

COMMISSIONERS OF POOLESVILLE
MEETING OF JANUARY 4, 2010

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

PUBLIC HEARING

Mr. Kuhlman: Ok good evening ladies and gentlemen this is a Public Hearing on proposed amendments to Ordinance No. 122, Chapter 7, "Forest Conservation" of the Poolesville Code to amend requirements and penalties to conform to the State of Maryland requirements. Copies of this Ordinance have been available at Town Hall. The file for tonight's Public Hearing contains the following exhibits, proposed amendments to Ordinance No. 122, Notice of Public Hearing, copies of the December 23 and December 30, 2009 issues of the Poolesville Gazette containing the notice of Public Hearing. Any person wishing to testify or ask questions about the proposed Ordinance may do so after giving your name and address. Do we have anyone signed up?

Mr. Yost: No, no one is signed up.

Mr. Kuhlman: Mr. Pierce.

Mr. Pierce: Robert Pierce 20300 Westerly Road.

Mr. Kuhlman: Just give me one second Mr. Pierce. Do listen Mr. Pierce is the one that offered the present Forest Conservation he is a smart man on this stuff.

Mr. Pierce: Thank you for the comment. I provided today to Wade and George Coakley comments at the last meeting you gave me a copy and it took awhile to go over it. And I am not going to read those to you, I think Wade has given them to you all, a couple of things one in general I think that the draft that you have goes well beyond the model that is in COMAR, it changes a whole lot of 40,000 square feet to 20,000 square feet where the model in COMAR didn't. I downloaded the model off the Internet and went through it basically line by line and I've identified where those problems are. My suggestion to you all would be not to mess with numbers that the State didn't mess with because when we first went through this we put a lot of thought into it and now to change 40's to 20's where the State didn't say you had to do it without going through some serious review of that I think is a mistake. I also provided Wade with a copy of some comments from the Washington County Planning Commission on their revision. I didn't see anything for Montgomery County on the Internet but they took a very minimalist approach and just changed what COMAR, the model in COMAR said they should, so I would recommend that right off the bat, which means that this version needs to be revised, there are some other things in there, there are some dollar amounts that have changed in the Town's that are not consistent now with COMAR, they've exceeded COMAR based on penalties and based on getting the mitigation when there is an impact. One of the things that I intended to add in my comments which I forgot was that there is a new provision to provide for I think it is called Urban Closed Canopy Mitigation so in a urban setting you can use line

streets or something like that I didn't get into it in any depth but I think that that is something that should be seriously looked at by the Planning Commission before an Ordinance is revised, so I would make that recommendation and there is back when we first did the Ordinance we said the Town was going to delineate forest areas instead of having the developers do it. I think that the first time in the Master Plan using aerial photo interpretation the Ordinance says we are going to redo it every 10 years so it should have been redone in 2002 I don't know if it was but that is something that you need to consider that we are 10 years or 8 years behind on what we said we were going to do in that Ordinance and that carries through into the revised Ordinance so I suggest that that be looked at carefully and maybe another look be done at the forest in the Town since there have been changes, since that Ordinance came out. I think that is mainly what I wanted to add.

Mr. Kuhlman: Thank you Sir any questions. All right thank you Mr. Pierce, anybody else? All right seeing no hands we will conclude the Public Hearing on Amendment Ordinance No. 122, the record will be held open until close of business this Friday, which is 4:00.

Call to Order

Mr. Kuhlman: And with that I will call the January 4, 2010 Commissioners Meeting to order. Let the record reflect that all Commissioners are present as well as Town Manager, Town Attorney, and Town Engineer.

Pledge of Allegiance

Mr. Kuhlman: The first order of business will be the Pledge of Allegiance, Jerry.

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: All right thank you for that, any announcements?

Mr. Klobukowski: I have one I am signed up to testify on the 13th of January before the Montgomery County Board of Education on the Poolesville Cluster Operating Budget needs and I will have the testimony to the other Commissioners probably Wednesday morning as I am still waiting for input from some of the Cluster, PTA Presidents, and Principals.

Mr. Kuhlman: All right thank you anybody else? All right Ms. Gruber Holiday Lighting Contest Winners.

Ms. Gruber: All right this year we had some stiff competition and you guys had some beautiful homes. I would like to go ahead and call up the winners of our contest. For the townhouses we had Ms. Nancy Cillay, ok how about John & Lori Sullivan. In traditional we had Chris & Sherri Hall, Byron & Diane Mezick, thank you. Ok Joe & Ellen Onderko, John & Charlotte Roberts, congratulations and last but not least our businesses, we had the Shops at Jo's. Thank you everybody.

Mr. Kuhlman: I think the Town looked great this year the Town decorations were nice, we did have the loss of our gazebo just couldn't stand the weight of the snow and it collapsed so our bandshell will be starting pretty soon Wade?

Mr. Yost: By this week they should start mobilizing.

Mr. Kuhlman: Ok good and I would like to thank all the winners and everything looked real nice thank you.

Mr. Brown: I do have one question, is there ever going to be a pickup truck category, just curious.

Approval of Minutes

Mr. Kuhlman: All right approval of minutes of December 7th.

Mr. Brown: I would like to make a motion to approve the minutes of December 7th.

Mr. Kuhlman: Is there a second?

Mr. Hoewing: Second.

Mr. Kuhlman: All in favor?

All: Aye.

Open Forum & Citizen's Comments On Agenda Items

Mr. Kuhlman: All right open forum anybody have anything just in general. All right comments on the agenda items, we will be setting dates tonight for budget work sessions any comments and we will be awarding a contract for Enhanced Nutrient Removal Upgrade at the Wastewater Treatment Plant and this is a State mandated and State paid for item, any comments. All right seeing none we will go to the agenda.

New Business

Mr. Kuhlman: Set dates for the budget work sessions, we have to have the budget presented to the public by March 3 so that means we have to do it at the first meeting in March on March 1. We won't have firm numbers until after the 18 on some items right Wade?

Mr. Yost: That is correct at the State of the Town there will be some budget requests from Parks Board, CEDC and other groups.

Mr. Kuhlman: So we have got from January 20 on and through February to have budget work sessions but I would say the last week of February is out since we have to have the budget printed and ready for March 1. So do you all prefer work sessions after a meeting at night or on a Saturday?

Mr. Klobukowski: Saturday.

Mr. Kuhlman: Jim?

Mr. Brown: I am in favor of either one as long as it is not the morning of the 16th.

Mr. Kuhlman: Ok Link?

Mr. Hoewing: 16th of January?

Mr. Brown: That is correct.

Mr. Hoewing: Ok.

Mr. Kuhlman: No it is after the 19th.

Mr. Brown: Got it can still stick with my plans.

Mr. Kuhlman: Link you got a preference.

Mr. Hoewing: I think Saturdays is my preference.

Mr. Kuhlman: Lori?

Ms. Gruber: I guess I can make it on a Saturday.

Mr. Kuhlman: Well truthfully having gone through it once superficially with Wade there is not a whole lot to it this year.

Ms. Gruber: Ok good.

Mr. Kuhlman: As long as we can come to some fairly quick consensus we should be out of here in a couple hours.

Mr. Yost: I think one Saturday morning for 2 to 3 hours would get the bulk of it out of the way.

Mr. Kuhlman: All right well the 23rd I am going to be in Annapolis for a legislative meeting so that leaves the 30th, 6th, 13th, or 20th, anybody have any complaints with any of those others.

Mr. Hoewing: The 30th I am out of town but the 6th and the 20th I am fine.

Mr. Kuhlman: Ok Lori.

Ms. Gruber: No I don't have any issues.

Mr. Brown: No issues.

Mr. Kuhlman: Jerry?

Mr. Klobukowski: No issues.

Mr. Kuhlman: All right how bout the 6th on February 6th at 9 or 10?

Mr. Hoewing: 9 is fine with me.

Mr. Kuhlman: 9:00 A.M.

Mr. Hoewing: Wade has got the donuts.

Mr. Kuhlman: Yeah.

Mr. Hoewing: No Wade had the Focus Group uh uh, I will get them. I will drive all the way down to Krispy Kreme that is what we are getting.

Mr. Kuhlman: Good man. All right enhanced nutrient removal Wade.

Mr. Yost: Actually I will turn this over to John he has been working with the State on most of these items.

Mr. Strong: John Strong, Huron Consulting, Town Engineer. Here we go again trying to find my glasses. The actual bid date for this project was September 29, 2009. We had a bid opening at 2:00 PM and we received 4 bids. The process was that once we submitted the contractor submitted the bids we had to submit them to the State of Maryland for them to do their due diligence and review the bids through the grant process. Four bids were received, L H Cranston & Sons, Inc. - \$117,992.00; Eastcoast Siding - \$119,525.60; CPP Construction Company - \$150,000.00; EMH Environmental, Inc. - \$175,400.00. In discussions with the State and looking at the bids that L H Cranston provided and the backup information, L H Cranston was the most responsive bidder and we would recommend award of the \$117,992.00 to them.

Mr. Kuhlman: All right any questions for John?

Mr. Hoewing: John we talked about this before and I guess we never really have established any kind of a process for this but if you look at the letter from the State they mention and our company has the same kind of policies certain types of preferences or efforts to try to encourage different types of contractors, in this case it is a minority contractor which is good, are we still trying to find ways to encourage local contractors be part of these kind of contracts.

Mr. Strong: In fact in some of the most recent documents that we are working on at the present time we have a stipulation for as long as it is not state money because they have certain guidelines that we can't intrude upon. But for Town projects we've examined the availability and request them to in the bid documents to supply regional and also Town supply of equipment and manpower, so yes.

Mr. Yost: But there is language that we crafted yes to go into the contract for bids.

Mr. Hoewing: So in this case they have an electrical contractor, I am sure we've got a lot of electrical contractors in this area...

Mr. Yost: Right we used the State money, not applicable for this really.

Mr. Hoewing: Ok.

Mr. Kuhlman: Any further questions for John?

Mr. Klobukowski: I had one I spoke with John before what is the experience of this particular, this is for the public record, of this particular L H Cranston & Sons experience in doing this performing this sort of work.

Mr. Strong: They have performed this similar type work, they have done this is basically installing some data wire, some controls for BMD's onto the blowers, they have done this type of work before, they are a large contractor out of Baltimore, their electrical person has experience doing it, although they did not submit any wastewater treatment plants as part of their type of work that they have done, they do have experience in similar type of work and piping of chemicals.

Mr. Brown: John was the same due diligence put into checking out the 2nd bidders since the bids were so close?

Mr. Strong: Eastcoast Siding was a very incomplete bid, their bid package was not, well it was a fax, one single fax sheet that came in on that project so that kind of tossed them out the door right away. CPP Construction Company we did find that they have done similar type of work and they actually are working down at Rockville at the present time and I will leave it at that. EMH Environmental they are well known and have done similar type of work.

Mr. Hoewing: What exactly would this do to our plant, what does it make it do better than it does now?

Mr. Strong: Working with the State we found out that we can throw the bugs or the microbes into an anoxus stage and then if we supply them with a carbon source it will lower the, simplify it a little...

Mr. Yost: It lowered the nitrogen, you have to break nitrogen down from an organic compound into an no3 and then to an no2 and then it gasses off, to do that you have to be able to control the blowers, the blowers right now come on full blast in the tank...

Mr. Hoewing: Oh ok so they don't modulate it real well.

Mr. Yost: The VFD's crank it down actually let the plant run off the dissolved oxygen level then you can manipulate the bugs much better.

Mr. Hoewing: Ok.

Mr. Brown: Will this save money on the bugs I take it?

Mr. Yost: Hopefully electricity not the bugs themselves.

Mr. Strong: And also there is a couple pumps that are going in for a chemical feed for phosphorous.

Mr. Klobukowski: So it is straightforward plumbing, thank you John.

Mr. Kuhlman: All right any further questions for John or Wade? Hearing none I need a motion for approval of this contract. We have to pay it and then get reimbursed from the State right?

Mr. Yost: That is correct just like we did to the plant...

Mr. Klobukowski: I make a motion that we accept the bid as provided by L H Cranston & Sons, Inc. for \$117,992.00.

Mr. Kuhlman: Is there a second?

Ms. Gruber: I will second it.

Mr. Kuhlman: All in favor?

All: Aye.

Mr. Kuhlman: Motion carries.

Old Business

Mr. Kuhlman: All right old business Ordinance No. 179...

Mr. Klobukowski: You didn't mention though we do have a third thing under new business, we discussed it before the meeting but I don't think you...

Mr. Kuhlman: Yeah it is not on the public agenda though, it is only on ours.

Mr. Klobukowski: Oh ok I am sorry.

Mr. Kuhlman: We pulled it off before the public one got printed.

Mr. Klobukowski: Oh all right I apologize.

Mr. Kuhlman: Ok. Old business Ordinance 179 the foreclosure notice requirement. We had a public hearing on this there wasn't any comments received after the public hearing and there were a few issues that are in your minutes of the public hearing, anybody have any comments or questions on this. Hearing no questions or comments is there a motion for approval or adoption.

Mr. Hoewing: I move the adoption of the Ordinance.

Mr. Klobukowski: Second.

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

All: Aye.

Mr. Kuhlman: Motion carries unanimously so Ordinance No. 179 is adopted and goes into effect immediately.

Committee Reports

Mr. Kuhlman: Committee reports Planning Commission Mr. Coakley I see you here.

Mr. Coakley: George Coakley, Chairman Planning Commission, first of all I would like to go on record that I am strongly in favor of local warming so get that out of the way.

Mr. Kuhlman: Local what?

Mr. Coakley: Local warming. The Planning Commission met on December 9th...

Mr. Kuhlman: Wait a minute you need to understand this, the Saturday it snowed so bad he was the only one that showed up at 5:30 Mass.

Mr. Coakley: There were 5 of us actually.

Mr. Kuhlman: Oh ok they walked, you drove.

Mr. Coakley: Ok the Planning Commission met on December 16 and one item we discussed that as required by recent Maryland Legislation the Planning Commission and Board of Appeals members are required to complete an education course by July 1 of 2010 so I believe it is going to be online primarily so as far as I know all members of the Planning Commission intend to go ahead and take that and comply with it.

Mr. Klobukowski: When you complete it like ones that we have at work you'll get an acknowledgement back either in the form of an email with a certificate or your training record is automatically updated is something going to be provided to the Town to say that these people completed the course.

Mr. Yost: Yes they will have to show proof of it otherwise they can't be on the Planning Commission or Board of Zoning Appeals.

Mr. Klobukowski: Ok than I am not sure how you do that but some of these courses I would caution those people to make sure they don't exit too fast because if you exit too fast and you don't follow procedures you never get your certificate printed out and the only way you can prove it is to redo the course.

Mr. Yost: Is that from experience.

Mr. Coakley: We will try to be careful.

Mr. Klobukowski: I don't know if that is the type of course but I just put the word out to people you know make sure they follow the procedures because if they do involve printing a certificate just sometimes the certificate isn't printed until you follow the exact procedures.

Mr. Hoewing: Actually it is a good suggestion though I think the Commission Chairman of each of the Commissions ought to ask the members to make sure that after the July date or whatever it was that you guys all have taken your course please.

Mr. Coakley: Well I intend to inquire prior to the July date. We also reviewed a sketch plan of Williams Adventure which is the Jamison property at Budd and Hughes Road they are looking at 2 lots to build on down there. And we reviewed the proposed Storage Tank Ordinance and found a few things that we are looking into and we are going to look at it again at our next meeting. And we further discussed the solar guidelines portion of the proposed Alternative Energy Ordinance and would like to discuss it a little bit further, we have 1 or 2 members of the Planning Commission that want to discuss it in a little more detail particularly as it pertains to the Central Business District...

Mr. Klobukowski: Talking about solar?

Mr. Coakley: Yeah.

Mr. Klobukowski: There are 2 things if you are not through I will wait until you are done I am sorry.

Mr. Coakley: Well let me mention one other thing on the solar and that is between our meeting and now I did receive some information I forget the name of the company right now but its one of the leading companies I guess in solar energy and defense contracting and a bunch of other things but they have come up with a solar application that is almost like pixie dust, that is supposed to produce more energy than the solar wafers that are made out of silicone so it will be interesting to see how that plays out, but it is a quickly changing field that a lot of people I guess are putting a lot of resources into it right now and coming up with a lot of different inventions, I'm done.

Mr. Klobukowski: I just have a quick, when you said Storage Tank Ordinance that was below ground tanks or above ground storage tanks?

Mr. Coakley: Primarily below ground.

Mr. Klobukowski: Ok and with respect to the Ordinance one thing I liked about the other Ordinance that I forgot to mention was if something is putting out current do we require to have I don't have the book with me and I forgot to look do we have a requirement to label that there is some sort of caution that you have high voltage or a voltage and amperage going through here as a warning. That was on one of the Ordinances that something shall be labeled saying that there is either so much voltage or its an electrical hazard possibly...

Mr. Coakley: Are you referring to solar?

Mr. Klobukowski: No I am referring to the wind power one though I think, I think it was that one as I recall.

Mr. Coakley: I don't recall if we included that or not. I think electrical contractors when they install them if there is a County or a State requirement they would put something up high voltage, I am not sure what the volts are, my understanding is that all of that would be inaccessible.

Mr. Klobukowski: All right.

Mr. Coakley: Any other questions?

Mr. Kuhlman: Thank you Sir. Parks Board.

Mr. Brown: Parks Board did meet and is getting ready to meet again this Wednesday. At the beginning of the last Parks Board meeting I came in just a little bit late so I missed some of the discussion on the Jamison property that our Planning Commission reviewed. But I did take notes they said there is a couple recommendations that will be built into the PIA Agreement, I don't remember what specifics there were but there were minor revisions to the plan that they had proposed. They made an announcement for spring reservations for use of our parks specifically for soccer and baseball, we also discussed the possibility of turning Campbell Park into a dog park we have had some email discussions about that, and that is something that I think I'm trying to get to a dog park tomorrow to check it out, I've been to them before but it is an interesting concept for Campbell Park. We also worked on, we finished up the Parks Rules and Regulations specifically for the Skatepark, I think we came to consensus on just about everything in terms of a revision of the Parks Rules and Regulations and will be making our recommendation on that. I can't remember Wade how did we end up on the exception to alcohol in the parks?

Mr. Yost: They are going to put some verbiage together and put it in the Park Regs and Rules to be presented at the next meeting.

Mr. Brown: Right really the crux of it will be that potentially alcohol would be allowed in the parks under permitted review.

Mr. Yost: I think this was the only park they were going to allow it in also.

Mr. Brown: Right yeah Whalen Commons.

Mr. Yost: Doug was going to put together some language on that.

Mr. Brown: Last but not least we also discussed the naming of Parcel 840, and did we make a formal recommendation for 2 names.

Mr. Yost: For 2 names yes we did.

Mr. Brown: The Parks Board made a formal recommendation in favor of Tom Dillingham who has obviously served the Town in various functions over many years as well as none other than Ray Hoewing in the audience, so we've got 2 very strong recommendations for that and that is the direction we are going, that is all I have.

Mr. Kuhlman: How did the alcohol in the parks come up?

Mr. Brown: Just as a matter of reviewing all the Parks Rules and Regulations and the fact that there was also a request made at one point to have that be potentially something that could happen.

Mr. Hoewing: But right now when people informally picnic out there, which they do, they could bring alcohol right there is no restriction.

Mr. Klobukowski: No the regs say no alcohol in the parks.

Mr. Hoewing: Where are the rules posted, is there a sign that says that.

Mr. Yost: Its just in the regular Park Regs and Rules.

Mr. Hoewing: But not on a sign.

Mr. Yost: At the other parks there is, not at Whalen Commons.

Mr. Kuhlman: CEDC?

Ms. Gruber: Actually the alcohol permitting is going to help us with the CEDC because I think they are looking at Whalen Commons for the Microbrew or what has somewhat been dubbed as Spring Fest. And they were asking to check into that so it will be

interesting to here where that goes. And that is about it, we did meet, we met December 15 and we are going to meet again I believe it is January 12, I think we are on to the 2nd Tuesday of the month now somewhere around there I am sorry I didn't write that down. They are working on the Microbrew Festival they are doing really well doing county permits and looking into Town possibilities, locations, and that is about it.

Town Manager Report

Mr. Kuhlman: All right. Town Manager.

Mr. Yost: I just wanted to mention the last 2 weeks for Staff especially the water and sewer department has been very hectic, not even dismissing the 2 snowfalls that the water department had to come in and help the parks crews take care of. They had a couple sewer lines, one sewer line break, a sewer line backup they had to dig down 14 feet to fix that one over in Elizabeth's Delight, they had a couple different water main breaks, they had over at Koteen Pump Station, which is next to the Middle School they have which takes all of Westerly and Hunters Run sewage and pumps it over to the gravity feed system, had one pump the valve broke which is a very rare thing that occurs with these larger pumps...

Mr. Klobukowski: What broke again?

Mr. Yost: The valve on the pump itself, which it actually carries the fluid around as the impellor spins, so we have one on order right now and it takes about 6 weeks to get one of these in, so before that the rain came after the snow, I had the guys set the emergency pumps up just in case that one pump couldn't handle it and lucky enough that was happening because I read high level alarms in the middle of the night and guys had to respond and had emergency pumps going to keep the station going. And then by the 2nd time the other rain event came the pump that was in there by itself that shaft also broke so it was Murphy's Law for these guys and they actually had the emergency pump going and had the parts on standby to rebuild the shafts, got the pump back in operation but they did back to back calls the last 2 ½ to 3 weeks so kudos to them they are doing a great job. Then another note if you look outside the parking lots have now been converted to LED lights, very low wattage, they consume very little electricity, we do have our lights in for the parks it will probably be a couple weeks before we can break ground on that installation and that is it.

Mr. Brown: Update on earth movement over at Parcel 840.

Mr. Yost: They are doing as much as they can I mean they have been sumping out some areas and they have to actually have strainer bags in place because the water before it goes in the storm drain has to be clear so that is a challenge in itself, but they are going to move it as much as they can and they are hoping to have it ready, it will be ready by February still so the Skatepark crew can come in and begin their part of it.

Mr. Brown: Ok thank you.

Mr. Klobukowski: I have one thing I'm really disappointed with the State and I know I talked with Wade and I think our guys went down 107 and 109 a couple times with our plows down, but I know like on Sunday morning I was going up to church at St. Mary's and I was coming through and there was a guy in a dump truck coming talking on his cell phone and his plow was up and its like well what good does that do. I think we need I recommend a strong letter to the State saying 107 is a snow emergency route for us number 1 or 109 pick one and 28 is supposed to be one too and I understand they have problems but for the safety of the community and the residents I think that a better job a

much better job could have been done and I think Jim they owe some people some mailboxes.

Mr. Brown: There is a slew of us I have actually written on behalf of several people who wrote me on Fisher and I will copy you guys on it but obviously mailboxes got taken down, the patch job has been terrible, the plowing has been bad, it does make our guys stand out though our streets look great I thought.

Mr. Yost: Hey we got some mailboxes.

Mr. Brown: One or two?

Mr. Yost: Three.

Mr. Brown: Really three.

Mr. Yost: Same guy got all three and they have been replaced.

Mr. Brown: Anyway obviously the State has under performed in a bunch of different ways but doesn't detract from the great job our guys did.

Mr. Klobukowski: I mean when they plowed the road too the way they plowed it it was just sort of weird in certain places, anyway.

Citizen's Forum

Mr. Kuhlman: All right anything else, all right Citizen's Forum anybody have anything?

Adjournment

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

Ms. Gruber: Motion to adjourn to the work session and the charter update.

Mr. Kuhlman: Is there a second?

Mr. Hoewing: Second.

Mr. Kuhlman: We are adjourned to a work session.

Mr. Brown: Thank you. Thank you everybody for coming in and accepting your awards we appreciate it, great job on the decorations, awesome.