

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

**PRESENT:** JIM BROWN, LINK HOEWING, JERRY KLOBUKOWSKI AND EDDIE KUHLMAN. ALSO PRESENT WAS TOWN ENGINEER, JOHN STRONG AND TOWN ATTORNEY, ALAN WRIGHT.

**Call to Order**

Mr. Kuhlman: All right we will call the February 23, 2009 Commissioners Meeting to order. Let the record reflect that all Commissioners are here with the exception of Mr. Yeatts who has a family emergency tonight and won't be with us, and also the Town Engineer John Strong and Town Attorney, Alan Wright. 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.

**Announcements**

Mr. Kuhlman: Announcements Jerry?

Mr. Klobukowski: Yea I've got a couple things here based on a meeting that the Montgomery County Chapter of the Maryland Municipal League had with the County Exec this past Thursday night concerning the state of the County, County initiatives and County Municipal common issues including revenue sharing. We received a briefing on the economic vitality of the County, unemployment trends, commercial and residential building trends and financial impacts with respect to the downturn in the economy. And I presented to the, provided the Commissioners a copy of the various briefings, one is entitled County Economic Update another is the County's Fiscal Condition, and then there are several other things that they went over concerning Code Enforcement, a presentation that was given to us which basically takes the tack of the broken window idea that if you let a window remain broken that eventually the whole neighborhood will deteriorate whether you believe it or not it is sort of what they did in New York City to improve the streets up there and the crime situation up there under Mayor Giuliani and I can't think of his Police Chief, other things he went over was he 11 point Economic Assistance Plan and the upcoming Census in looking for volunteers to participate in that and I am trying to think of one other thing oh the Maryland Municipal League briefed us on the various bills before the Maryland State Legislature that MML is supporting one has to do with waiving recordation fees for any and also 5 years of property taxes for any Montgomery County Municipal Employee who would buy a home within the County and that was later amended to say any employee of a municipality in the County would also receive the same thing a waiver of their recordation and transfer fee and a waiver of for 5 years of property taxes within the County. There was another bill that impacts our revenue and basically it is to eliminate the cable franchise fee that is paid by Comcast, Cox Cable and all these other Time Warner companies that do business within the State and that would directly impact us and I can't remember meant to look in the budget as to

how much money it gives us but I think it is around \$20 to \$25,000 that we receive for running Comcast through the County for their use of our right-of-way and stringing their cables which provide cable T.V. to the residents here, if that would go away we would lose that revenue and also the County would lose as well as some other municipalities would lose what they call public education and government channels that are now provided free. There are various people supporting it and obviously the Counties and Municipalities are against it. And there was one other thing which escapes me concerning another bill, oh speed cameras they have the bill in front of them that well there is 2 there is one within the County and one within the State whereas the State wants to take over the speed cameras and they would get the revenue and only a lesser portion would then go to the County or the Municipalities and they are bickering around with that I am not sure what the status of that is but other than that that is all I have to report.

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

Mr. Kuhlman: Anybody else? All right hearing no other we have been having some problems with the recorder so the minutes aren't ready yet so we have open forum and citizens comments on agenda items, we will be introducing Resolution 001-09 which will be collapsing of the first three tiers of the water rate system and creating just 5 tiers, creating just 4 tiers, any comments? All right seeing none also we will be introducing a Radon Testing Program tonight that the Commissioners are considering any questions or comments there, Mr. Roit.

Mr. Roit: If you bypass general comments...

Mr. Kuhlman: Got to come up to the mike. These are comments on the agenda items and open forum so yea anything you want to say.

Mr. Roit: Then I got a question.

Mr. Kuhlman: Well come up and ask it.

Mr. Roit: I will. Bob Roit, 17301 Dowden Way, with regard to parking in the swales is there anything in the Town Code that discusses that?

Mr. Kuhlman: No Sir.

Mr. Roit: Ok because in line with Jerry's comments about the broken window theory, we have had some places in town where the grass is gone on the side of the road and with the thawing and everything else we are developing kind of a good drop off on the side of the road and that is going to lead to breaking up of the pavement along the edges and the need to repave some streets and I think it is about time possibly the Town might want to take a look at that.

Mr. Kuhlman: All right I am writing a note here on our to do list because that would be under our Charter in Subdivision Regulation Review that we are going to start here after the budget.

Mr. Klobukowski: One of the things though and you mentioned that is one of the things the County is looking at is they passed a law with respect to commercial vehicles just for your information any vehicle that is 10,000 pounds or greater, 21 feet or longer or higher than 8 feet didn't give a width, can no longer park on streets but at the same token they are going into people parking on grass surfaces of yards and x number of vehicles in yards as well.

Mr. Kuhlman: I don't think that pertains to the Town.

Mr. Klobukowski: Well we have in the past adopted certain County Ordinances that we found advantageous to use so we might want to consider it.

Mr. Kuhlman: Right.

Mr. Roit: Well I just thought I would bring it up because in line with Jerry's comments about the broken window theory some of the streets are really getting pretty bad and I know you are talking about putting money in the streetscape on the main drag but the rest of the Town is just going to pot in places.

Mr. Kuhlman: All right well thank you Sir like I said I wrote a note and we will look at that when we get into the Subdivision Regulations in the Charter. Anybody else?

### **New Business**

Mr. Kuhlman: All right seeing no hands we will go to the first item on the agenda which is to introduce Resolution 001-09 and at the end we will need a motion to set this for a Public Hearing on March 9. I have to read this statement. "Whereas the Commissioners of Poolesville have evaluated the existing water and sewer rate structure, compared it to the actual water production/treatment cost and have determined that the two lowest tiers create an overburdening subsidy which is unable to be recaptured from the few large users and whereas Poolesville Code 16-51 provides that the Commissioners of Poolesville may enact water and sewer rates and water and sewer only rates from time to time by Resolution following notice thereof in a newspaper of general circulation in the Town of Poolesville and by holding a Public Hearing thereon prior to enactment, and whereas the required notice has been given and a Public Hearing will be held and whereas the Commissioners of Poolesville have determined that the current quarterly graduated rate schedule shall be revised as shown on the attached quarterly incremental rate schedule, now therefore, be it resolved by the Commissioners of Poolesville, that the attached Town of Poolesville water and sewer rates only quarterly incremental rate schedule is adopted and be it further resolved by the Commissioners of Poolesville that this Resolution shall take effect on July 1, 2009." As stated earlier what we are looking at doing is right now we have a 6 tier rate and we are collapsing that to a 4 tier rate so it will be 0 to 30,000 gallons would be the first rate, 30 to 40,000 would be the second, 40 to 50,000, and then 50,000 and up, any questions or comments on this, hearing none I entertain a motion to set this for a Public Hearing on March 9, 2009.

Mr. Hoewing: So moved.

Mr. Kuhlman: Is there a second?

Mr. Brown: Second.

Mr. Kuhlman: Any discussion?

Mr. Klobukowski: Yea I think we need to, I know everybody knows but basically just state that the first three tiers per thousand gallons would be 7.05 and for 30 to 40 it remains at 7.90, for 40 to 50 it is 8.73 and for 50 and up it is 9.58.

Mr. Kuhlman: Ok thank you Jerry anything else? Hearing none we will call for question on the motion, all in favor?

All: Aye.

Mr. Kuhlman: All right. Our second item is the Radon Testing Program in response or concern about the issues raised about the cancer study and so forth in Town, the Commissioners are proposing to implement a Radon Testing Program throughout the whole Town. The first phase of this would be to inform the homeowners through written contact about the program, we would also develop a release form for the information. Once a Radon test kit is placed in the home then it is mailed off to the lab for the results, those results normally go to the homeowner only, therefore we want a release form

developed and signed by the homeowner so that the Town will be made aware also of the result with the intent of creating a map that will show the results by lot and if there is any hot spots then we will look about a meeting with the homeowners and see about how to educate and help them cure their problem. And then the second part will be for us to purchase the test kits, we've checked and they are about \$5.00 a piece and we would then go to the homes place the test kits, tell the homeowners what is going on, answer their questions, go back retrieve the test kits get them mailed off, that mailing is included in the price of the purchase and then get the results and track the results. All right is there any discussion on this matter?

Mr. Klobukowski: I have just one question is the results will come to us and then we will provide the copy to the homeowner or will it be simultaneously, will there be some sort of arrangement with the lab where the homeowner gets a copy directly from the lab and we get a copy directly from the lab, is that how it is going to be?

Mr. Kuhlman: That is yet to be worked out really Jerry, once it gets worked out I mean both the homeowner and the Town needs to get the results.

Mr. Klobukowski: Oh I understand that.

Mr. Kuhlman: Who gets them first I don't know or whether we can get the lab to agree to mail them to both but that is yet to be worked out once we settle on a company to buy these from and use.

Mr. Klobukowski: And also will the fee I would think that any business they sign up to provide a copy of the form, they probably have no problem providing it at the cost of the kit, at the cost including the kit, however if they are making an additional copy and mailing that they are going to increase the cost as well.

Mr. Kuhlman: Well that is yet to be worked out. Link got anything, Jim?

Mr. Brown: The only thing I was going to say was when we do this is it possible because the Radon test that I had done at my house, it was all done via email so I don't know if on the sign up release sheet that we have some way of transmitting it on email so...

Mr. Kuhlman: I mean that is one thing that we are going to be asking the provider of the kits and the lab about.

Mr. Brown: Ok thank you.

### **Committee Reports**

Mr. Kuhlman: All right there being no old business Committee Reports, Planning Commission.

Mr. Hoewing: We had a meeting to discuss in part a proposal for a wind electric generator that is being proposed for the Hardware Store. Actually it was a good discussion I think we may end up if we decide to do anything at all, it is not decided yet we may have to if we are going to do anything on this have a Special Exception specifically for wind powered generators going forth, we have nothing in the existing Code for that, but it also sparked a lot of interesting discussion about how practical these are and whether something like that might be good for the Town to think about for its sewer plant too, it actually could generate quite a bit of electricity but the one they are proposing is a residential so it doesn't generate that much power, it wouldn't be useful for us, we would need a bigger one. So interesting discussion, no decisions made, basically asked for some more information and the record is open until the end of the month, the Friday before Planning Commission so if people have comments on it I believe there is

actually copies of the information that we got here in the Town Hall if you want to take a look at what the windmill looks like and all that kind of stuff.

Mr. Kuhlman: So you are saying then you are going to develop a special exception prior to this one.

Mr. Hoewing: Not clear that was one of the ideas that was put on the table. We could decide we essentially there is nothing in here that says you can't, that he can't do this, I mean he could actually submit a site plan and he could put something up but I think our view was that at least a lot of us thought that we have in the existing Code requirements for Special Exceptions for other high towers of various kinds, power towers for example, so this just wasn't thought of at the time was one of the thoughts so we don't know what we are going to do at this point.

Mr. Klobukowski: The thing is there is a myriad of laws out there and a myriad of ways that various Municipalities approach --- from Special Exception that they just approve as a Special Exception that have hard and fast rules and I think adjacent homeowners some might be concerned as to the height of the tower, the fall rate and other things, and I think that needs to be resolved and whatever the Planning Commission comes up with I think hopefully it will be a long term solution so that people recognize there is a lot of interest in it now of going green in many different ways and just because you have home and property and meets a certain criteria where say you could guarantee it wouldn't fall on another persons home still it is bidding for a certain type of zoned area like residential.

Mr. Kuhlman: Well all adjacent property owners were notified via mail of the public hearing and none of them showed up.

Mr. Klobukowski: There were a few people did show up.

Mr. Kuhlman: No I mean I am sorry none of them testified.

Mr. Klobukowski: One person did ask a question, a couple people asked some questions, as a matter different homeowners as I recall. But there is the other question of yes I think if it was possible that we could possibly use one down at the wastewater treatment plant, I think the big issue though there is the size of the one to help realize a potential of deferring of some of the costs for electricity generated by the plant, it may not be able to power the entire plant but at the same token it might be able to generate a little bit extra and then you would have to balance out your, do some sort of cost analysis as to what the payback, your return of investment is what I am trying to say for it and also the various size, and then the other issue is, you could want one of these things till the cows come home but if the wind velocity is not there you are going to have a nice thing akin to a totem pole except without the totem, you know you will have a regular windmill, so I think there is a lot of things that need to be considered and I think the Planning Commission will show a lot of due deliverance in reviewing all the things before any decision is made that will have a long term impact on the Town.

Mr. Hoewing: Right one thing it said to me was if you look at the trends right now at the political level in government and also just the economic pressures we are going to see probably a lot of desire for other things like solar panels as well and we don't have any as far as I know requirements for any of those kinds of things so we probably do need to look at all those, not that they should be prevented but we should have some requirements that make them work.

Mr. Klobukowski: Well the thing is though is the County I think already has or should have because there is a place up on 108 that has them, I think there is even somebody in Town who has some solar panels on their house as well and the thing is the technology has to be there in order to make it economically feasible to put these up on your roof and also a lot of you decorated so guys like Link, Jim, Tom and I can go around and have fun at Christmas time looking at various homes for awards but they are there and the big issue though with some of this stuff is not so much whether you can do it but how does the power company know because you have an outage the guys are working on the transformer or the line and the windmill is going you are feeding power back into the line so it behooves the power company to know who is on first with these things because there is the safety of the crew and as I said before there is going to be further developments of this as I mentioned before Newsweek and Fox News had stuff about things going on in Germany that they were coming up with a different configuration there is a couple configurations this one here that John is looking at is very interesting in that it doesn't give you the helicopter flutter that normally you would encounter with the larger ones, it is pretty quiet.

Mr. Kuhlman: Ok my only concern is it is some 60 feet to the axis and then a 12-foot blade on top of that, 72 feet of height in the center of the CBD.

Mr. Hoewing: That was one of the points that we made to them in terms of the character of the Town what impact it has on that which certainly raises an issue.

Mr. Klobukowski: You said 50 feet.

Mr. Hoewing: Yea the blades are definitely 12 feet though.

Mr. Kuhlman: The drawing I saw showed it 60 feet from the ground to the axis of the motor and then a 12-foot blade with a 24-foot diameter blade span.

Mr. Hoewing: It is definitely higher than other structures except for steeples that was the only thing that tops it.

Mr. Kuhlman: All right Parks Board Jim.

Mr. Brown: Parks Board met on the 11<sup>th</sup> of February we had a couple of interesting presentations one was on a surveillance system potentially something that we might use either at a Skatepark or in conjunction with the other parks within the Town, it was just an informational presentation, we have since got a few more details on what this company in particular can do but we are in the very early stages of looking at it and we really don't have any cost basis developed and of course if we did get a cost basis development we would be looking at competitive bids etc. We had a resident come up and had a very nice plea for thinking about how to reorientate, I can't read my own writing here, change the direction of the field to make it potentially a safer situation and so the Parks Board decided that they would think about that. They actually this was the big meeting where I mean this is my first Parks Board meeting so I am sure you have been through, first Parks Board meeting with this, but they had the Annual Spring Field Permit Meeting which was always supposedly a very fun one but apparently there was a new data base presented and initially there were no conflicts and everything was approved but then that changed about have way through when some people noticed that there was a couple crossovers so they are busy working through those right now, but apparently this is a much contended issue every spring so it was interesting to see that play out. We had a presentation on Parcel 840 from Doug McKenney. Actually I will call it Doug's interpretation of the survey and he rattled off some statistics on that that we

have done and kind of his summary of it I would say. On the Skatepark Committee Butch Zachrel revealed that we are finalizing a couple of more designs that are slightly less expensive than what they were before, in addition I know that Butch has actually worked his way through one of the grants for Kaboom and he is working his way through the second grant for the Tony Hawk Foundation right now so we will see what that will yield. And there was supposed to an election of Officers that night but that has been moved to the next Parks Board meeting and that is all we had.

Mr. Kuhlman: Ok.

Mr. Klobukowski: One thing...

Mr. Brown: There is one more thing.

Mr. Klobukowski: No the one thing I was going to mention is the schedule, is George on his own developed the first schedule with multicolored for the fields and now he has gone in and he has used Microsoft Access to develop a scheduling system so that either Bobbie or Maggie or Wade or Preston whomever, can go ahead and enter the dates in and Access is not always the most friendly thing to use so what he has done is significant. He has put a lot of effort into it, he is going to put a lot more effort into it because I know George likes to make sure things are right and I think it will make it easier for everyone and again yea we do have those little bit of excitement sometimes in the past with scheduling of fields but one thing I have noticed is every year people come together and they realize it is for the kids and they work through them and we don't have any fisticuffs or shouting matches or something, people might get a little excited until they realize that everything can be worked through and it is always nice to see that happen that as a community we can all work together for the benefit of everyone for our kids.

Mr. Kuhlman: Ok. Mr. Yeatts is not here for the CEDC.

### **Town Engineer's Report**

Mr. Kuhlman: Town Engineer's Report.

Mr. Strong: We have had a very busy time of it. On Tuesday last week we met with Maryland State Highways and the Luhn intersection with Fisher they came out and they did a survey to see if the line of sight was adequate or not and that was adequate but they are going to go ahead this spring and put what they call a rabbit track which is on the outside of the lane heading towards Rockville on Fisher Avenue, they are going to put a dash line to delineate the outside of the roadway so that if you stop at the stop sign and you are still concerned you will know where the curb is in the road so it will give you some depth of field. We also discussed the question of the two lanes heading toward Rockville from McDonalds down to Wootton and they are going to go ahead and place a solid line and a right turn only lane there so that you won't have what they call cue jumping in other words people racing around each other hopefully, of course you have to be an abiding citizen to do that. Then we also discussed the streetscape project just as an information point, Jeff Wentz with the State Highway will be coming out quarterly now to meet with Town personnel to discuss what they are planning to do around Town and keep in touch if there are any concerns. Also you may have noticed the bus stop has been poured, the slab for the bus stop up on Wootton Avenue in front of the high school, they should be back to erect the structure shortly that is a no ad structure that is what has been promised to us.

Mr. Klobukowski: What does that mean?

Mr. Strong: If you have ever driven by a bus stop that is clear plastic that has the ads inside the clear plastic this is a no ad plastic structure.

Mr. Kuhlman: John are you giving us an update on this stimulus stuff also?

Mr. Strong: Yes I will be giving you an update on that. We finished doing the video survey work along the Cattail line, we did encounter two manholes that were leaking one of them significantly and I wish I would have brought the pictures one of the manholes is existing in the middle of a beaver pond so that will have to be remedied.

Mr. Klobukowski: We've had that same problem once before.

Mr. Strong: It is an ongoing problem with beavers yea and...

Mr. Klobukowski: They were over at Snake Lake now I guess they moved over.

Mr. Strong: We are going to have to, the beavers will have to be relocated.

Mr. Klobukowski: So if your wife is wearing a beaver shawl we'll know.

Mr. Strong: Don't ask. I'm waiting for the videos to come back on that and also Elgin Road. I want to say it has been 10 days now we were notified of the stimulus package I guess that was signed last Tuesday which has put us in a bit of a rush, we are going to submit on several projects the Town has or would like to get done, they range from sewer rehab to well houses the sidewalk projects, curb and gutter projects, Westerly swales, for funding, we have to submit 70% complete plans for all of these so we have been rather busy these last 10 days putting together 70% plans, if any of them get funded then we will move forward.

Mr. Klobukowski: This is part of the Stimulus Package?

Mr. Strong: Yea.

Mr. Hoewing: What is the deadline for the submission?

Mr. Kuhlman: February 27<sup>th</sup> and 28<sup>th</sup>.

Mr. Klobukowski: You said sewer rehab, I'm sorry go ahead.

Mr. Strong: That is correct, we are going to actually have the packages ready to Bobbie so she can get them in time to the State, we are going to have those packages Wednesday, midday Wednesday, so we have been rather busy very quickly to get these packages together.

Mr. Kuhlman: This all came out of the Mayor's Conference last week, they had the State representatives in to talk with the Mayors and present all this and I was fortunate enough I got to talk to the MDE Secretary and another State Official and they encouraged all the Municipalities to submit any and all projects that are going on that they are looking to do so we met with John and accelerated a lot of the things to be ready to submit in hopes that we will get some money.

Mr. Klobukowski: What are the projects again?

Mr. Strong: Ok specifically relining of the Westerly Subdivision, relining of Fisher Avenue...

Mr. Klobukowski: Wait a second, relining Westerly...

Mr. Kuhlman: Jerry you are going to be getting a whole report on this in the next day...

Mr. Klobukowski: No I want to know now because this is something I would have liked to have known about before today personally but anyway ok relining Fisher and Westerly Avenue, and what else?

Mr. Strong: Relining Cattail, the Cattail line segment, relining of the Elgin Road segment and these all include cleanouts and top hats, Rabanales Well, Cattail Well, the Westerly Avenue slopes...

Mr. Klobukowski: Swales ok.

Mr. Strong: Swales. The Hunter's Run sidewalks, and curb and gutter, Elgin Road...

Mr. Klobukowski: Ok now on that one what are we proposing?

Mr. Kuhlman: All the sidewalks that are existing in Hunter's Run to be replaced, curb, gutter and sidewalk.

Mr. Klobukowski: Exactly where they are?

Mr. Strong: We are moving the sidewalk towards the curb line...

Mr. Kuhlman: What we discussed and approved for Tom Fox Avenue.

Mr. Klobukowski: Well I thought that we hadn't really approved anything, we discussed 3 different alternatives and the last is the existing one leave it as is, we discussed having a curb with the sidewalk directly adjacent to it, we talked about the curb with the 2 foot strip and then a 5 foot sidewalk which entailed moving a lot more, so we have selected option number 2 then?

Mr. Strong: Well these are 70% plans, we don't even have the survey done yet for this work, these are only 70% plans that is the only thing that the State require so we are providing the 70% plan and we based it on the cost of doing the work assuming that we weren't going to relocate the swales.

Mr. Klobukowski: So we are going to basically have curb, gutter, and sidewalk directly next to it or together like on Elgin Road?

Mr. Strong: They may be very similar to Elgin Road, if the 2 foot spacing works and we don't have to relocate utilities or impact the slope greatly we will be able to get the 2 foot edging in there, that grass area, when we visually looked at it, just visually looked at it, it didn't appear to be practical to do that.

Mr. Klobukowski: Ok.

Mr. Kuhlman: And we had agreed at our last meeting to go ahead and have them conduct the survey to see if it will fit with the grass strip.

Mr. Klobukowski: When you say 70% complete generally that to me means you have a good idea of what option you have selected, it is not that you are still looking at a specific option to select.

Mr. Strong: 70% for this case is that we will have the specification book completed, we will have a, using the existing topo we will have a demarcation of where the sidewalk will be, we will also show where the curb and gutter will be, we have the option of moving that curb and gutter 2 foot, not the curb and gutter I am sorry the sidewalk 2 foot and it is not going to impact the cost of the project.

Mr. Hoewing: All they really care about is...

Mr. Klobukowski: It is the swale I think we were concerned about we didn't want to create another...

Mr. Strong: And that is exactly right and we won't have that survey information available to determine whether we can but that movement of 2 foot either way will not impact the cost of the project and they are looking at how much money are they going to have to commit to get the project.

Mr. Hoewing: Are you ready to submit because I sent Wade a note about the Stimulus a couple of weeks ago because we have been very deeply involved in it the company, are they looking for job estimates too, how many jobs will be created, how many contractors would there be, how many people would be employed?

Mr. Strong: No.

Mr. Hoewing: That is really all they care about to be honest with you, they don't want the details about are they going to build a sidewalk here or there they could care less.

Mr. Klobukowski: Well I don't care what they care about.

Mr. Hoewing: But I am saying we can adjust it Jerry get the money and adjust it.

Mr. Klobukowski: But at the same token we are supposed to talk with citizens and everything else and what I hate to do is this shotgun approach where all of a sudden we got to spend the money and we got to figure out how to do it and...

Mr. Hoewing: Well we haven't got much time.

Mr. Klobukowski: Well you know that is just it hasty makes wasty.

Mr. Hoewing: I don't think so.

Mr. Klobukowski: And I don't want to see that happen and I want to make sure that everybody is happy.

Mr. Hoewing: Not if it means no money.

Mr. Klobukowski: Well you know then maybe we are going to have...

Mr. Kuhlman: We also have the 2011 and 2013 paving is going to be submitted in this also, road paving that is scheduled for 2011 and 13. Lets see construction and bringing on the Rabanales well, the Cattail Jamison well, also the treatment for 7, 9, and 10.

Mr. Hoewing: Does it have to be spent within the year?

Mr. Strong: Construction has to start within 180 days.

Mr. Hoewing: Within 180 days.

Mr. Strong: Yea.

Mr. Kuhlman: MDE is willing to accelerate all permits and that stuff to meet all these guidelines so the thought process between myself, Wade and John was put in for everything we could think of and see what we can get.

Mr. Klobukowski: Did they request it be prioritized?

Mr. Kuhlman: No.

Mr. Strong: No you submit the, what they are looking for is the project numbers why I don't know, and they wanted 70% plans which we were able to get together and then they will, it all goes up to --- Zarena or whatever you want to call her with MDE and the State and they select the projects that they wish to fund.

Mr. Klobukowski: Well that is MDE but I mean these other projects the sidewalks and the...

Mr. Strong: And that is to be determined the sidewalk projects and Congressional, Bobbie and I have been following that quite closely, that is yet to determine how that is going to be handled within the State.

Mr. Kuhlman: It is anything and everything but recreational use.

Mr. Strong: That is correct.

Mr. Klobukowski: The question I have concerning treatment is 7, 9, and 10 we haven't even gotten the final results but yet we are rushing...

Mr. Kuhlman: That is right but we know exactly what we have to do to get 7 over to 9 and 10, we know the size of the building we need to have built, we have enough information to get 70% drawings.

Mr. Klobukowski: But I thought there was the option of shutting down one of the wells period and bringing on maybe the Rabanales well which is obviously why you would build this well house.

Mr. Kuhlman: Yea.

Mr. Strong: Correct in either case the well house would have to be built.

Mr. Kuhlman: Right.

Mr. Klobukowski: No I understand that.

Mr. Strong: So we have done the 70% drawings using the black box method of we know approximately what the cost of the unit for radionuclides would be, we know what the cost of the Radon would be to develop that, we know what flows we are going to be looking at, so we just used the black box method, this is the structure, black box here, black box there, then we did the routing of the waterlines over to the wells from 7 to 9 and 10 and from Rabanales to 9 and 10 in case Rabanales needs to be treated also.

Mr. Klobukowski: Let me ask another question do we have the Memorandum of Understanding or agreement or whatever you want to call it with respect to Mr. Rabanales because the last time we tried something with Mr. Rabanales we didn't approach him the right way and it had to do with sidewalks and I want to make sure that do we have the right, he understands what we are proposing and he has signed off on it?

Mr. Kuhlman: Yes he has the Memorandum of Understanding for the well, you have the annexation agreement giving the right of way for the infrastructure.

Mr. Klobukowski: But I thought bringing on the well was dependent upon us authorizing and having the taps.

Mr. Kuhlman: No we got the well site and ½ acre in the MOU.

Mr. Klobukowski: So we can bring it on regardless of whether or not we issue a tap to him.

Mr. Kuhlman: Yea the well was proffered in the annexation agreement.

Mr. Klobukowski: I understand that it was proffered but I want to make sure there is no other little piece of legal paperwork.

Mr. Kuhlman: All right anything else John?

Mr. Strong: Stoney Springs is moving forward with the construction and they brought in 2 sanitary crews to start construction out there, the well house is moving forward, we are awaiting the Scata system for the well house.

Mr. Kuhlman: All right thank you, any questions for John?

Mr. Klobukowski: Yea the Elgin Road sidewalks, across the areas where there is no sidewalks right now...

Mr. Strong: There were 2 concerns on Elgin Road as far as sidewalks go, one is the existing ramps on the I was going to say Church side but the...

Mr. Klobukowski: Yea the United Memorial Methodist.

Mr. Strong: Right those would be redone and brought into ADA compliance and then the other side was...

Mr. Kuhlman: I believe from Haller on out...

Mr. Strong: Correct.

Mr. Kuhlman: Where we have the right of ways already.

Mr. Klobukowski: The question is none of that is going to be, the portion of the sidewalk between those 2 or 3 properties where there is no sidewalk on the United Memorial Methodist side that is not going to be part of this package to put in sidewalk there that is the State's responsibility anyway I guess you could argue it is their job to put in the sidewalk I mean up to the Kettler Elgin property line.

Mr. Strong: That Kettler Elgin property line I mean we have included that in our pricing because the same as when we did the construction along Elgin Road technically that curb

and gutter line we are right on the edge where things delineate gets a little fuzzy, we've built things in State right of ways before to give the citizens a way to egress.

Mr. Klobukowski: So this isn't like an addendum to the Hunter's Run sidewalks?

Mr. Strong: Oh no separate project.

Mr. Klobukowski: But that is not one of them in here?

Mr. Strong: It is in the Stimulus Package yes Sir.

Mr. Klobukowski: As well ok.

Mr. Strong: We tried to encapsulate as much as possible that was either in budget or that we had heard about to get a chance of getting some of these fundings.

Mr. Klobukowski: What about underground telephone lines or power poles?

Mr. Strong: I did not go into that.

Mr. Kuhlman: We don't own them, can't do it. All right anything else?

### **Citizen Forum**

Mr. Kuhlman: Citizen forum anybody, Mr. Gole please.

Mr. Gole: Rudy Gole, Oxley Farm Road, what determination was it that you all decided to do this Radon testing in individual homes, what brought that about?

Mr. Kuhlman: The citizens concerns and the packed room that night, the water quality, and just a feeling amongst the Commissioners that maybe this is something that we should do.

Mr. Gole: Well usually generally Radon testing in the home is up to the responsibility of the homeowner.

Mr. Kuhlman: That is true.

Mr. Gole: So and this has nothing to do with the water, it just has to do with the home, so are you planning to deliver one of those kits to every home in Town, is that what you are planning to do automatically.

Mr. Kuhlman: It would hopefully include the whole Town, everybody in Town would allow us to check their property.

Mr. Gole: So each person has to request it, you aren't just going to take them and put them at every house.

Mr. Klobukowski: No they would have to sign a waiver.

Mr. Kuhlman: They would have to agree to let us do it.

Mr. Gole: Well all you are going to do is furnish the kit they are going to do the test, you are not going into the house and do the test.

Mr. Kuhlman: We have to go in the house, place the kit, come back read the kit...

Mr. Gole: You mean the Town Staff is going to go into the house and determine where the kit is going to go.

Mr. Kuhlman: No, no, we will have a contract person do that.

Mr. Gole: Oh you are going to have it contracted out oh ok have you got a price on that?

Mr. Kuhlman: No Sir we are preparing an RFP to go out for it.

Mr. Gole: Well I don't know how much you have looked into this I guess you have looked at it quite extensively but I just wrote some notes down here let me go over them, now there are many factors that cause cancer tobacco, poor diet, sexual behavior, work related, heredity, and marijuana are some, in the past there have been concerns about other things like chloride in the water, artificial sweeteners, cell phones for instance they have all been unfounded. Now there are over 100 different types of cancer and Radon can cause one and that is lung cancer so smoking in the number one cause for lung cancer

so if a person smokes and then has the Radon they are at a high risk but so far if you are concerned about overall about cancer and smoking is much more of a risk than Radon then maybe you ought to consider doing something for the smokers and try to encourage them to stop smoking, not only would it help the smoker but it would help the other people around because second hand smoking is also a leading cause of lung cancer so you are just zeroing in on this Radon so maybe you have some houses that are high over the lifetime of the person it might be a problem but regarding this testing you said \$5.00 is that the quote you got on these kits?

Mr. Kuhlman: Yea that seemed to be a pretty good price right now.

Mr. Gole: Well I have never heard of a kit that cheap.

Mr. Kuhlman: It is quantity.

Mr. Gole: So in addition to that there is a lab fee?

Mr. Klobukowski: No that is included.

Mr. Gole: The \$5.00 includes the kit and the lab fee?

Mr. Kuhlman: Yes.

Mr. Klobukowski: Rudy not to interrupt just for information I saw a kit at Home Depot in Germantown for \$9.98.

Mr. Gole: Well \$10.00 that is twice as much as \$5.00.

Mr. Klobukowski: But that includes the same thing.

Mr. Gole: The mailing and the lab fee.

Mr. Klobukowski: Right it gives you an envelope and you pay I guess the postage, I don't know if it is a postage paid envelope or not but you buy the kit you place it according to the directions seal it up and mail it.

Mr. Gole: Yea I know about that but regarding these home test kits that you are talking about, this exceedingly cheap one, Consumer Reports have stated that the cheap ones which this would obviously be, that is a short term device the ones that you just put in for a couple days, 2 days, 5 days, depending on the kit itself how many days but it is a short term, Consumer Reports say that these are not very accurate or reliable, they have tested and so I kind of rely on their tests and they say that they are not very accurate or reliable and then also you should follow up with a 2<sup>nd</sup> testing where you do one test and later on you should do another test because Radon depending on the day the month the season it varies, the Radon varies, so one little test might not give you much information, so these are some of my concerns about this program and you talk about the long term the one that, I guess it is a digital type of instrument that you can put in long term like several months, now they are accurate and reliable but they cost you up to \$100.00 so I just wanted to bring this up and mention these things to you that the Radon in individual homes I don't know what you are going to get out of it if you find some houses that have got over the 4 what are you going to do, you are not going to go in and take care of the house with whatever option is needed to fix it that could be \$1000.00 or more so what are you going to tell the people individual houses when you get these things that hey you are kind of high at 4 and maybe you ought to get a contractor in here that will take care of this and what are they going to say well you did the testing why don't you correct it for us, and I don't think the Town is going to do that.

Mr. Brown: I would think the purpose would be to let them know that they might want to take further measures and other tests or additional tests so while helping us establish if

we can see any kind of pattern for higher than normal Radon levels in certain areas in the Town. So it is to help us get a grip on where we are in terms of Radon town wide.

Mr. Klobukowski: I think too it is an option, it may give some people piece of mind based on all the reports that have been in the media, some accurate, some inaccurate that they might use to just again allay their fears, again if someone doesn't want to have tests run well we are not going to force it on them.

Mr. Gole: No of course but I haven't heard any really serious in Town about Radon, you know people thinking maybe the water has something to do with the problems that some of these people have.

Mr. Klobukowski: Yea you are right.

Mr. Gole: But the water in the Radon is insignificant compared to Radon in a house, there is very little risk in the water 5%.

Mr. Klobukowski: I don't disagree with you one bit I am just saying that is the rationale.

Mr. Gole: Now here is something that you can do for the Radon situation, these new homes that are being built, they could be constructed and different options that could be done to these new houses to alleviate any Radon and it is cheaper to do it when the house is constructed than after the house is constructed and someone has to take care of the problem after that.

Mr. Kuhlman: Very true statement.

Mr. Gole: So maybe you ought to have the builders do something when they are building the houses to take care of the Radon situation right at that time, your building codes or I don't know what other methods you could use but that is the time to do it, if you want the Town to be Radon free.

Mr. Kuhlman: Very good, good suggestion. Anything else Sir?

Mr. Gole: That is all.

Mr. Kuhlman: All right anybody else, Mr. Roit.

Mr. Roit: Bob Roit, 17301 Dowden Way. A couple of quick issues that have come up in the course of the meeting, to follow up on Rudy's comments regarding the Radon testing, to a certain extent is the Town being driven by the squeaky wheel on the Radon issue, I mean if people are that concerned about Radon why aren't they going out and buying the test kit and testing their own homes, why is it necessary for the Town to be the nanny in this area. I mean there is expense there that really the Town shouldn't be bearing which brings the second point I heard the subject of the Skatepark come up again tonight. Now all I have been hearing is what it is going to cost to build the Skatepark I have not heard one thing concerning what it is going to cost to operate the Skatepark, I mean you have got things like insurance, you are going to have issues of security, you are going to have issues of vandalism, you are going to have issues of trash and debris scattered around Town and nobody is discussing what the end cost is going to be if we put a Skatepark in...

Mr. Kuhlman: Those questions have been asked of the Skatepark Committee and the Parks Board and hopefully those answers will be forthcoming. I know for myself and I think the rest of my colleagues those answers will be answered before a decision is made.

Mr. Roit: Because I am concerned that we are just going to run off the edge and build something and then suffer the consequences after it is built.

Mr. Hoewing: One thing you should know Bob though is that these parks have been built in many, many...

Mr. Roit: No I understand...

Mr. Hoewing: The insurance question for example that is just a myth, it doesn't increase the insurance levels for the Town the liability. In fact the number of injuries in skateboarding is less than soccer so I am not excusing it I am just telling you we have looked at some of these questions.

Mr. Roit: Well I am looking at it from the overall perspective and I haven't heard that discussed that is all I am saying.

Mr. Hoewing: It has been going on for 2 ½ years I can guarantee you it has been discussed.

Mr. Kuhlman: Town Staff has already contacted our insurance carrier and got an idea of what insurance will cost.

Mr. Klobukowski: The cost is if a jump is over 3 feet it is going to cost more, if it is 3 feet or under, if all the features of the park were under 3 feet it would be \$3.00 for every one, if one of them is over than the cost does go up, our insurance will go up.

Mr. Roit: No I understand but I am just not hearing any discussion. What is out on the street is we are talking about building a Skatepark but we are not discussing or I have not heard discussed the overall life cycle cost of this effort.

Mr. Kuhlman: Rest assured those questions have been asked of the Skatepark committee and hopefully they are compiling that information to be included in their final report when they come forward.

Mr. Hoewing: to be fair though when we add these new parks for the new developments that we got, I never heard any discussions about long term cost maintaining any of those parks, I never heard any discussions about any of the insurance, I am not mad about it or upset about it, it is just a reality that's how those are handled we did not look at those questions, we assume that a soccer field is needed so we built it.

Mr. Roit: Well yea build it and they will come and then...

Mr. Hoewing: And they are needed I am not saying...

Mr. Roit: But the Skatepark relative to a soccer field is a totally different entity.

Mr. Hoewing: How about basketball courts, how about tennis courts, we've got those too, they are not looked upon, nobody mans those, nobody runs those, there could be injuries out there just as easily.

Mr. Roit: I understand that but when you put a Skatepark in you are opening the door to a liability issue.

Mr. Hoewing: Well you are on an open basketball court.

Mr. Roit: I understand that but the issues of what is going to take place at a Skatepark verses what is going to take place on a basketball court is a little bit different.

Mr. Hoewing: If you look at the injury statistics they are not.

Mr. Roit: I have not but I am just saying all I am hearing is we are going to build something but I am not hearing the other discussion on the side and I just want to make sure it is considered that is all.

Mr. Kuhlman: All right your comments are very fair and as I said the questions have been asked and we are waiting for the answers.

Mr. Roit: And I just hope you publish them.

Mr. Klobukowski: \$350.00 per ramp is the last thing and additional for height.

Mr. Kuhlman: Anything else Sir?

Mr. Roit: No. Thank you.

Mr. Kuhlman: Thank you. Mr. Kettler you had your hand up.

Mr. Kettler: Tom Kettler, 18201 McKernon Way. I guess I wanted to weigh in a little bit on listening to Rudy talk about the Radon issue. I too and Bob I too and I understand the Commissioners desire to be proactive but the notion of doing testing and then having the testing go to some central data base and my guess is there is not going to be a lot of people who enthusiastically want to provide that information and like I say anybody can do that now. As you probably know when people do resale's on houses people have the option to have a Radon test done in their house prior to the conveyance of the house over so that option is always there and anybody can run out tomorrow go to Home Depot and test their house on their own. So maybe there is a way and I understand your desire to maybe get the knowledge that maybe there are hotspots within Town, I haven't heard any, I don't know that I have heard of any particular hotspots in Town based on just knowledge of being here for awhile but one of the things is and to add to Rudy's point just clarification or as Rudy mentioned at the end about having regulations to deal with Radon in new home construction, actually they already do that when we build new houses depends on where we are but if we are building houses in Montgomery County when we build in Woods of Tama, when we build Brightwell Crossing we will actually put in what we call passive stack which is basically a pipe that goes from the basement slab all the way through the house up into the attic and the idea is that if there ever is a Radon problem you can put a fan on and vent it, it is not designed to really do anything other than be a system that you don't have to go to retrofit and that clearly is a lot cheaper if somebody has to go in 10 to 20 years from now than if somebody walks into a 20 year old house because that is going to cost \$1000.00 to do a retrofit, there are other things that that sort of fires up...

Mr. Brown: So Tom I got a question for you, just to clarify, I know you are a builder but tell me exactly what it is that you are required to do when you are building new homes in Montgomery County in terms of Radon abatement what happens.

Mr. Kettler: What we do when we are constructing the house we have a concrete slab in the basement, most of the Radon it is supposed to enter in through the basement through the basement slab so you put a 4 inch PVC pipe below the slab into a --- or through the concrete slab that goes all the way up through the house into the attic and it daylights you can either daylight in the attic or you can go through the roof, honestly I don't want to misstate myself tonight but it is up in the attic somewhere and at some point if you 10 years from now but we don't do testing of houses when they are under construction but if somebody tests the house in 10 years and says oops we have an 8 Pico curie they can install a simple fan in the attic which will basically pull air through that pipe and basically create a negative pressure situation in the slab so it will pull the air from under the slab and vent it up through the attic into the above the roof and that is designed of course to bring that Radon level down to below the 4 Pico curies which is the level that has been determined. But Radon people if they open up their windows and they have a high Radon level that is going to change because fresh air is blowing in, other people who work in their house all day long, other people leave their house for 12 hours a day there are so many variables.

Mr. Brown: I understand all that and I appreciate the explanation. Are you required to set that up as per our Montgomery County...

### **Multiple Conversations taking place**

Mr. Klobukowski: Are you saying it is done depending on the location you are building in or it is done across the County regardless.

Mr. Kettler: In Montgomery County, every County has their own building codes, Montgomery County's Code has (inaudible) I mean I have projects in West Virginia and other locations and not every jurisdiction has this.

Mr. Brown: I just care about this one for now and I appreciate that.

Mr. Hoewing: Do you know why the County adopted it, did they do it just to be on the safe side or does this County have more problems.

Mr. Kettler: I just think Montgomery County tends to, you know if there is something out there that they can require they will say, they will be the first one to do it.

Mr. Kuhlman: Montgomery County is very proactive.

Mr. Hoewing: It is funny what you said because I think it is an issue because I just bought a house and it was tested and it was way above and they had a system put in so it is in this area and there is no question about it. One of the reasons that this issue was put before the Commissioners was you heard the discussion that night there was a lot of concern about Radon and when we started talking about it it wasn't because at least most people understood it wasn't the water per se unless it became steam it was the air and there is more of a danger for that so being on the safe side is not a bad idea at least give them a chance to do it and if they don't do it than...

Mr. Kettler: And Radon in the air has been an issue now for 20 some years when the EPA first came out so we have been dealing with it a long time on the residential home building side and I'm not going to say that you are right because you got a house that is hot and the one right next to it is not so it is all, there is a million things that are --- but whether Poolesville in general and there are certain parts of the country that clearly are more prone to it and I didn't realize that Poolesville was but maybe...

Mr. Klobukowski: It is interesting if you look at some of the maps Loudon County is hot for certain things and it just stops at the border, it is like don't know why but that is the way it is.

Mr. Kettler: Yea it has got to do with the geology I am assuming of the area that is what is going to cause a lot of this.

Mr. Klobukowski: You can go on the USGS site and you can pull up your area, your County and it will show you what the potential is.

Mr. Kuhlman: All right anything else, yes Sir?

Mr. Brown: Thanks Tom.

Mr. Kelly: Fred Kelly, 19152 Hempstone Avenue in Poolesville Maryland. A couple things, one thing I would like to on the Radon issue I think it is good to be proactive and that was not one my house was remediated when I bought my house out here 5 years ago I did follow proper procedure buying a house and got Radon tested and it was high for Radon, my house was remediated and Radon in my air quality for that, I was never really worried about it because it was remediated so but it is good to be proactive there is nothing wrong with educating people and maybe saving somebody's life, if that saves a few bucks it's a good thing, I don't know some people don't feel that way but that's how people are. On the wells you said about well 7, 9, and 10 what kind of remediation did you put in for those wells is it reverse osmosis?

Mr. Strong: It was Radon which was a stripper and then I think it was an anno type system for the radionuclides but that again is to be determined we just have a price determination at this point.

Mr. Kelly: I think that is good forward thinking to try to get the money to do this. Do we have other wells also with the radionuclides are they needed for that?

Mr. Strong: These are the only ones that I was tasked to look at, at the present time.

Mr. Kelly: Ok what about the other wells?

Mr. Kuhlman: I don't have the counts with me in front of me right now I know that 7 and 10 were the 2 that were of concern to the Town Staff.

Mr. Kelly: Ok and this will take this out completely most of the radionuclides and the Radon?

Mr. Strong: It will reduce it.

Mr. Kelly: The newer houses will be better off than the older houses with certain things?

Mr. Kuhlman: I mean the water is a central system, I mean the water that you drink at your house never hits the water tower more than likely so it is a loop system, unfortunately there is no one place to treat all the water so that is why we are looking at 7, 9, and 10, we can change the pipe on 7 and get it over to where the supply will be put in at 9 and 10 and we can have a treatment facility there that will treat those 3 wells.

Mr. Kelly: Ok and I just while they have the money and part of the Stimulus Package making the water quality safer and as with the Radon test being proactive there is nothing wrong with that and I definitely commend you on that. A lot of people are remediated around here and this has been one of the biggest areas in the entire Country, this is one of the oldest mountain range in the entire world here...

Mr. Kuhlman: Well again the Town's position is that the water currently meets or exceeds State and Federal Regulations but maybe we can make it better.

Mr. Kelly: I definitely appreciate that you guys are working on that and I really respect you for doing that so thank you.

Mr. Klobukowski: But to answer your question Cathy can you answer the question with respect to the other wells.

Mr. Kuhlman: I would prefer Wade to be here for that to be honest with you Jerry.

Mr. Klobukowski: Well she is our expert.

Mr. Kuhlman: I would prefer to wait if that is all right. Mr. Kelly I would like to get Wade back here he is recovering he will be back at the next meeting if you would care to come back then.

Mr. Kelly: Certainly.

Mr. Kuhlman: Thank you Sir I appreciate it.

Mr. Kelly: No problem.

Mr. Kuhlman: Mr. Janet.

Mr. Janet: Stan Janet, 19105 Bodmer Avenue. There are several points I want to make on this cancer scare and Radon scare in the water. As I told you people the rumors have gotten out of control, it has been poorly handled by the Poolesville Commissioners and now we could end up paying a steep price. There is a rumor going around and again this has gone on since December, you people did nothing until 2 months later, now the rumor is going. The study was flawed by Montgomery County, we have known about Radon for over 30 years, always, always, based on Montgomery County studies that say very little, make recommendations but do not solve the problem, if they are so concerned than

they should spend their money and show the leadership and do because Radon is all over the County and select Poolesville as a guinea pig, the Poolesville Commissioners are really if you can't see this one coming boy, we have known about this problem for 30 years, Cathy Mihm's study says and recommends the best logical thing that we comply with the State and Federal Standards now, the Federal Standards, the EPA, we should wait to see what they say about Radon right now we meet all the standards there, so we should not go out and do things and spend money and set ourselves up as a guinea pig and set ourselves up for a lawsuit and liability. And you people are using our tax dollars to help these people. It is the same people that have been around for 30 years ok they come around and they scare and that is their tactic, scare tactic you can sell a lot of items and products and of course Montgomery County sits there and they come out with a study, there is 3 studies they have done, about every 10 years and they say nothing and prove nothing. One very important thing I would like to call out and to your attention, the County study says "may cause lung cancer" some bureaucrat there erased the word may and that makes a big difference and you guys are jumping through the hoop and taking the Town with you setting us up for liability and lawsuits and you are wrong in what you are doing, the way you are handling it and mismanaging the whole thing. If these people have all this evidence then they should present it and so should the County and so should the State and then you people look at it and read it and make a decision, you haven't done that because there hasn't been any study and there has been nothing but flawed studies time after time after time and you Commissioners are falling for it hook, line, and sinker. Now I will say this smoking, asbestos, air pollution, a lot of factors enter into this and they have been disregarded and why is Radon being singled out, why not Uranium, we got Uranium in the County, we got other factors Beryllium and other things in the County why is Radon being selected, why is that being pushed and then why did they come out Montgomery County said oh boy we got people down here in this department and we got contractors that might cost you \$5000.00 but we can come up and minimize it, well they can get that law passed or requirement passed in the County or State somebody can get very rich and waste a hell of a lot of money and that is exactly what, because you are never going to as anybody that knows anything about the subject knows all you got to do is vent it and get the air and so forth, there is not a problem until they conclusively prove that there is a problem, there is no problem in Poolesville. Ask them to document, they won't document it, not once and it is a flawed study to begin with and then they are hoping to get ---. I don't see how the Commissioners can sit there, --- was paid, recommendations, wait until the Federal Standards and State Standards come up, but we have to question the State Standards because the State is in cahoots with the Montgomery County on this thing, somebody is out to build a big empire and some County will come up here just like this Code Enforcement I don't want to get it passed through the whole State of Maryland, people will become very rich and make millions of dollars in revenue, in the mean time what are you proving, you are proving very little.

Mr. Brown: I have a question for you Stan if you don't mind, what the basis of your statement is a wild study, tell me what you mean by that.

Mr. Janet: I can't what?

Mr. Brown: You said that Montgomery County is operating under a flawed study, that the study is flawed is invalid, explain how you can come up with that.

Mr. Janet: They did 3 studies. They got the first study and they found no abnormality or irregularity ok some of our illustrious friends here called down there raised this, this, and this, and the County did a 2<sup>nd</sup> study and they said well they compared Poolesville with the County and other areas, well comparing Poolesville population in the study with Montgomery County is like comparing pennies and one hundred dollar bills. I mean whoever did this study doesn't know the first damn thing about doing studies.

Mr. Brown: I appreciate that. I have another question too about the, I am concerned about your mentioning of our liability involving this test, if you would just explain that one to me I would like to know your perspective on what our liability would be on that.

Mr. Janet: Well you are helping people who are agitating and pushing and have been pushing these things like Radon testing kits that will help you with the Radon and so forth and you people are falling and going right with it but these people want to go ahead and let them use their own money to do the study.

Mr. Brown: I just want to get back, I hear you on that just tell me what our legal liability is in issuing a study that is what I want to know, that is what you said, that we will be liable for some kind of damages.

Mr. Janet: Well you never know.

Mr. Brown: Well you never know really anything but I am just saying specifically what would be our, because I am concerned because I think we have probably had an opinion on it from our lawyer but I would like to know if there is something that we need to be on the lookout for.

Mr. Janet: Well if you go ahead and do a study and the County does a study they are going to cite that study as Poolesville being negligent in the water which is kind of ridiculous to begin with, its all around us. But it is not to the point where it is going to, but if you say and build up a case that is exactly what some people want to do.

Mr. Brown: Ok I was just trying to figure out where the Town's liability was going to be and how we would enter into a legal situation based on us offering Radon test kits.

Mr. Janet: Well you got a Town attorney right there who can explain that to you better than I can.

Mr. Kuhlman: Yea but you are the one who made the statement we were opening ourselves up to liability according to our Town attorney we are not.

Mr. Janet: I'm saying we are setting ourselves up for liability.

Mr. Kuhlman: In what way?

Mr. Janet: Huh?

Mr. Kuhlman: In what way?

Mr. Janet: I just explained to you.

Mr. Kuhlman: No.

Mr. Janet: You don't think that any study that will be done, whether it is done here or the County or the State is going to be put out in the Court in a case where somebody sues and claims they got...

Mr. Brown: Ok well thank you for answering I appreciate that.

Mr. Janet: It would be an argument for them.

Mr. Kuhlman: Oh ok I could see that but a liability...

Mr. Janet: (inaudible) our tax dollars are paying for it. I have no objection, if they want to go ahead go ahead file it, ok make your case and so forth we have a right to defend it

and then defend the Town, there is a lot at stake ok when you use scare tactics and that is what is going on.

Mr. Brown: Ok.

Mr. Kuhlman: Anything else Sir?

Mr. Brown: No that was it thank you.

Mr. Kuhlman: Question for you though while you are there, how did the streetscape get up to 7 billion dollars now as reported in your paper this past Saturday.

Mr. Brown: 7 billion dollars?

Mr. Kuhlman: Yea it is reported in your paper this past Saturday that the streetscape plan is now 7 billion dollars.

Mr. Brown: Is that a typo?

Mr. Janet: No, no, it is not a typo, it was 6 billion, no, no 7 million.

Mr. Kuhlman: Your paper has reported two times 7 billion dollars.

Mr. Janet: No.

Mr. Kuhlman: Yes it did I looked.

Mr. Janet: Well that is a misprint and I will correct it.

Mr. Kuhlman: Ok thank you.

Mr. Janet: No I apologize even we make mistakes Eddie.

Mr. Kuhlman: Anything else Sir?

Mr. Janet: Thank you for calling that to my attention I will correct it, I apologize for the error. 7 million and that is from the 6 million and inflation over 5 years.

Mr. Kuhlman: So you didn't hear Mr. Strong's report that it was \$700,000.00?

Mr. Janet: Ok fine (inaudible) and that just compares to --- and the cost and details that were put out 5 years ago and give them to me and I will compare them and I will tell you that is absolutely totally pure bologna, I'm sorry take that any way you want.

Mr. Kuhlman: Ok anybody else?

Mr. Strong: Full of bologna, I'm full of bologna is that what you are saying?

Mr. Janet: That report.

Mr. Hoewing: Your report is full of bologna.

Mr. Strong: My report is full of bologna.

Mr. Janet: If you say the whole streetscape is going to cost under that you are full of bologna.

Mr. Strong: Did you listen to the report? Did you listen to the report, I didn't do a second rate flip chart report Stan. I did a report that showed how the plans were supposed to be built, I don't do second rate stuff.

Mr. Janet: All right I apologize for calling them second rate but next time you do a briefing how about putting it up there so everybody can see it, don't use flip charts, don't talk to him and him so nobody can listen and hear and then nobody can see what you are doing.

### **Adjournment**

Mr. Kuhlman: Ok anything else Mr. Janet? Anything else Sir, all right anybody else? Seeing no hands I will entertain a motion to adjourn to a work session.

Mr. Klobukowski: I will make a motion to adjourn but not to a work session.

Mr. Kuhlman: We have to have a work session tonight because the budget has to be made public before our next meeting.

Mr. Klobukowski: Well the budget has to be made public but not tonight. I am not going to do it, I get up at 4:30 in the morning and its ---.

Mr. Kuhlman: Well then when do you want to meet for a work session?

Mr. Klobukowski: I don't care, you want to do it, tomorrow night I got a meeting, Wednesday night.

Mr. Hoewing: Isn't there a CEDC meeting tomorrow night?

Mr. Brown: Wednesday night I would not be able to be here.

Mr. Kuhlman: Wednesday night is the CEDC meeting so that is out.

Mr. Brown: Thursday night potentially I could be here.

Mr. Klobukowski: I'm whooped and plus I am freezing.

Mr. Kuhlman: You think that is going to change?

Mr. Brown: We could go in the other room and do it.

Mr. Kuhlman: We could adjourn here and go to the other room.

Mr. Klobukowski: No, no I am...

Mr. Kuhlman: Jerry you were elected to do a job, we got a job to do. This has been on the agenda since last Wednesday.

Mr. Klobukowski: Don't ever tell me about my job.

Mr. Kuhlman: I am Sir. It has been on the agenda since Wednesday, I have heard nobody say anything about a...

Mr. Klobukowski: I got the agenda on Friday.

Mr. Kuhlman: Yea and I have not heard from anybody since you got it.

Mr. Hoewing: Can we do it Thursday night I am free Thursday night. We could still do it with 3 of us because we have the majority. Lets do it Thursday night is that good?

Mr. Brown: I am good Thursday night.

Mr. Hoewing: I'm good.

Mr. Kuhlman: Are you good Thursday night Jerry?

Mr. Klobukowski: Yes Sir.

Mr. Hoewing: Ok. Thursday 7:30 or it doesn't matter to me.

Mr. Klobukowski: You want to do it at 7:00?

Mr. Kuhlman: 7:30.

Mr. Hoewing: Ok 7:30 got it.

Mr. Brown: What did we say, what time?

Mr. Kuhlman: 7:30.

Mr. Brown: I would like to make a motion that we adjourn.

Mr. Klobukowski: Second.

Mr. Kuhlman: So that will be the 26<sup>th</sup> right.