Everything except for the Vision Statement.

Mr. Kuhlman: Than why was it sent to any other governmental bodies?

Mr. Yost: Because the other governmental bodies, which are the Parks and Planning, MDE, Fire and Rescue, Police, they care about population growth, they care about rezoning, they care about water capacity, wastewater capacity, stormwater issues, sensitive element areas, they don't care about whether you are going to fluff up your Vision Statement a little bit to concentrate more on how you are going to improve your downtown area.

Mr. Kuhlman: I don't know I mean if somebody is going to send me a document to review, I want a document.

Mr. Yost: Would you like me to take it all back and take it back to the Planning Commission?

Mr. Kuhlman: Pardon me?

Mr. Yost: Would you like me to just take it all back and take it back to the Planning Commission?

Mr. Klobukowski: Excuse me are these other places going to make comments, which would then impact here that we would have to make changes to it?

Mr. Yost: Potentially.

Mr. Klobukowski: I am not ready to review something if we haven't got all the comments in.

Mr. Hoewing: Well we haven't gotten any comments from the public either.

Mr. Kuhlman: Lets get a legal explanation of what this process is, because I know where Jerry is headed is wrong.

Mr. Gullo: Well you realize that you don't have the final say in this. You have the final say of yes or no somewhere down the road ok. If you want to make comments about the specific details beyond yes or no, this next 60 days is your time to do it, along with MDE and MDP and all the rest and you give your comments to the Planning Commission saying "we have concerns about this" you don't get to decide whether that is the way it is going to be, you are giving comments to them and they decide whether to incorporate yours and everyone else's so there could be lots of changes. You will get to see the final document and then you only get to vote yes or no. That is the process.

Mr. Brown: Will we get a redline version of the what changes get made to this?

Mr. Yost: I'll make sure you do.

Mr. Brown: I mean I think that is logical.

Mr. Yost: And I agree with what Jerry was saying, I wish I could give you a redline version but we don't. We had a redline then it went to another member who changed that and then they incorporated those two and...

Mr. Klobukowski: Well the thing you have is the other comments matrix, what is the comment, what is the resolution, you have the comments on a spreadsheet and then you go through it and it is tagged by chapter, page, and paragraph and line number.

Mr. Yost: I understand.

Mr. Gullo: I see your frustration as well.

Mr. Hoewing: So I have to go back and look at 66B but isn't there a process where we have a two thirds vote and can overturn what, we can make changes.

Multiple Conversations Taking Place

Mr. Kuhlman: I don't think it is (inaudible) to be given a document with the statement that "we ain't done with it, we are going to make more changes".

Mr. Hoewing: It looks like it is very comprehensive, I've got to give them credit they put good maps in here and it looks like it is really well done. So I am willing to look at it, but I just don't think we should have a draft and then have them say we still have to tweak it a little bit more.

Mr. Yost: I said it wrong, they just want to fine tune it, the Vision Statement a little bit more and that was a couple members of the Board and...

Mr. Klobukowski: What should have been done is we should have got this piecemeal, section by section by section as they wrote it and then...

Mr. Kuhlman: They didn't finish it until just a week ago.

Mr. Klobukowski: I understand that but the bottom line is we got each section, one at a time, gave them the inputs then we wouldn't run into this little brick wall 60 day term requirement, because I'm not prepared to sit and review this document when I don't have redlines or a comment matrix and come back here in two weeks and say this is the changes that I believe should be made. I may not have a change, I may not change it, but to sit here and do a line for line, word for word and think about it, and think about the long-term impact and the unintended consequences doesn't give me enough time.

Mr. Kuhlman: That is state law though.

Mr. Klobukowski: Yeah there is state law, I can understand state law, but don't throw that in my face because I don't really care there is state law, if this thing is going to be done right it is going to be done right. But you brought up the point this

was delayed a long time, so bottom line is that should have been thought of a long time ago, so now we got to be required by state law, that don't fly.

Mr. Hoewing: Well let me simplify a little bit because I think there are two areas where they made substantial efforts and changes, that is the Vision Statement and the CBD parts right, I mean they made some other changes in transportation, but I imagine those are the two biggest ones.

Mr. Yost: They are.

Mr. Hoewing: So maybe we focus on those first, it doesn't take that long, this is two pages, I can look at the old Vision Statement and compare it to this one pretty easily. And if I think there is something dramatically different we can talk about it, and I am sure there is because they have a different vision, I know they want to focus a lot on the --- of the town, they want to focus a lot on the CBD, I think it is all good, so just start simple.

Mr. Kuhlman: All right next meeting will be a work session.

Mr. Klobukowski: So next meeting which two are we going to do?

Mr. Kuhlman: Huh?

Mr. Klobukowski: Which two were you proposing?

Mr. Hoewing: Well I am still thinking we ought to look at the Vision Statement myself.

Mr. Yost: What you are going to see if you read the Vision Statement, the Vision Statement is a bunch of fluff, but as you go through the document they said oh maybe they should have had a little more focus on this one item here, and that is the kind of minor tweaking they are talking about.

Mr. Klobukowski: I don't know why if they don't have the Vision Statement ready, I mean we can proceed with something else, but I am not ready to read the whole document.

Mr. Hoewing: No but we do it element by element. The areas where they did a lot of work on the CBD really in the municipal growth element, is that where they were at?

Mr. Yost: No there is a few things in there they talk about rezoning the land use, they talk about rezoning in the downtown areas and growth within the downtown area rather than the outskirts of town, make it a priority area, so land use is a good one to look at. But you will keep repeating because some of the elements all kind of fit together and when you read the whole thing it tells a story, and it does fit together as they go, that is what we did some sections we went back and changed some other sections, we wrote those and they went back and forth, so do one element at a time doesn't really work either because they changed them a couple times.

Mr. Hoewing: So maybe we start with the municipal growth element, I don't care where we start. I can already see some interesting things they are proposing. Won't take that long to identify them.

Mr. Kuhlman: To me it always work better to start on the front page and go to the back.

Mr. Hoewing: I'm happy to do that too, it doesn't matter.

Mr. Kuhlman: And see how far we can go that night.

Mr. Hoewing: And to Jerry's point we can't do it all in one night so lets just do one element. The Vision Statement, I am fine with that.

Mr. Kuhlman: Go as far as we feel like that night.

Mr. Klobukowski: Wait a minute, Link is saying one thing, you are saying go all the way, go as far as we can, no, no, no, no, no, no, no.

Mr. Hoewing: I think we do the Vision Statement. The Vision Statement may not take that long because I haven't read it yet but its only two pages. It may not take that long, if it does we stay on that, if it doesn't we go to municipal growth element as the second piece. So those two, let's all read that and be ready to comment on it. I am happy to do that.

Mr. Klobukowski: Can you read the municipal growth element without reading the stuff about water resource element before that?

Mr. Yost: They do reference each other.

Mr. Brown: How hard would it be to have a summary of the changes by, let me finish because I am trying to save time here, of the by chapter.

Mr. Klobukowski: I think he has got a very good point.

Mr. Brown: Leave the Vision Statement and the Municipal Growth Element aside, everybody should read those in detail because those are by far the greatest change areas or one is easy the other is more difficult to get into, but have the other ones be summarized what in essence the changes were during the other parts of it.

Mr. Hoewing: Well maybe one way to do that Jim is to have them, to Jerry's point, there response have them come to the first meeting and have them explain what they did, what the major changes were.

Mr. Klobukowski: I think you are right.

Mr. Hoewing: I am happy to have them do that. They should be able to explain where the vision went through, where we changed it significantly or some things we left the same.

Mr. Brown: And there is no 66B issues or anything like that?

Mr. Hoewing: No.

Mr. Gullo: Ideally Chuck is supposed to do that as the expert. Isn't he supposed to be the guy that was there?

Mr. Hoewing: Well that would be fine too.

Mr. Brown: Well I would appreciate a run through on that because I am going to read the whole thing but if they just highlight what the changes were by section and then let us as a Body really wrap our arms around the most difficult and changed sections, I think that is probably the best way to go about it.

Mr. Hoewing: To Wade's point, a Master Plan really is a story for a town. So it can be Chuck that is fine too, they probably want the opportunity to do that. I mean I ran for office back in 2004 because the old Master Plan was totally revised by a couple Commissioners that I didn't like so. I think it is a very solid piece of work.

Mr. Brown: It has been put together through blood, sweat and tears.

Mr. Hoewing: I know they did a lot of work.

Mr. Yost: We gave them a lot of work.

Mr. Hoewing: It is important, it really is, a lot of what we see today came from other Master Plans.

Mr. Brown: And everybody falls back on it.

Mr. Kuhlman: All right cool, moving forward.

Committee Reports

Mr. Kuhlman: Planning Commission Report.

Mr. Stump: We just did it.

Mr. Yost: We were going to meet this Wednesday, we do not have a quorum, so we are trying to set up another one maybe for the 27.

Mr. Kuhlman: Parks Board.

Mr. Brown: Parks Board Meeting that we just had, which was last Wednesday, Calleva came in and applied for a park use permit at Whalen Commons to have one of their quarterly employee get together, so right here in the big field on Tuesday July 19 Calleva will be hosting a company, not really picnic, but a company get together. On a bigger note Landscape Projects, a local company came in and made their second presentation about hosting their picnic at Halmos Park during a weekday and made a case once again to potentially have alcohol, beer, served for a very limited time at that picnic, at Halmos Park. The Parks Board gave the owner of Landscape Projects some pretty stringent guidelines to make, that would make his case stronger but there was no promises made about that it would be permitted or not. The picnic is set to take place in September.

Mr. Klobukowski: What is the name of the company?

Mr. Brown: Landscape Projects.

Mr. Kuhlman: So is it non alcohol?

Mr. Brown: That has not been determined. He was not denied, he was given some guidelines on how to prepare a presentation and then once that he comes back and makes another presentation, the Parks Board will make a recommendation to the Commissioners.

Mr. Klobukowski: Why are you entertaining this at all, period, according to our rules alcohol is not supposed to be allowed, we made an exception with Springfest that was one thing, is that the unintended consequence of Springfest, to allow people to have alcohol in the parks now, did we set some sort of precedent that I don't know about?

Mr. Hoewing: No.

Mr. Yost: I gave the Parks Board my opinion on this.

Mr. Klobukowski: No, no.

Mr. Brown: You will have a...

Mr. Yost: The Parks Board can deny it, but you guys have to be able to approve it.

Mr. Brown: There you go.

Mr. Kuhlman: Repeat that.

Mr. Yost: The Parks Board when they redid the Park Regs and Rules, they said that alcohol in the parks that came before them, they would have the opportunity to deny it, and someone could appeal that of course if they wanted to, but they could not actually approve alcohol in the park, they would make a recommendation and the Commissioners would make the final decision. That is the way they wrote it.

Mr. Hoewing: Our policy was we don't allow alcohol in the parks, so that is not the problem.

Mr. Yost: It is prohibited except within designated areas, that is the way it was written.

Mr. Hoewing: Designated areas.

Mr. Yost: We don't have any designated areas and I think this was not setting a precedent, this was a very controlled environment, there was specified alcohol...

Mr. Hoewing: A town sponsored, it wasn't sponsored by (inaudible).

Mr. Kuhlman: Town sponsored doesn't buy it for me. But the controlledness that was there does. I mean I still don't like we had the alcohol there, I think it was a wrong precedent but we had police there, it was confined to a special area and I mean I will not ever vote to allow alcohol in a park, personally.

Mr. Brown: Thank you for making that clear before you get a chance to make that clear again.

Mr. Kuhlman: Well I don't see why we are wasting these peoples time.

Mr. Brown: He also had other parts of his permit that was discussed beyond that, it wasn't just the alcohol component.

Mr. Kuhlman: Oh ok.

Mr. Klobukowski: Bungee jumping or something?

Mr. Brown: No he has a soccer game, what he does is he has all of his employees, they have had this picnic outside the area for many years. He lives here, several of his employees live here and he wanted to hold it at Halmos Park, the pavilion is perfect for it, the soccer field is perfect for it, it is a very family oriented event. He asked for if alcohol was to be permitted, what guidelines would be expected. We gave him basically the guidelines that were used out here, I would say that I don't think the will of the Parks Board is going to be to approve by any means but he was allowed to have his piece, say his piece and gain information, that is all he has done so far.

Mr. Kuhlman: What else Sir?

Mr. Brown: Do you want to hear the rest?

Mr. Kuhlman: Yeah.

Mr. Brown: Oh ok.

Mr. Kuhlman: In your Parks Board Report.

Mr. Brown: Oh that is right, I will keep going on. There were 2 other issues that were brought up, actually brought up by me through from residents that have talked to me about specifically Stoney Springs residents raising the question of a crosswalk to go from their side of the road over to the pool. And what we did was we tasked the Town Manager through, it was Preston in attendance that night, to write a letter to State Highway about what it would take for us to have a crosswalk.

Mr. Yost: Montgomery County.

Mr. Yost: Montgomery County to have a crosswalk put in there. So that was one and you have already done that?

Mr. Yost: Yes.

Mr. Brown: Ok. And then there was also a discussion about the unfinished sidewalk area in front of St. Peters, not the church but in front of the parsonage I guess, that the Stoney Spring sidewalk ends at a certain place and there is basically a ditch and then a thin set of road where there is no place to, there is no sidewalk and it would have to be changed over and then the sidewalk picks back up again, and the residents of Stoney Springs are looking for a better situation there. So we have had some discussions about where, I am sure Wade can explain more what the deal was with St. Peters, but it is something that the residents have asked, they asked me, I

put it in front of the Parks Board, the Parks Board agreed that there needs to be some sort of resolution in terms of a sidewalk in that area.

Mr. Klobukowski: As I recall they were supposed to complete it upon development of that property.

Mr. Yost: Right we entered into a public improvement agreement with them in 2004 and gave them 10 years to construct the sidewalk. So we have 4 years left.

Mr. Kuhlman: And I asked Wade today to contact the new minister up there and see if he knew about this requirement and what their timeframe was and he is on vacation this week.

Mr. Klobukowski: Who Reverend Purdy?

Mr. Yost: Yes.

Mr. Klobukowski: Yeah I know him.

Mr. Kuhlman: Well he wasn't there when the deal was struck.

Mr. Klobukowski: I understand that, it was Reverend Hayward.

Mr. Brown: I mean I think the residents would be very happy if the Town decided to work out some sort of agreement that would allow the sidewalk to be built quickly and then have a payback situation or if there was some way to get it to move forward that doesn't put the Town out of pocket in the long run.

Mr. Hoewing: What is the County regulation Wade when there is crossing like that that has a sign, if somebody is standing, waiting to cross are cars supposed to yield to the person...

Mr. Yost: If they stand in the roadway. They have to step in the roadway.

Mr. Hoewing: And once they do then they are supposed to, because in DC when I come back through the Palisades area, they have three crosswalks, they have lights on them and when the person starts stepping out, they start flashing, and everybody stops right then.

Mr. Yost: George wants those.

Mr. Hoewing: They are a pretty good idea, they work pretty well, and it is a lot safer, I have seen people running across and cars not see them. I just wonder what the law says.

Mr. Brown: That is it for the Parks Board.

Mr. Kuhlman: Very good. All right as far as the sidewalk issue, I would like to wait until Wade has a chat with the new minister, I would like to see what their timeframes are and he can report back to us when he finds out. All right anything else? Citizen's Forum anybody?

Adjournment

Mr. Kuhlman: All right hearing nothing, entertain a motion for adjournment.

Mr. Hoewing: So moved.

Mr. Brown: Second.

Mr. Kuhlman: All in favor?

All: Aye.

Mr. Kuhlman: We are out of here.