

COMMISSIONERS OF POOLESVILLE
MEETING OF NOVEMBER 2, 2009

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

Call to Order

Mr. Kuhlman: Good evening ladies and gentlemen we will call the November 2, 2009 Commissioners Meeting to order. For the record all Commissioners are present as well as Town Manager, Town Attorney, and Town Engineer. Our first order of business will be the Pledge of Allegiance Jerry.

Pledge of Allegiance

All: I pledge allegiance to the flag of the United States of America and to the republic for which it stands one nation under God indivisible, with liberty and justice for all.

Announcements

Mr. Kuhlman: All right any announcements?

Mr. Klobukowski: Yes I will be testifying on the 12th of November before the Board of Ed in support of cluster issues. Also I don't know how many people saw it but in the Local Living Section of the Washington Post on Thursday they had a guide to energy efficient tax credit I don't know if we can get a link to that on our site.

Mr. Brown: Yeah the link is up I already looked at it.

Mr. Klobukowski: And if anybody is interested I did have a home energy audit this past Friday.

Mr. Brown: And?

Mr. Klobukowski: I don't know yet. I know some stuff I got to correct, some stuff is done correctly but beyond that I'll find out in a week and a half when I get the full report.

Mr. Yost: I would like to hear more about that.

Mr. Klobukowski: Yeah and I think one thing in reading the thing is you want somebody who has the ability to do infrared photography so that you can see the differences in the air circulation and where you have leaks because it becomes very obvious to you when you see the pictures and the infrared displays the difference between hot and cold and it makes it very plain to you where you need to do something which helps you then pinpoint your attack on it or how you are going to attack all this stuff and where your money would be best spent.

Mr. Kuhlman: Ok any other announcements?

Approval of Minutes

Mr. Kuhlman: Hearing none approval of the minutes of October 19 is there a motion?

Mr. Hoewing: So moved.

Mr. Kuhlman: Is there a second?

Ms. Gruber: Second.

Mr. Kuhlman: All in favor?

All: Aye.

Mr. Kuhlman: Minutes are approved.

Open Forum & Citizen's Comments on Agenda Items

Mr. Kuhlman: Open forum & citizens comments on agenda items anybody? Seeing no citizens so therefore no hands we will move on to the agenda, Poolesville website, Wade?

New Business

Mr. Yost: Yes you and I were talking about getting the website we currently have redone to be more interactive, to be able to put different displays up on it. We are rather limited with the site we have now. I have been checking prices so basically right around \$5000 we can have the website redone.

Mr. Kuhlman: Ok any conversation, discussion, questions?

Mr. Klobukowski: Where is the \$5000.00 coming from?

Mr. Yost: As we were going through the budget process last year we did know that Tom Yeatts was going to resign and we placed \$7000.00 in the election portion of the budget for voting machines and attorney fees and whatnot and of course we had done that in FY09 instead of FY10 because it carried over by the time she had gotten into office that budget had already been passed. So that money is in there we could use that money and just transfer it over and use that.

Mr. Klobukowski: But we have a deficit of X number of dollars for the Skatepark.

Mr. Yost: Pick and choose as you wish I am just reporting it.

Mr. Klobukowski: Yes Sir thank you.

Mr. Kuhlman: Anything else? In your negotiations dealings with this company I mean is there any performance guarantee or if you are not happy with the product that they put together, how does that work?

Mr. Yost: If you are not happy you don't pay them it's a work in progress with Staff and it is put together and then there is the training aspect of it and a software aspect of it. I am getting prices from a couple different ones, the company I would like to use is the same gentleman he is a local man that we used to do the Poolesville.com, the CEDC's website it is a very nice website, very interactive so that is kind of what we are looking at doing.

Mr. Hoewing: So it wouldn't be bid then?

Mr. Yost: No we would still get some prices but Berry Thompson is A Guy That Can and he is local so he comes in, we have a problem getting something uploaded or just knowledge of how to do it, he has worked with Cathy quite a bit and a lot of the price if we were to do this it would be not to exceed \$5000.00 really it is \$3000.00 for him to build the pages, several different pages and then there is a time and material to actually train and put the software on the computer and going through that process.

Mr. Klobukowski: So you can have one of those pages where you open it and it takes you to another page and another page and opens another page as opposed to you staying on the same screen, the screen shift.

Mr. Yost: No it is just going to be very modern and updated.

Mr. Klobukowski: Well maybe that is being the most archaic way of doing it when you end up having 7 windows open because each time you go through another stage or another site you get another menu and you click on it and it opens up another window and then you find something there and click on it and it opens up another one first thing you know you got a cascade of like 3 or 4 windows, could we specify that when you click

on something it is going to appear right there before you as opposed to opening another window, you know what I mean where sometimes you get half...

Mr. Yost: Well sometimes you do if you have to create a link to go to another document or something but know this should be where you have a drop down menu so you will be able to, on the home page if you want to go to government and go to the minutes and you open that up that will take you to a different page at that point within the website itself.

Mr. Hoewing: Is he going to come by and give us an overview of what it looks like and that kind of thing at some point?

Mr. Yost: If you guys want to be involved with it that is fine.

Mr. Hoewing: It might be helpful, the other thing is more important when you say modernize things like RSS speed capability and all that kind of thing should be built into it I assume he is going to do that but it would be nice to see that and that is one of the features that a lot of people nowadays like because they go in and get updates on the webpage whenever they come in.

Mr. Yost: If we do approve this if you guys feed me some stuff so when we have a meeting with him to kick it off we could point him in the right direction.

Mr. Hoewing: Ok. I mean right now the biggest thing is a lot of the documents that you load up are hard to load up PDF files aren't very friendly on that webpage it is pretty clear.

Mr. Yost: Right we would have to create a, we would keep the same URL that is known everywhere we are ci.Poolesville.md.us but we would be able to use the Poolesville.com site so it will be you click on that, that site actually has room on that site to create another website so we are going to build another one on that and that is the least expensive way to go as far as serviceability. And we can do all the interaction forms and things that we can't do on the website now.

Mr. Kuhlman: All right any further questions or comments? All right is there a motion for approval.

Ms. Gruber: For approval for what?

Mr. Hoewing: \$5000.00 for the website.

Ms. Gruber: For allocating the \$5000.00?

Mr. Hoewing: Reallocating it because you already have it in the budget.

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

Mr. Hoewing: Second.

Mr. Kuhlman: Any discussion?

Mr. Klobukowski: Yeah I would like to see a concept of what it's going to look like.

Mr. Yost: If you guys I have a few websites I have been looking at, other government websites to see how they have them laid out so I can shoot you a couple of the links that we have been looking at brainstorming with and get some feedback from all of you guys before we even sit down and have a meeting with them to kick it off.

Mr. Klobukowski: Because some of the websites I have seen they have so much stuff crammed into them that it becomes rather hard to focus on any one thing when you are looking for it as opposed to something that has got more of a menu to it that takes you on a path to where you want to go and they just seem to throw stuff up there, somebody is having events stick it in, someone else is having events stick it in, and somebody is doing this, there is nothing cohesive there is no flow there is no continuity stuff like that.

Mr. Hoewing: Yeah I think the critical thing Wade from my standpoint has always been providing access to as much Town information as we can electronically.

Mr. Yost: Right and we are lacking that with the Codes not on there.

Mr. Hoewing: And it is hard to do that and even documents that you have up there can't be searched so the reason I see before us in the meeting is to have this stuff up online so if we have a problem with the zoning ordinance we can go right to that site and not spend 15 hours trying to find out where it is.

Mr. Klobukowski: You want a laptop then?

Mr. Hoewing: No.

Mr. Klobukowski: No if you are going this way than that is what...

Mr. Hoewing: No he can display it up there for us.

Mr. Kuhlman: Ok (inaudible) to design this thing. Any more comments or questions about the price? Hearing none call for question on the motion all in favor?

All: Aye.

Mr. Kuhlman: Motion passes unanimously. Whalen Commons Bandshell Contract Wade.

Mr. Yost: In your packets we have, we did --- contracts out for the bandshell, we had 3 successful bidders or 3 bidders rather. John why don't you go ahead and...

Mr. Strong: John Strong Huron Consulting Town Engineer. We had 3 bidders on October 23 that submitted prices, we actually had a total of 5 packages picked up. Contractors are running into problems getting bid bonds as they bid more and more projects they run out of reservable funds. In the letter that you have we went through the project and we made our recommendations, there was a question as far as rock removal that the original contract specified the materials were unclassified on site and also rock excavation was incidental to the contract. Bruchey Builders who is the low bidder at \$238,000.00 put a qualifier in their bid package. Jones Premium Builders and Remodelers came in at \$284,000.00. After discussion with Jones...

Mr. Klobukowski: 284 or 264?

Mr. Strong: I am sorry \$264,000.00 I am sorry I don't have my glasses on, which I don't know where they are, just a second.

Mr. Hoewing: Can't see them so he can't find them.

Mr. Strong: There you go, \$264,000.00 and HMF Paving came in \$399,079.00. Anyway discussions with Jones Premium they had a \$5000.00 allowance for rock removal and based on that assuming the worst case scenario when they excavate the water and the sewer Bruchey's cost would be an additional \$18,157.00 and Jones' price would be \$17,014.19, if there is no rock encountered the price doesn't there is no change order to them and we can't say that they are going to hit rock or not hit rock. Jones also indicated that they were going to use subcontractors within the town, Poolesville Plumbing, structural steel would be done by Morningstar Welding and then some of the materials would be supplied by Poolesville Hardware, he wanted me to emphasize that. Both contractors are equally capable of performing the work and have conducted similar projects and that is what we have to say. HMF is a fine contractor, price is just way out of budget.

Mr. Kuhlman: All right any questions or comments?

Mr. Hoewing: So how does this work then in terms of the rock if you encounter rock, does this mean that there is an amendment to it later or do we have to make space for it or how does that work from a contract standpoint?

Mr. Strong: It would be a change order to the contract so you would be amending the contract to indicate and that rock would have to be confirmed by us and the contractor on the quantities, we would take measurements if he wasn't able to rip it.

Mr. Hoewing: But in terms of budget space we really need to think about another \$18,000.00 or so.

Mr. Yost: Right and that is not accounted for in the budget sheets that I have laid out here and we can run through that if you want to real quick. At the beginning of this project we did have \$95,000.00 of our own, we received a grant for \$100,000.00 and started going through the bidding process, went to the Parks Board the original wave bandshell which was a pre-made, prefab building we could just sit on the concrete slab that was going to be built, sent that back to the Parks Board they came up with another plan we had an architect that drew it up for us and through all that process it took about 6 or 7 months, we spent about \$35,000.00 in engineering and architectural fees that we really hadn't thought we were going to spend that much initially. Permits also a couple thousand dollars there. At the end of the day this total project is going to cost about \$317,000.00 so we are short by \$123,000.00.

Mr. Brown: Wade what is the time limit on the grant.

Mr. Yost: This project must be complete by June 30, 2010.

Mr. Brown: Or we will lose \$100,000.00.

Mr. Kuhlman: Yeah.

Mr. Hoewing: And the existing gazebo is I mean it is really not repairable it is going to fall down. So could you be a little more --- on this ok so we thought it was initially going to be around \$195,000.00 correct?

Mr. Yost: Correct.

Mr. Hoewing: And so how did we get to essentially going another \$100,000.00 over?

Mr. Yost: Well all the extra funds in the architectural and the engineering to get where we are but when we first did it we said like a wave bandshell which was a prefab whole building and brought to this Board and the Parks Board approved that initially, sent it to you guys you turned it down and sent it back so then you said you wanted something with character, something to match Town Hall and you wanted it wide open and it was very difficult to create all of those things. Where we are now it's a great structure and will match everything.

Mr. Hoewing: So that's sort of the 1 and 2 down here on the expenditures that's extra money that was spent in part to develop...

Mr. Yost: One definitely, two is the oversight once we award a contract.

Mr. Hoewing: So it hasn't been spent yet?

Mr. Yost: Exactly not been spent yet. To date we've only spent \$36,000.00

Mr. Hoewing: But if we had gone with more of a prefab then we wouldn't have spent all that money is what you are saying.

Mr. Yost: No because the prefab building was \$40,000.00.

Mr. Hoewing: The total cost for a prefab building was \$40,000.00?

Mr. Yost: Just that they still had to pour the concrete base and stuff.

Mr. Kuhlman: Yeah the original thing we were looking at was just plunked down with a crane basically and it had that oriental type roof structure on it and we were going to be adding some bathrooms to it weren't we.

Mr. Yost: Yes.

Mr. Hoewing: It would have been more expensive then too than \$40,000.00.

Mr. Yost: Yes it would have been the bathroom.

Mr. Kuhlman: Yeah we are not really comparing apples to apples when you talk through the conversation because that would not have had bathrooms we would have had to add them at a later date.

Mr. Yost: Yes this is true.

Mr. Kuhlman: So you would have had to put an addition on or build another building.

Mr. Strong: The site plan hasn't changed it was the structure itself that changed.

Mr. Yost: Right.

Mr. Hoewing: Yeah.

Mr. Yost: I mean now you have a steel beam building because if we wanted anything brick and to match aesthetically it was going to be wide open so its all done on steel beams.

Mr. Strong: And it is custom beams that is the other thing, it is custom work.

Mr. Kuhlman: I mean we went from something that would work to something that will work very nicely and fit into the character.

Mr. Yost: Yeah at the end of the day it is definitely a structure that's right in all the criteria.

Mr. Brown: Lifetime structure.

Mr. Klobukowski: Well I don't know about that it will be here for a while.

Mr. Brown: My lifetime structure.

Mr. Klobukowski: Hopefully longer than that.

Mr. Kuhlman: All right anything else?

Mr. Klobukowski: I do I guess one would it be better to wait until January to see where we are or even February to see where we are in our funding stream with respect to whether we are getting more money coming in than we thought or not. Also to me I'd like to see (inaudible) to me this is not (inaudible) I'd like to see you have categories people bid on just like you break this down and I'd like to see stuff side by side, you have what your cost elements are, you have Bruchey, you have Jones, and how do they break down in cost for each individual one rather than seeing this here they are going to trench this and trench that it would seem to me that the bid should come back as a comprehensive bid saying this is what it is going to be if we wanted the rock and if not that is option 1, if no rock is option 1, rock is option 2 and then you can see the difference in prices. And also with respect to either bidder do they have contracts or something contingency contracts in place with these people saying we will definitely use you.

Mr. Strong: They are listed in their bid package as their suppliers and by a contract they are required to use those.

Mr. Klobukowski: So I doubt it would be a requirement.

Mr. Strong: That is correct.

Mr. Klobukowski: Ok I just reflect on one of my experiences...

Ms. Gruber: Did they give you an estimated ground breaking time like a time that they had to have to finish it by this June 30th?

Mr. Strong: The project will last 180 days from --- completion from the time of notification.

Mr. Klobukowski: There is nothing that our Town Staff could do with all the little toys we have back there.

Mr. Yost: No these are professional concrete pourers.

Mr. Klobukowski: No I mean trenching and breaking rock or something, couldn't borrow people from the county jail.

Mr. Hoewing: County jail for breaking rock would make sense.

Mr. Klobukowski: Give them a day out in the sun part of the health benefits of being in jail or something I don't know.

Mr. Brown: Town Manager, Town Engineer are you guys satisfied with the way the bids have been structured and submitted?

Mr. Strong: Pricing was done in a lump sum manner, we did not break components down because it is a very simple structure, it wasn't one of those things to be itemized, if the Town decided to remove such as the front steps on the bandstand that would probably create an issue as far as the permitting from Montgomery County because we changed the ingress and egress of the site, so we would have to go back and reapply for the building permit. It was looked at we talked about actually doing away with the overhang of the bandshell just creating a concrete platform and then being able to put up a temporary tent type of structure, you have seen the white structures like they have down on the Mall but that was opted as a little bit cumbersome.

Mr. Hoewing: What about the back of the structure though where you have the bathrooms and all that, how much does that add to the structures cost?

Mr. Yost: Like I said they are a lump sum so it's hard to tell and that is why we received the \$100,000.00 grant also.

Mr. Strong: That is correct the \$100,000.00 grant was for the bandshell and the restroom in back.

Mr. Hoewing: I am not an expert on construction but I did do that work years ago so I am somewhat familiar with how these things are bid and coming in like you are saying that is kind of slap--- it sounds like to me.

Mr. Strong: I'm sorry?

Mr. Hoewing: The bids it sounds like they are not really well priced out.

Mr. Strong: Well if you are looking at price per square foot of construction the structure is approximately 1200 feet and at \$200.00 a square foot...

Mr. Hoewing: Does that compare favorably?

Mr. Strong: Yeah especially with the trench work that has to be done and electrical insulation and electrical conduit.

Mr. Klobukowski: You said \$200.00 a square foot?

Mr. Strong: \$200.00 a square foot times 1200 for the structure and then you have trenching on the water sewer and also electric.

Mr. Kuhlman: Ok anything further?

Mr. Yost: You want to go on and talk about the Skatepark too.

Mr. Brown: We are talking about making budget amendments I would rather go ahead and bring that into the mix too.

Mr. Kuhlman: Well it would be correct I mean we got 2 projects here to look at tonight, vote on approving the projects and then do a budget amendment because if you approve

both projects you are going to have to do a budget amendment, or you do the budget amendment first and then approve the 2 projects.

Mr. Klobukowski: I would think you would do the later, but the money in the budget first before you approve, because you deposit money in your checking account before you write the check.

Mr. Kuhlman: I kind of think you are right too Jerry. All right well then I guess what we have a motion, do we need a motion or just move on. Before we do move off of this subject I have one question on our bid documents John or Wade that go out, do we have any language in there encouraging the GC or the contractor or whatever to try to use local people as subs at all, do we have any mention of that in any way shape or form?

Mr. Strong: No it is not something that we generally incorporate into the language. It becomes kind of an evaluation issue because if you are taking in, it is something you can consider but how do you weight it, now we would have to come up with some kind of weighting system for the, a point system almost.

Mr. Hoewing: I don't know if you need to or not if you just say that it is strongly encouraged and then they obviously would know that if they were really closer than \$10,000.00 for example and they didn't do anything with the local scene you can say well I think it is reasonable to go with the guy who has local subcontractors.

Mr. Kuhlman: Yeah I mean as long as Town Council wouldn't have a problem with it I would like to see something added to the documents that say we strongly encourage the participation of local contractors or something of that nature.

Mr. Hoewing: Subcontractors.

Mr. Yost: We definitely couldn't do that with any MDE things like that we have to encourage minority business participation, doesn't encourage local. But for projects like this we could do it.

Mr. Strong: Town projects you could probably do it I think.

Mr. Hoewing: The truth is although it is \$20,000.00 between Bruchey and Jones and Jones is local Bruchey is not, he was using as he said all local subcontractors and Bruchey is not and assuming we think the quality is about the same then why not do that.

Mr. Klobukowski: Because it is a \$30,000.00 difference.

Mr. Hoewing: Yeah but you are worried about the local economy as I am, I would rather have local people here getting the business frankly.

Mr. Klobukowski: I have no problem with that and as a matter of fact I have to abstain from voting because Chris Jones and I go to church together, he is doing some work on my house and I don't think it would be ethical for me to vote on this matter but still I can comment that \$30,000.00 is \$30,000.00, if someone wants to give me 30 grand free I will accept it.

Mr. Hoewing: Of course it is \$30,000.00 there was never a question about that everybody would say that but that is not the point the point is the economy is in really bad shape if you can actually get a local business here who might keep 2 people on staff for another year it might be worth it.

Mr. Strong: And that is one of the reasons that I brought that forward.

Mr. Kuhlman: Ok moving on then to the Parcel 840 and the Skatepark, recreational parcel.

Mr. Yost: Ok lets do the same format. We need to come up with a name for it.

Mr. Strong: We have it as Wootton Avenue Park Site.

Mr. Kuhlman: I like that better than Parcel 840.

Mr. Hoewing: That's what this letter is ok.

Mr. Strong: We had a total of 4 potential bidders pick up plans and attend a pre bid meeting we actually went all the way through to the point that they were ready to submit and then I received phone calls from 2 of the potential bidders that they were unable to acquire bid bonds. Two bidders were as follows HMF Contractors \$213,548.00 and Ross Contracting \$151,400.00, Ross is a well-known excavator who has done work in the area before and is familiar with Poolesville. We did provide a series of breakdowns for pricing on the 2nd sheet giving you different options if you so desire, because we know that a budget issues does loom on this project. We have provided the base contract provides for sediment control and grading and then thereafter is different options such as option 1 is base contract the asphalt entrance and gravel but no curb, then we have option 2 which is the base contract with sidewalk, option 3 is the base contract, sidewalk and seeding. If you look at seeding numbers for HMF and for Ross you see that there is quite a difference but I suspect that Ross has rolled some of their cost into the preparation of the site and that is the way they are paying for their seeding because HMF although higher than what we in our budget said, it is close to what we originally said the cost for seeding would be. Option 4 is curbing and asphalt entrance but no sidewalk and Option 5 is curbing, asphalt entrance, gravel. Option 6 is the base contract, curbing, asphalt entrance, gravel and sidewalk but no seeding. So that is where we are at.

Mr. Kuhlman: All right any questions for John?

Mr. Klobukowski: You said it was an asphalt sidewalk correct?

Mr. Strong: I'm sorry no it is concrete with an asphalt entrance.

Mr. Hoewing: So bottom line is if we do all of the, my believe is what we are talking about here is 2 different things but they are part of the same overall long term project. Skatepark and prep to help connect the Skatepark to everything else we are doing plus do whatever we can to get the site ready for whatever we build there later, curb and sidewalk and so forth. So if you take that last option that basically does most of the work to do that and if you take the bid from Ross you are talking about being about \$40,000.00 below what we initially estimated is that correct?

Mr. Yost: No it is pretty close to right where we estimated it.

Mr. Hoewing: Pretty close to right where we estimated.

Mr. Yost: Yeah.

Mr. Hoewing: It looks like it is about \$40,000.00 off maybe I am miscalculating because the initial budget wait a sec, yeah you are right \$298,000.00 ok. Wait I thought we initially thought it was going to be \$250,000.00.

Mr. Yost: We did.

Mr. Hoewing: I know there were things not considered.

Mr. Yost: Exactly so we are doing a lot more.

Mr. Hoewing: So we are over that but we are...

Mr. Yost: Development rather than Skatepark even though some of them are overlapping. Same as some of the expenditures we have incurred so far \$28,000.00 since FY09 part of that is for the Parcel 840 development very little of that is for Skatepark so they overlap very much so whether you start with a Community Center or tot lot or whatever you have certain segments of this whole project.

Mr. Hoewing: And the sidewalk and curb would certainly be that helping prep for the overall development.

Mr. Yost: Oh definitely the overall grading of the whole site has to be done for stormwater management purposes to accommodate for the square footage impervious area that is going to be installed but at the end of the day it is all part of the whole project development together.

Mr. Brown: Wade if we were to delay this where would we stand with our permits.

Mr. Yost: John do they expire in 6 months or something.

Mr. Strong: I would have to pull the permit and check generally you are good for one year for stormwater and sediment control you can sometimes get an extension for it but it can present an issue especially since they may not Montgomery County extend the issue there is talk of that because the stormwater standards become a harsher standard as of...

Mr. Brown: As time goes on.

Mr. Strong: As of May 1 next year.

Mr. Kuhlman: So the stormwater as Link pointed out very wisely we are pinning this cost to the Skatepark but a lot of this getting ready cost will actually go to the recreation center and whatever else we want to put on there but is a stormwater management calculated now to cover all the total development or just what we are doing.

Mr. Strong: Just what we are doing at the present time because if you we do not know when you are going to build your structure and at the time you decide to build your structure that's when the new stormwater calculations will take place. And we do now as of May 1 the stormwater calculations change immensely and in fact there is talk within the County of not accepting certain concept plans that aren't going to be ready for the new standards.

Mr. Hoewing: More stringent for runoff and that.

Mr. Strong: That is correct and also...

Mr. Kuhlman: I think they are cutting them off January 1 or something.

Mr. Strong: May 1st.

Mr. Kuhlman: No if you haven't submitted a plan by I thought it was January 1st.

Mr. Strong: That is probably correct seeing that they have to have some time to review it and they want, I have not seen a published official date yet.

Mr. Klobukowski: SO you don't know for sure what the cutoff date is.

Mr. Strong: We do know that as of May 1st...

Mr. Klobukowski: May 1st you have to comport with the new rules...

Mr. Strong: You will have to have a new stormwater regulation.

Mr. Klobukowski: But if somebody turned plans in on the 28th of April those plans could still comport with the old what ya call it.

Mr. Strong: No they won't be approved.

Mr. Klobukowski: They won't be approved.

Mr. Kuhlman: No you have to have it submitted by January 1 Jerry under the old regulations otherwise...

Mr. Klobukowski: Are we sure about that?

Mr. Kuhlman: Its either January or February I forget the date I read it in a real estate thing but they are going to back it up early and say if you submit it by January or February you are ok but anything after that is going to have to meet the new

requirements, I mean I was just asking because we have already got our stormwater management approval right.

Mr. Strong: Correct.

Mr. Kuhlman: For this project I was just wondering if this was for the total site or just this corner.

Mr. Strong: Just this piece the 10,000 square feet that is going to be impervious and the sidewalks.

Mr. Hoewing: The other difference I guess too in this project is this actually doesn't have to be completed until 2011 so it is another year beyond that.

Mr. Kuhlman: Yeah we have received a \$175,000.00 grant that has to be used by June 15, 2011, the project has to be up and completed by June of 11.

Mr. Yost: Correct submit the receipts.

Mr. Hoewing: So if we use the bid that came in from the lowest bidder and went with the highest option which is basically from my way of thinking getting us more ready for what else we are going to do, what are we over in terms of the budget?

Mr. Yost: \$128,599.00.

Ms. Gruber: On the Skatepark?

Mr. Yost: Parcel 840 development combination yes.

Mr. Kuhlman: \$129,000.00 or \$128,600.00. So between the two projects you are \$251,500.00 short.

Mr. Hoewing: So this is still confusing to me we said the budget in capital projects funding initial estimate was \$250,000.00 what did we actually put in the budget.

Mr. Yost: We had \$255,000.00 ok and just for I broke it out in 2 different numbers I have highlighted additional funds needed \$61,000.00 at the very top of the page...

Mr. Hoewing: Yeah I see that.

Mr. Yost: Ok and at the bottom of the page also \$66,000.00 that is just for the gravel, the sidewalk, asphalt entrances, and the curbing. So it is those 2 numbers combined that get you to \$128,600.00.

Mr. Hoewing: So when we said \$250,000.00 that was an estimate that wasn't anything we included in the budget we just had \$175,000.00.

Mr. Yost: Correct. No we have \$250,000.00, we have \$80,000.00 of our own and a \$175,000.00 grant, that is \$255,000.00 we have in the budget right now.

Mr. Hoewing: The total cost for the budget is what \$316,000.00 correct?

Mr. Yost: No \$316,000.00 plus the \$66,000.00.

Mr. Hoewing: Oh down at the bottom so the 316 I see where you are coming from now.

Mr. Yost: And I broke it out, \$61,000.00 is what is crucial to completing at least the portion of phase 1 without the added improvements.

Mr. Hoewing: So taking the bid again of this lowest bidder plus the highest option what does that get us in terms of what we actually need to fund extra.

Mr. Yost: You need to fund \$128,600.00.

Mr. Brown: Wade how much money do we have scheduled for Parcel 840 I'm sorry what ever we are calling it now.

Mr. Yost: Parcel 840 is what is still listed in the budget.

Mr. Brown: Ok Parcel 840 for the next budget year and do we have a plan for the expenditure of that money beyond what we are getting ready to do or what we are trying to do right now to be ready for the Skatepark.

Mr. Yost: The only plans is the Master Plan of the whole site and how it is going to be phased in, when it occurs has not yet been talked about but it is a \$50,000.00 earmark each year in the next 5 years.

Mr. Brown: Right that we have built in so far in our budget. But we are not anticipating any further I understand establishing the funding stream and maintaining it but we don't have any other further engineering cost that we are going to be incurring that we know of, I mean really assuming we build the Skatepark and we do whatever infrastructure we are going to be providing on Parcel 840 at that point in time we are back into a saving program I would imagine.

Mr. Yost: We are saving and applying for grants most of this a portion of this project some of these we applied for the grants and the grants are what makes it move forward.

Mr. Brown: Sure we provide the funding stream the budget and the grants are what make the projects go.

Mr. Yost: Exactly so I see the same thing happening again we start applying for the tot lot portion or the pavilions or whatever is going to be next.

Mr. Brown: Right sure makes all the sense in the world.

Mr. Hoewing: But over the next 2 years it would have until the time this is going to be completed or supposed to be completed we would have another \$100,000.00 in the funding stream that we would have.

Mr. Yost: By FY12 yes or just shy of.

Mr. Hoewing: Yeah we won't quite be there because it will be before the fiscal year now.

Mr. Kuhlman: All right any further questions or comments?

Mr. Hoewing: So if we getting away from the future funding streams if we decided to try to fund this all out of existing surplus how much would we still have in the surplus then?

Mr. Yost: Well we have 1.2 million in unrestricted reserves so if we allocated \$250,000.00 you are going to have \$950,000.00 left in unrestricted reserves and we did kind of set a goal of having at least \$850,000.00.

Mr. Hoewing: Right and we have always had that goal so we would still be \$100,000.00 over the rainy day fund that we have been trying to keep.

Mr. Brown: Wade is it fair to ask is there money coming back in the unrestricted reserve fund that is projects that have been completed etc. I know we are talking about a 950 number.

Mr. Yost: Well lets talk about the Westerly swale I was going to speak to that in my Manager's Report its just about nearing completion and we had talked about it was going to be a little bit more expensive to go ahead and do the swales and fill them in on those 3 properties well it turns out with the storm drainage pipe underneath of it, it was actually cheaper and there is \$40,000.00 left in that particular project so I do anticipate other projects and operations in general we are trying to scale back a lot of things just tighten up a little bit so I would really see that happening.

Mr. Klobukowski: So what other projects do you anticipate?

Mr. Yost: Project wise not so much more of operations.

Mr. Klobukowski: Oh ok.

Mr. Brown: Because there is really no other big projects anyway through the end of this fiscal year.

Mr. Klobukowski: Well when you say operations we are not talking about cutting back on maintenance and stuff, which is then going to turn a year from now and bite us in the butt are we.

Mr. Yost: No not at all.

Mr. Hoewing: Wade this is a question I hadn't thought of before but in terms of operations this year they are saying and I would tend to believe it that we are probably going to have a tougher winter than we have had for a long time, a lot of snow so in the past years we haven't, what happens to all the salt we buy and things like that that are preparing for winter use.

Mr. Yost: Well when we have bad winters like that we always do have the funds set aside that we have to use half of for snow removal but also the county does that we get a proportionate share of what they spend on the revenue sharing side so if that cost goes up with big storms we actually get more money from the county for revenue sharing when that occurs.

Mr. Hoewing: And that is what they store over there at the beauty spot?

Mr. Yost: Yes.

Mr. Hoewing: Ok.

Mr. Kuhlman: All right any further questions or comments? All right so I guess before we can go back to vote on the 2 projects we need a budget amendment if that is the desire of the Body and the way of calculating it if you disagree with me speak up, we have a \$128,600.00 shortage on the recreational project and we have a \$123,000.00 shortage on the bandshell and if I understand correctly I think we should add an additional \$18,200.00 tool budget amendment to cover in case rock so we are not back amending the budget again, so you need a total budget amendment of \$270,000.00 to cover the 2 projects.

Mr. Klobukowski: Does that include shifting the \$40,000.00 that Wade said.

Mr. Yost: Well no.

Mr. Kuhlman: I mean if there is anybody that has a difference of opinion lets hear it.

Mr. Hoewing: It doesn't make any difference to the current calculations but the other thing that's obviously going to happen is we will be able to reduce the funding stream supposedly we had allocating for the Skatepark for the next well basically we will pay for it is what it will boil down too. So future budgets should save money that would have been allocated for this project. It's not a legal question but more of a technical question what happens if you don't use a grant it just basically...

Mr. Yost: Goes back to the State.

Mr. Hoewing: So they spend it on something else is what it boils down to.

Mr. Yost: Somebody else will get it.

Mr. Hoewing: Probably not related to Poolesville is what I am guessing.

Mr. Brown: Wade I have a question for you and John you don't have to come up to the thing I'm just wondering the funding that we are talking about needing to provide for Parcel 840 in terms of its infrastructure and development that without question that money unless we decide otherwise that money would be being spent or would have to be spent in the future or in the near future I would imagine in order to qualify for additional grants or are we as long as we keep it in the budget if we didn't do anything with that property we would still be eligible for grants, we would still be applying for them. What I am trying to establish is I just want to make sure that we are not, this money I would imagine the direction at least this Board has decided so far is that Parcel 840 will

eventually be developed and most likely funded and developed in stages so I am just trying to make sure if we are funding it now I don't want to, we are going to fund it eventually.

Mr. Hoewing: If not we wasted \$525,000.00 buying the land in the first place.

Mr. Brown: That is what I am thinking too. I don't look at it as being like a bank or an investment for the Town in terms of we have spent that money.

Mr. Yost: We did receive \$277,000.00 in grants to buy that property also.

Mr. Brown: Right so another timely grant and another purchase for the good of the Town.

Mr. Kuhlman: I mean one of the downsides of not moving forward with this project or two of the downsides is you lose the grant money which we worked to get, the 2nd part is because you would lose the grant money after the State has approved you for it, how well would we look the next time we go for a State grant if they realize hey we approved them for this one and they botched it didn't use it, they asked for it but didn't use the money after it was approve, and I think we need to bear in mind I've debated long and hard over the past few days about this project and I don't know why it has concerned me deeply but I fall back to in the 13 years I've served in Town I never remember any recreational expense getting the scrutiny that this project has gotten. Call it because it is a Skatepark whatever, whatever people think about those kids as some people have said, I mean the Town has always done a good job providing recreational uses, one could very easily in my opinion argue we've wasted a lot of money by retrofitting playground equipment I mean hell it was there it worked, it was safe but we spent money to modernize it over the years, to bring it into ADA compliance, yes I have a fear that this particular corner of this park may not be used as well as I hope it is used but nothing ventured nothing gained and I think we really need to focus on its \$150,000.00 for the Skatepark the rest is the development of the site and getting ready for our ultimate picture whether that is built in small pieces over 5 years at a time or however it happens but we need to be vigilant and continue searching for grants to continue the development of this property, we've had a survey went out and heard from the people on what they would like to see, we had a project development committee put together to locate a building on the property and see what the committee of residents would like to see happen on there, we have progressed a long way and I think we need to remember to look at what this will be in 10 or 20 years not next summer, because we are building small pieces to a bigger picture.

Mr. Klobukowski: Well I hate to be the historian about this but the park equipment was modernized because it needed to be modernized some of it was really sad repair, it was rusty, it was sharp, it wasn't ADA compliant, here you are thanking the Parks Board for having the --- to put in a swing at the latest park that was just done that your granddaughter can use because of her handicap. We've done this we've not gone out and helter skelter said immediately we've got to replace this equipment, the equipment that has been replaced needed to be replaced number 1.

Mr. Kuhlman: Jerry I never said I said we could have done nothing.

Mr. Klobukowski: Well that would have been worse because then soon as someone cut themselves or something happened then you would have had a lawsuit. You can say you do nothing but it seems to be you are using a little creative history here, the other thing is again when we talked about this Skatepark from the get go, we were talking about community involvement, we were talking about people from the community going out

and helping create this thing and that was one of the ways it was being sold. One person kept on saying they could get donations from all these foundations to help fund the Skatepark and a lot of us said well yeah if that is the case that would be great if they give us some funding but what happened to all that funding where did all these donations go to, why haven't we received any, and you can say times are tough but the same token we were told and we had a guy come to the Parks Board who was from Kaboom who handed us a kit saying here is how you can make a Skatepark happen you don't have to go to a professional builder you can get parents and people involved the community involved and help make it happen and everybody said yeah and that is how we are going to do it that is a great plan that is a great way to get community buy in that is a great way to get community participation that is a great way to have the community feel like they are contributing to something in the community and now we are going out and that's all right forget that we will just go out and pay and we are going to have one heck of a bill here. I'm sorry you are talking apples and oranges and I just remember what was said initially about this thing and initially it sounded great donations coming in community participation we were going to be able to put something up and we were going to do it in a manner of a you crawl before you walk before you run sort of concept we were going to build it up a little bit at a time, we were going to see how the participation was going, how they were going to do it and we went from something that was like \$125,000.00 now up to this I am mystified and I really said well we got a budget problem and we don't want to spend money and everything else but here we go, so I don't see how you can be physically conservative, physically responsible, and turn around and say yeah we are going to spend the money, I understand about the grant, I understand about losing the grant, I wouldn't be surprised if there is a few other municipalities who are going to lose grants who are making conscious decisions to lose grants because they don't have the money to proceed with the project.

Mr. Hoewing: The solution Jerry you are free to propose that we come up with a simpler park and it only cost and you say here is the budget \$175,000.00 and that is it, I mean you could do that and make them go back to the drawing board that's a solution if you want, I'm not saying you shouldn't go ahead.

Mr. Klobukowski: Well I'm not going to but that's what was said. I didn't support the Skatepark.

Mr. Hoewing: Well I went to the meetings and I think it may still happen.

Mr. Klobukowski: Let me put it this way I would be more likely to support it if it was done that way, if we had community...

Mr. Hoewing: It never happened with any of the other parks.

Mr. Klobukowski: Pardon?

Mr. Hoewing: It never happened with any of the other parks did it, did we get people to build anything in the other parks no so I mean I still think and I went to the meetings and I heard the folks that are doing this, they do do that, that is how they do this I suspect they will get some in-kind support, that will probably make it cheaper, we just can't predict now because they haven't even got a contract yet but I think it will happen. But if you want something cheaper just propose the budget say its \$175,000.00 if you can't come in at \$175,000.00 and if you get a park that is smaller that is what you get, I mean that is your prerogative.

Mr. Klobukowski: All right I propose not to exceed \$175,000.00 on the Skatepark.

Mr. Yost: Its not quite that easy.

Mr. Hoewing: Why not?

Mr. Yost: Because of the huge overlap between the parcel development to accommodate what Montgomery County wants us to do for stormwater management and the grading of the site to make the Skatepark viable.

Mr. Hoewing: No what I am saying Wade is that Jerry is right the park is one that accommodates all levels of usage and when I heard the people and there have been a lot of community involvement I mean a lot of community involvement because I have gone to the meetings, kids have been there, parents have been there, people who know Skateparks have been there and they have told us you don't want to build a park that just has one little rail for kids that are 10 years old it is not going to be used and then you are going to be really upset because you built a park that is not going to be used by anybody so what they did is build something that will get its got the best chance of getting used, that is what they did, I think that is probably the right way to go if we are going to do it lets do it in a way that gets people to want to use it. So it wasn't just adding on because we want to be glorious and spend money its because that is the way to get kids to use it.

Mr. Klobukowski: I understand that but I understand too again sometimes you have to start small.

Mr. Hoewing: Well I am telling you that they said you would not get very many kids because there is so many different levels of usage that and different age levels that have different interests. Just like we had to change our ballparks, we've done that because some of them don't fit certain usage and we've actually expanded the parks as a result because they didn't fit beneath...

Mr. Klobukowski: Well we've contracted them but we...

Mr. Hoewing: But that is why because the kids...

Mr. Klobukowski: But we haven't turned around and ripped them up and converted them to something else and then ripped them up and converted them back.

Mr. Hoewing: What are you talking about now?

Mr. Klobukowski: Well the ballparks it's a field...

Mr. Hoewing: Well I know but we did we changed...

Mr. Klobukowski: You could always have played soccer half a field soccer on a ball field you could always use that.

Mr. Hoewing: But we didn't we built the parks so they could be used the way the kids want to use them, nothing wrong with that I think that is right, I'm just telling you that is why this was done.

Mr. Kuhlman: Ok anybody else? Is anybody going to make a motion on a budget amendment and if we don't have none then all of this has been for naught.

Mr. Hoewing: One question before we do that when we have the \$850,000.00 rainy day fund, do we have something in our policies that says that is what we are going to keep as a percentage, do we have some kind of percentage goal that is...

Mr. Yost: Yeah it is basically three months of operations.

Mr. Hoewing: Three months of operations that is in our policy?

Mr. Yost: Yes.

Mr. Kuhlman: Basically we made that comment over the years and I think we made a decision of one time years ago as a Body of Commissioners that we would strive to keep \$850,000.00 or better.

Mr. Hoewing: Right I mean the reason I am raising that in part is to also suggest I mean Jerry's point about fiscal conservatism obviously in this kind of budget times is a good one but I think what we are saying here is we've got a goal, we had that goal that is what we have always used as the guideline so anything above that until we get to that goal I think is legitimate to say is this a need that we want to fund, I think that is legitimate, when we get up closer and Jerry another property comes in that goes over \$850,000.00 we will have to say no it is a matter of timeline frankly these are first.

Mr. Klobukowski: In other words what that you aren't going to maintain the \$850,000.00 or we would have to.

Mr. Hoewing: I'm just saying if things keep coming up that we need to spend money on we just have to keep in mind at some point we are going to have to say we can't violate the 850 that is what our policy is, this is not violating it that's the point.

Mr. Klobukowski: No I didn't say it was.

Mr. Hoewing: Right.

Mr. Klobukowski: No I just don't want to see people I mean what I see now is counties and municipalities and the states running into the red wondering where the money is and I know some people in the county probably envy us by the fact that we do have so much and I just don't want to see us go on that slippery slope saying well you know if we go a little below that it won't matter because then it keeps on it never matters and all of a sudden you end up with nothing. So I would agree \$850,000.00 for me is a hard and fast, I mean when I first came aboard I asked Jim Alsbrook he said \$500,000.00, a year later you said \$750,000.00 and a year later you said 1 million I said well you know you got to make a point here I understand keeping money so the Commissioners we settled on \$850,000.00 and I am fine with that. Unless it needs to be adjusted for inflation that would be the only thing, if you want to say a 3% growth or something like that.

Mr. Yost: The last couple of years we have stuck with 3 months of operations because it did move up from \$800,000.00 to \$850,000.00.

Mr. Klobukowski: So if we were going to say it goes up from 850 to 863 next year but everything after that as long as we maintain that if we feel that things go down and the CPI decreases or whatever we lower it that is fine too. But I would not want to see us go below \$850,000.00.

Mr. Brown: Well we are not. It's a point well made but we are not.

Mr. Kuhlman: All right what is your pleasure ladies and gentlemen?

Mr. Hoewing: I move we make a budget amendment to put \$270,000.00 into these two projects from the existing general unrestricted funds.

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

Mr. Brown: Second.

Mr. Kuhlman: Any questions, comments or discussion?

Mr. Klobukowski: Now this is the budget amendment correct?

Mr. Kuhlman: Yes.

Mr. Hoewing: Got to be 4 to 1 you are right.

Mr. Kuhlman: Budget amendment you need 4 positive votes for a budget amendment and just reiterate the motion is to move \$270,000.00 out of the unrestricted cash reserves and put it I guess against these two projects.

Mr. Hoewing: And what I'm trying to get to Wade and I think that's what this will do is that we are talking about the option that will include essentially helping do some work on Parcel 840 the curb and sidewalk.

Mr. Yost: Yes that will help that. The Skatepark itself is \$150,000.00 and we have \$175,000.00 grant so part of that is going toward the stormwater also.

Mr. Kuhlman: All right any further questions or comments on the budget amendment motion. Hearing none call for question on the motion all in favor?

All: Aye.

Mr. Kuhlman: Opposed. Motion carries unanimously. All right now we have 2 contracts in front of us that we now have the money for, we will take the band shell one first. Is there anybody who cares to make a motion for the contract awarding?

Mr. Klobukowski: Eddie like I said I think I need to stay out of this.

Mr. Kuhlman: That is fine Jerry I understand your predicament that is fine, Jerry is going to recuse himself because he is presently in a business arrangement with one of the bidders.

Mr. Brown: On the band shell contract did we talk about a recourse of was there any other recourse in terms of these contracts being presented at face value one is \$20,000.00 less than the other one there is no other breakdown or anything else that we are looking for on these contracts, this is it, these bids are the bids.

Mr. Yost: These bids are the bids as they are. The only thing we asked to be in consideration was (inaudible).

Mr. Kuhlman: Back when we put out the bid to do this building here Mr. Hoewing was one of the main people that raised it to our attention that maybe we didn't do any job trying to get local people incorporated in it. Now we have a local that has but a bid in but as Jerry said earlier at what price do you use local people for what it looks to be roughly to be for about \$22,000.00 I'm prepared to go with Bruchey Builders.

Mr. Hoewing: Did Chris commit to using local or just saying he anticipates using?

Mr. Yost: Committed.

Mr. Hoewing: He committed.

Mr. Kuhlman: Yeah.

Mr. Hoewing: When contracts are awarded and the subcontracting process goes forward basically from then on out you don't have any role, we can't talk to the contractor about subcontracting at all it is basically their job they can do whatever they want to at that point.

Mr. Yost: Yes.

Mr. Hoewing: Yeah too bad really because I don't know how much this kind of work would actually help Morningstar and the local businesses, I mean it would not be a huge boost but it would be some boost and it is always nice in the current economy to help those folks get some more revenues so this would actually be in that sense good I just don't know \$20,000.00 more again.

Mr. Kuhlman: Well there is nothing that prohibits if we award the contract to Bruchey now there is nothing that prohibits him from having a conversation with Morningstar or Hillard, he is not locked in other than if they are more expensive than the sub that he has already talked to, I mean he can...

Mr. Hoewing: In the subcontracting for this Wade do we know were there any local contractors used for this, for like electrical and things like that.

Mr. Kuhlman: No.

Mr. Yost: They are all out of Frederick.

Mr. Strong: If we have a discussion with them it would have to agree and its not a problem but they listed certain contractors within their --- of contractors and we would have to give them dispensation from using those subcontractors which isn't a problem but it isn't in the contract.

Mr. Hoewing: But Wade do they usually bid those subcontracts too or a lot of times they go with folks they know well.

Mr. Yost: Probably both the owners definitely use regular people I mean Frederick Brickworks does a lot of stuff with Bruchey, so did the Frederick Electrical they did all the work, they do all the churches and things that Bruchey builds so they are pretty much their regular people.

Mr. Kuhlman: A lot of it I mean you have been in the construction business a lot of it is who you get to feel comfortable with and trust.

Mr. Hoewing: Yeah which is a consideration. Well at a minimum at least we could recommend they consider putting other people on the list that would be worthwhile. So on that basis I would move that we go with the low bidder.

Mr. Kuhlman: Ok your motion in my opinion Link should be that we picked a builder and give the price amount not to exceed and I would, should we include the \$18,000.00 for the possibility of the rock, we did appropriate it in the budget amendment.

Mr. Yost: It is written as an amendment into the contract so that's...

Mr. Kuhlman: Ok.

Mr. Klobukowski: And it is in the budget amendment we just passed.

Mr. Kuhlman: Yeah it is in the budget amendment we just passed. Ok so if you want to restate your motion Link.

Mr. Hoewing: Ok I move that we approve a contract for not to exceed level of \$238,000.00 plus \$18,000.00 potentially as an amendment if there is a rock any kind of rock that they have to remove, \$238,000.00 not to exceed.

Mr. Kuhlman: All right to Bruchey Builders. Is there a second?

Mr. Brown: Second.

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

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

Mr. Kuhlman: Abstain?

Mr. Klobukowski: Aye, me.

Mr. Hoewing: It would be really good though I think it is an excellent idea to at least get them a list of folks who are local contractors who could do the job. You are right is it performance largely that drives that but it is also cost they want to get a better deal.

Mr. Kuhlman: All right now we are back to the recreational property. We have amended the budget to have the money in there for awarding of this contract is there a motion on this contract.

Mr. Brown: There is no additional that we have to plan on this correct?

Mr. Klobukowski: There better not be.

Mr. Hoewing: Says \$151,000.00 plus \$143,700.00 correct.

Mr. Yost: No just the \$151,000.00.

Mr. Kuhlman: Now we have already approved the contract with Artisan for construction of the park the only reason why it is still not signed is because they drag their feet in providing the performance bond and something else.

Mr. Yost: Which we have now.

Mr. Kuhlman: And we have now so if this motion moves forward tonight and is approved then the contracts will be signed tomorrow or the next day with Artisan and then as soon as John produces the contract with evidently Ross.

Mr. Hoewing: I move we approve the contract with Ross Contracting for not to exceed level of \$151,400.00.

Mr. Brown: To spell out what option? Do we want to spell out what option we are going with too?

Mr. Strong: That is the full contract.

Mr. Brown: Ok.

Ms. Gruber: It wasn't any of the options.

Mr. Kuhlman: Is there a second?

Ms. Gruber: I second.

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

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

Mr. Kuhlman: Opposed?

Mr. Klobukowski: Me.

Mr. Kuhlman: Motion carries 4 to 1 with Mr. Klobukowski being the dissenting vote. Foreclosure Ordinance Alan or Wade.

Mr. Klobukowski: Can I ask Staff one question, that money if any money is left over from here to be funded will it go back to unrestricted funds is that correct.

Mr. Yost: No because basically by the time it gets to the closeout of the budget when I am doing that I will only take what I have to, to get that project basically so its not like it goes over and sits there.

Mr. Kuhlman: All right you have before you a draft Ordinance on dealing with foreclosures where the mortgage company and or the bank or whoever is contemplating foreclosure will now be required by law to notify the Town in writing of their intent to foreclose and disclose certain information about who they are and how to contact them, this just brings us into comportsing with the amendment to the State law last year that required this but because we are a municipality we had to adopt this ourselves.

Mr. Wright: Right they have left it up to the municipalities if you want to have it you have, authorized municipalities put in their local ordinances and they said what you have to have in there basically I've just copied into this Ordinance and there is a provision already in the State law that says you have to be notified but this kicks it up to an earlier stage of the foreclosure proceedings when an order to docket or a complaint to foreclose a mortgage or deed of trust is filed. So it still remains to be seen whether it will get compliance with this but this gives you a little better assurance that something is going to happen when there is a foreclosure and we'll get notice and we'll have an opportunity to put in our demand for our cut if there is monies owed to the municipality.

Mr. Kuhlman: So the main purpose tonight is the introduction and the setting of this Ordinance for public hearing, which would be the 1st meeting in December.

Mr. Yost: The 7th.

Mr. Kuhlman: December 7th. All right do we need a motion on that Wade?

Mr. Yost: Yes Sir.

Mr. Kuhlman: All right is there a motion to set Ordinance No. I don't know the number, all right the foreclosure of Ordinance draft is there a motion to set that for public hearing on December 7th.

Mr. Klobukowski: So moved.

Mr. Kuhlman: Is there a second?

Mr. Hoewing: Second.

Mr. Kuhlman: All in favor?

All: Aye.

Mr. Kuhlman: All right our last issue is our Charter update. Unless anybody has any major objection the next agenda for the 16th of this month doesn't look that heavy so take your books home, read through the Charter only which is just the front section and anything that you think needs to be changed or addressed or whatever, highlight it, make notes of it and we will have a work session at the conclusion of the 16th meeting to go over that and look at any amendments that we feel are necessary or changes to the Charter and start working on it.

Mr. Yost: I can send out an electronic version may be easier.

Mr. Hoewing: That would be great.

Ms. Gruber: That would be great.

Mr. Klobukowski: Is there any need to have before we embark upon looking at this to have our boards Commissions look at any of it for their input.

Mr. Hoewing: Their power and authorities are actually in that section aren't they, in the Charter?

Mr. Yost: Yes they are.

Mr. Klobukowski: I mean we can start moving forward with it but I would like to at least give them the opportunity to chime in, whether we agree with them or not that is another matter but I think at least we ought to afford them the...

Mr. Hoewing: Yeah it is probably good to have them offer any comments they have about their authority or any concerns they have about the way it is structured currently, good idea.

Mr. Kuhlman: Ok yeah cuz I mean even though we start on it the 16th we are no way going to finish it up that night, got to have public hearings and everything anyway.

Mr. Hoewing: I think the point is that Wade can let them know too.

Mr. Kuhlman: Good idea.

Mr. Brown: Well one question too, is Town Council going to be preparing any sort of comments on that as well, if we have technical issues or anything.

Mr. Kuhlman: He will be sitting there with us going through it.

Mr. Yost: Well Staff is definitely going to go through it because there is a lot of items the way that we work now that (inaudible) long ago and so it is out of date.

Mr. Klobukowski: What about comparisons to other municipalities and stuff like that.

Mr. Yost: Really it is how you operate your own government unless you want to change something.

Mr. Kuhlman: When we get to the Code then there might be something but the Charter is pretty explicit.

Mr. Klobukowski: Ok I understand what you are saying.

Mr. Wright: The Charter basically just establishes the structure of the Town government and establishes some of the Committees and Commissions and Boards and so forth and all that list of powers that you have are illustrative but the important one is the last one that says and the power to legislate for the health and welfare and safety of the town because that establishes you as a general purpose clause municipality with the authority to do everything under the sun that is not prohibited to you.

Mr. Kuhlman: So the thought process is that you guys can come in with your highlighted areas of concern or whatever we'll just start on page one and go through it, bring up each and every comment as we go on the page and if Staff needs to do any investigation or anything we can get that done.

Mr. Hoewing: Does that section cover the Town Manager too not that I have any concerns or comments on that part of it.

Mr. Kuhlman: No comment.

Old Business

Mr. Kuhlman: Old business none.

Committee Reports

Mr. Kuhlman: Committee reports, Planning Commission.

Mr. Hoewing: They have not met since the last meeting and I don't know when the next meeting is, when is it?

Mr. Yost: 18th.

Mr. Hoewing: 18th ok.

Mr. Kuhlman: How many times you going to get away with saying that. Parks Board
Mr. Brown.

Mr. Brown: We meet this Wednesday night.

Mr. Kuhlman: CEDC Lori.

Ms. Gruber: I missed the meeting I was at the Monocacy School meeting.

Mr. Kuhlman: And you weren't there either right?

Mr. Yost: No but I know they are working on the Holiday Lighting Ceremony, decorations are coming around, they are going to have an open house for some businesses local businesses that don't have storefronts within Town Hall here that evening also which is going to be December 4, Friday night.

Mr. Hoewing: Wade one thing that came up and Dad can comment on this too if he wants to but at the Poolesville Day dinner celebration the other night and they talked about trying to raise funds, do more active fundraising for supporting Poolesville Day and they wanted to see if they could possibly work with the CEDC on a couple of ideas.

Ms. Gruber: Yeah I brought that up last time with the chili and I think they wanted to do chili and beer tasting as a joint fundraiser.

Mr. Yost: Yeah they still are working on the beer and chili, getting a permit within the park system, it is prohibited except in designated areas the way the Parks Rules and Regs and written, they are trying to formulate how they can actually pull it off even if they do have permission to have alcohol in the park, how they would actually sell it, vendor it, what the County regulations are so they are kind of investigating all that stuff right now from a discussion I had the other day with Karen Micheals.

Town Manager's Report

Mr. Kuhlman: All right Town Manager's Report.

Mr. Yost: Talked about the Westerly swales it is really looking good over there, they have sodded the really deep one, if you get a chance to go by and take a look at it it is really nice I think the folks will be really happy there. At Westerly and Hughes either this week or next week we will be doing a sewer dig there so you will see the street torn up hopefully by then, county road a small section of Westerly between Hughes and Fisher county road so we have to wait for a county permit to be able to dig it up but the gentlemen who lives in the corner house has a septic system that has gone bad so we don't allow new septic so he needs to hook up to the town sewer and so that is a good thing we will get that one septic off of out of town. And then we are still working on I have done a little update on the website that we are going to get redesigned I won't have to worry about it but we are going to post a lot of green things and different initiatives on the website, we also made some posters up and just trying to get the whole atmosphere we talked about at the last meeting as far as to let people know what they can do with energy audits, using the great pyramid that everyone liked so just trying to get everybody's mind frame and such as that and start pushing them out a little bit.

Mr. Klobukowski: With respect to the energy audit by the way I gave Lori some information that you go and I don't have the title of the website but there is a state website that was basically to a map of the Maryland if you want to have a energy audit you click on your county and it will bring up everybody that does work in your county. Lori can you I think at the top or what the title of that first page I think it is Maryland Home and...

Ms. Gruber: Maryland Home Performance with Energy Star.

Mr. Klobukowski: Right you go to Maryland Home Performance and you Google that and click on it and it will bring that up and then it will bring up this map, there is 2 different things one of them it basically forces you into a situation where you have to put your name your address your zip code and whether you want to be contacted, there is another portion of the site where you don't have to get into it, if you just want to see who is available to do what that is when you go to the map of Maryland you click on the county and it gives you the display of all those that work do home and energy audits within the county and some of them do more than just audits they do electrical they do insulation and it goes on and on and on and on as Lori can testify from the list I gave her. There is one other issue I would like to bring up because I think it is important to the Town I think it is important to the Cluster and that is the closing of Monocacy Elementary School I am supposed to testify on the 12th of November at 7:00 I'm scheduled to go down, there is 2 issues I am going to raise, one is the Fact score for Poolesville High School which is a score that they evaluate schools and rank them based on the score as to how they should fall out with respect to modernization and you look at the Fact score Wootton has a higher score than we do yet they are a newer school and we need to ask them to revisit the Fact scores and in fact the Maryland Department of Education has told Montgomery County that you need to revisit these and the County has basically refused.

Speaker: Maryland General Assembly Audit.

Mr. Klobukowski: Maryland General Assembly Audit thank you and in one of their CIP books they said they should do it I think it was back in 99 every 2 to 5 years I don't know if that is necessary to do it every 2 to 5 years but when a significant situation changes the dynamics at a school I think you need to look at I think they should at least look at it then

for the school specifically when they did the Fact score back in 1999 we were under capacity, now we are over capacity at the High School so the dynamic has changed with respect to why should we not have a new Poolesville High School because if you read in their philosophy sort of changed in their capital budgets between 1999 and 2010 because in 99 they said oh its just as cheap to renovate a school and what I mean by renovate or modernize is they would literally go in and gut the entire school all the exterior walls would be ripped down all the interior walls would be ripped down, you could literally look from one end of the school from the front to the back and then they would turn around and reconfigure the interior of the school redo all the plumbing the HVAC and all that other stuff, now they are saying it is cheaper just to build a new school, well low and behold our site where Poolesville High School is located we are I would say blessed by the fact that construction of a new high school could occur while the kids are still attending the old Poolesville High School unlike other places where I think like Rockville where they have actually had to ship the kids off to other schools because the school is being rebuilt on that site and there was no other room so that is one issue. The other issue is, is not closing Monocacy Elementary School. I think it is very shortsighted I think when you look at the numbers within the cluster the cluster needs the ability to grow into its own internal student population, when you just take away and combine two schools you are not doing that, what needs to be done is to increase the population at both schools and this could be done through a boundary change which would be a lot less expensive than building maybe another elementary school or overcrowding an elementary school on the day it opens like so many schools whether elementary or middle or high school have done in Montgomery County for the past 20 years or so. Quince Orchard opened and it was over capacity the day it opened. Northwest opened it was over capacity the day it opened. We need numbers because John Poole Middle School enrollment is falling off, we fought long and hard in the cluster to get it a lot of parents put time in and at that time those parents were not only parents from Poolesville they were parents from Barnesville, Dickerson, Sugarland, Seneca every area within the up county cluster was represented and Poolesville Cluster was represented and they did a lot of hard work and that got us the middle school that got us the Global Ecology Studies program at the high school, that got us the Spanish emersion program at Monocacy which the county basically cancelled without a whimper, without telling us really as to what they were really planning, which in fact had parents wanting to send their kids to Monocacy and by MCPS own policy of allowing kids to transfer between schools they have prevented additional enrollment in Monocacy or at least made it hard and I don't understand that. As one person at this meeting pointed out last week no politician ever stands up and says "If I'm elected I am going to ensure that every square foot in a classroom is occupied by a student" they all say "If I am elected I am going to ensure that we reduce the student teacher ratio so that each student can have more, the teacher can have more time with each student to help those in need", now you can argue about saving money but you could also argue that you are saving money in that you already have a resource that is built that is occupied that is staffed and all you need to do is change your boundaries, which in some people's minds is something of a cold and prickly thing as opposed to a warm and fuzzy thing but I think we need to recognize that this benefits all of us, it would help feed John Poole Middle School, it would help feed the high school and regardless of what some developer says homes don't come equipped with the ideal number of students so that you have one going

to elementary, one going to middle school, and one going to high school unfortunately life isn't that nice to us, you don't always have people buying homes that have kids at all so any developer or anyone who says that all these 440 homes are going to immediately generate 1105 students is tripping the light fantastic and maybe a few other things in between. We need to ensure that that school stays open and I think it is in our best interest it also has to do with the fact that we have our sister city up there Barnesville and I think that would be a blow to them as well, I think we need a little up county solidarity, I think the county, well I know the County Executive admitted to me he said you don't have to convince me about the Ag Reserve you have to convince the people in Silver Spring but when they created the Ag Reserve they knew what they were creating, the County Council knew what they were creating they made a conscious decision of what they were doing, they understood it was rural, they understood it was going to be different, people like it out here, they move here for a reason, we give them choice by having Monocacy, we would be able to strengthen it I think we can by offering another program, whether it was Special Ed as well as expanding the boundaries, there are ways of doing it but to take a resource and throw it away and you look at what they have done in the past with the down county schools now all of a sudden they are crying over spilled milk and Monocacy by the way isn't the only school that has those numbers in the county, there are other schools that have a low population as well elementary schools and what is it Potomac Elementary they are doing one hell of a modernization on that pardon my French and there numbers aren't I don't think any greater than Monocacy so where is the justification, how do you do and will you just sit here and let is like death by 1000 cuts to the Ag Reserve because in a way it helps do that, it helps do that and that is my schpeel so I would like permission to endorse the Poolesville Cluster stand on keeping Monocacy open.

Mr. Hoewing: On the Fact score I 100% agree with you on that when I was the Cluster Coordinator that was back in 2000 the Fact score then was jimmied politically and that is what happens even though it is supposed to be an objective assessment based on things like age of plant and crowding student crowding that is one of the reasons our scores are always so low or at least they were is because our school is so small and under populated and our rates came down even though the school really has not had a total modernization since I think in the 50's I can't remember the number now it was a long, long time ago. The one that was done in 78 was piece meal.

Mr. Klobukowski: Right. The school was built in 53, the elementary school was built in 60 by the way that hasn't had a new assessment either so how are you going to add kids to a school that you haven't even assessed the capability to accept additional students.

Mr. Hoewing: Yeah so I agree with that 100% Jerry and I think I sent Sara or Paula a slide that I had done over the years and it hasn't changed much I think the data is pretty much the same. Do we I looked at the report the County has on the closing of Monocacy, do they have data about how much this would help Poolesville Elementary school.

Mr. Klobukowski: They are basically saying that it would improve the enrollment between 500 to 520.

Mr. Hoewing: And 525 is the limit right for Poolesville.

Mr. Klobukowski: I think it is 549. Let me get to the exact page in the budget here. Monocacy according to this the program capacity is 205, Poolesville Elementary 545. Current enrollment at Monocacy says 192, Poolesville Elementary 363.

Mr. Hoewing: That was one of the things I was wondering about it sounds like one of the big dangers here is that Poolesville Elementary is really under populated a lot more than Monocacy is.

Mr. Klobukowski: Yeah well you could argue that.

Mr. Hoewing: So one of the things that a boundary change and we tried to do this too a couple of times when they were building the Clarksburg School is what happens to the middle school because that is really important I mean can we show on a boundary change that we will get substantial numbers of kids at the middle school.

Mr. Klobukowski: I am not sure exactly how many we would get that is the reason we are trying to get the task force together to get all these facts and be prepared in February and the Cluster will testify in February to try and persuade them and people understand we can not go before them with a motion we have to go before them with solid arguments so its going to take a lot of work on a lot of people.

Mr. Hoewing: Right because I do think there is a point to be made about the Ag Reserve and having these schools here as a central focus is important to maintaining that I agree with that. I think the challenge is going to be to show that what is done with actually help both schools, Poolesville Elementary to me is actually in some ways more in danger because its actually a lot lower percentage wise than Monocacy is, I am not saying either one is better I'm just saying whatever we do has to show substantial improvements for both or it is going to be harder to sell to the County I think. So to me its a boundary change but the trouble with that is the political aspects of that are tough because the people who are on the other side of that boundary may not want to have their kids --- and that is where the issue becomes a challenge.

Mr. Klobukowski: We have heard from people on the other side of that boundary who were hoping to have their kid in this cluster but the simple fact is we now have a whole school magnet program which then would give them easier entry into the program. So there is that aspect of it, there is enticement should I say...

Mr. Kuhlman: Yeah but you also have the other part of the coin too Jerry where some parents don't like that they say I live in Clarksburg I don't want to be forced to send my child to Poolesville.

Mr. Klobukowski: But some of them really don't live in Clarksburg.

Mr. Kuhlman: They have a Clarksburg mailing address.

Mr. Klobukowski: Like where I work they say it is Silver Spring I work in Aspen Hill I'm far away from Silver Spring in a way. And the corporate headquarters is in Rockville so you know talk about confusing people.

Mr. Hoewing: Is the PTA at the Elementary School what is their, I know they wouldn't obviously you wouldn't want to, you don't want to not support the other school but what are they saying about what they think needs to be done to increase the enrollment at Poolesville Elementary.

Mr. Klobukowski: Well the PTA President is here so I won't speak for her but my understanding is I won't put words in her mouth she supports keeping Monocacy open.

Mr. Hoewing: Well that is fine but what is the solution in terms of increasing the enrollment of Poolesville Elementary is what I am asking, do we have something that we can recommend, is the boundary change it basically.

Mr. Klobukowski: Well that is partially it, the other thing too is...

Mr. Kuhlman: Well wait a second Jerry we have the President here lets...

Mr. Hoewing: Yeah I would like to hear that.

Mr. Kuhlman: Can you come up please? Just for the record you need to identify yourself please.

Ms. Defnet: My name is Sara Defnet I have been a resident of Poolesville for 19 years, I have been very active in the educational community, I am a past President of the Poolesville Community Pre-School for 6 years, past PTA President at John Poole Middle School for several years, I am currently Cluster Coordinator and coordinating the efforts surrounding the things that have been dumped in our lap in the last week and the first thing I want to say is in November this is a very big issue and it is not an issue that can be decided or even take a position on in a meeting like this or even in probably a series of 2 months worth of meetings because there is so many things that have to be considered even if a decision was made to consolidate the 2 schools there are so many things that have to be considered and on November 18 the Board of Education will vote on whether or not they will adopt the process by which they are considering the closure, there has not been a school closed in Montgomery County since 1987 when they closed Woodward High School and since that time in 2005 the Board of Education's policy regarding school closures was gutted there is no policy and no school has closed since then and now this is being slipped on the table as a SIP issue to close this school with a timeline that have us considering on a task force that would be made up of citizens from both Poolesville and Monocacy and of course the division of long range planning to guide us over December and January with public hearings in February and a decision in March. In the history of MCPS no school has ever been closed on a timeline like that and so I urge right now to me the position is we need due process here, we need the same due process no matter what end result we come to we know that this community will back whatever we come to but we must feel that we were given due process to consider the issues related to this, this March deadline is artificial being forced to fit nicely with their staffing plans for the next school year, we know that. That is what I want the testimony to focus on in November as far as our position on the issue, it is almost premature for I mean there are so many things we have been considering this issue in our cluster for years as Link said back to 2000 and even in my history we wrote letters, we testified at the time the boundaries were being drawn for Clarksburg that said lets put this on the table now and they would not put it on the table, --- said no its not germane, what do you mean it is not germane this is the time to consider it, now it is not germane because who is going to change boundaries but the fact remains that in 2014 the population at the middle school will drop to 240 students and if you think they will not close that school regardless of what they said in that meeting to me on Friday about commitment, oh no we made a commitment to the town to open that school we will never close it, well years ago they made a commitment to never let Monocacy Elementary School fall below 2 classes per grade, that started happening three years ago and the writing was on the wall we tried to have open meetings, I can't tell you how many times I raised the concerns about the dropping enrollment in our cluster and it was never met with the desire that it was the time to talk about it that anyone wanted to do anything so I really believe that the situations created have just let it kind of die a slow death, it makes it very easy to close it doesn't it, cuz you can just look at the numbers. But for our community I think we have to fight for due process, I don't think any of us in that timeframe and I think it puts an unfair burden on our community over the Christmas Holidays and the winter break, we

all have families, we have jobs, we are not on the MCPS payroll, we need due process, we need the year, if this was a boundary change like Takoma Park is experiencing they had a full year and all last year and then the following fall, they would be putting this decision to a board vote next fall not in March so we have serious issues with the due process and everyone in the county is looking at this because there are 9 other elementary schools that fall below Dr. Weast's new 300 ideal sized elementary school, and there is no documented school closure process, this will be the precedent for future school closures, so I hope that they are paying attention, but that is our focus of our testimony, that and the fact for the high school and that is very important for us to that if we audit reports have said you need to take a look it has been a decade since we looked at the fact scores and so we need to take a look at that too as they are getting ready to put dates for modernizations of other schools because we think this is the appropriate time. So thank you for letting me share that tonight.

Mr. Kuhlman: But has the Poolesville Elementary School PTA itself just that entity had a meeting to decide could the closing of Monocacy be good to them.

Ms. Defnet: No they have not, they meet tomorrow night but even a PTA is not going to, there is a lot of things to be considered in that and so they have not taken an official position and its almost premature for them to take a position because they don't understand the impact of consolidation. We have actually tried to be proactive in working with the school administration at the elementary school and involving them in understanding the impact of consolidation and looking at their current facility utilization and what would happen if you combined it because that is supposedly part of this 2 month, 3 month rush process and there is no other modernization or any other money in the CIP for Poolesville Elementary School we want to make sure it is done right, but they are not interested in working with us until the Board of Education decision is made so there are a lot of things that even the Poolesville Elementary community really needs to be aware of to make sure that their school environment is ready. You know how many lunch periods will we have, can all the common areas accommodate it, will there be room for Bar-T hmmm maybe not. There is a lot of things to think about to really think it through and they have crammed all of that into this artificial short timeline. You know you can't make a decision without understanding the impact of consolidation, not a good decision, not a good long it is very short sighted and so that is why we really believe that you really need the whole year to take a look at all the issues and properly close you know if that is in fact what you are going to do.

Mr. Kuhlman: I concur with everything you are saying about the due process, I agree with the investigating the co-mingling of the two schools or combining, my only point earlier and I mean I attended your meeting the other night it was interesting but being an elected representative of the Town of Poolesville my heart goes to these three schools faster than it goes to Monocacy so my question was...

Ms. Defnet: As the Cluster Coordinator I don't agree with that.

Mr. Kuhlman: I have an obligation to the residents of Poolesville first.

Mr. Klobukowski: That is right you do...

Ms. Defnet: I understand that.

Mr. Kuhlman: Jerry I am talking thank you. My concern was has anybody looked from the Poolesville Elementary School side, is there a benefit to this school of the co-

mingling you know the combining of the two schools that is my only question has there been anybody investigated the benefits of it.

Ms. Defnet: Well we have only had a week.

Mr. Kuhlman: And I understand that.

Ms. Defnet: And we haven't gotten a lot of sleep I mean there hasn't been a night that and that is the point there is just so many things, that is a very good point, there is benefits and negatives to everything but my job is to look at the overall benefits to the Cluster which includes the Middle School and what is going to happen to that and the High School and...

Mr. Klobukowski: That is a good point I mean I have attended the Cluster meetings now since 96 and every since John Poole Middle School has opened there were about 3 or 4 years that were fine but then as the population started to decrease teachers started to be reassigned, programs started to be cut, I know Joe Saco tried to keep programs going, I know Rick Bishop tried to keep programs going and figure out ways that he could keep people there. If you don't have that as Sara points out that school or the John Poole Middle School well the capacity now is at 472 when it opened it was 450 and when they added the gym they raised it to 500 now they have backed it down to 472 and it is at 381. If the population keeps going down if we don't have the feeder schools within the cluster and one school isn't going to do it, its not going to do it, you are not going to keep that school open because you know what we will be sitting here 4 or 5 years from now, maybe not us or someone else maybe 6 years and they will be saying the same thing you know they are going to close John Poole Middle School and then that is the wrong time, to bar the door before the horse gets out of the barn is now and if anybody thinks we are going to get some sort of good will from the Board of Education or from some County Council person by rolling over on this thing and just going along with MCPS they got to be a little loony.

Mr. Kuhlman: Jerry you don't have to talk to me like that I was a sitting Commissioner and on the Planning Commission when the PTA's and Cluster's option was to move the 6th grade to the high school and they were willing to accept that and not have a Middle School, yeah that was the option back then and the Town came forward and said no that is not acceptable we will gain you a site, we will give you the land for free and you will build a middle school and Mike Seuban was the Council Member at the time and Chair of the Educational Committee, Link was involved, Bill Moore was heavily involved and...

Mr. Klobukowski: Well I know the people who were involved.

Mr. Kuhlman: And John Jamison and I mean we brought hot and heavy and pulled every string we could to get the middle school built so I have been through this process, I'm not saying I oppose I think that they are due their process, they are due to be shown why Weast has made this recommendation, my only concern is I am an elected representative of the citizens of Poolesville, I have a right I think to ask has the PES PTA what have they said, because I feel a little bit more obligation to them...

Ms. Defnet: Well the PTA meets the first Tuesday of every month so they really haven't had the opportunity but there is a meeting tomorrow and we have been doing what we can to get the word out to invite the community and I plan to be there as well to talk to them and share the bigger picture. A lot of times elementary school parents who do not have older children do not see the bigger picture of the middle school and the high school and that is my job at the Cluster and this is Lynne Rolls the PTA President.

Mr. Kuhlman: I mean I have no problem supporting that you have your process that you are due your day in court that you are due how they came to this decision I...

Ms. Defnet: Well they haven't made a decision yet so let me correct that it is a proposal, I keep hearing that and I just want to correct that for the record that the decision has not been made.

Mr. Kuhlman: Ok thank you. Well the recommendation to close the school. And I agree you have your right to fight that and we support you in that, I think that goes unanimously here. I just raised the question the other night and I said it to Jerry earlier this evening has PES PTA weighed in on it yet and I know you are short on time, I am just asking that question.

Ms. Rolls: Hello my name is Lynne Rolls I am the President of the Poolesville Elementary School PTA, thank you very much for the opportunity to speak tonight and I completely and wholeheartedly agree with everything that Sara has put forth on the table tonight we completely would like to keep Monocacy open we think its in our best interest and we believe we deserve our due process to see exactly where we stand and that is our stand as far as the PES PTA is concerned. We do have a meeting tomorrow night at 7:00 PM at the school, it is an open meeting so you are welcome to attend if you like and we would love you to join us if you would like to see what the reaction is.

Mr. Hoewing: Sara your points about the county's process too are just stark to me because I don't remember anything I got involved in that didn't take 2 years for the County usually so this is really obviously being done for some other reasons. But I also think that the deeper issue you are raising which is why due process is not just about being heard it is also about the different pieces and how they fit together and clearly some of these kids have come out here we know for the Magnet Programs are bringing sisters and brothers up to schools too so what happens at the Middle School if they close Monocacy is a valid issue how those things are going to relate is a valid issue so I think they really do need to study it I agree with you and I think we should support them in a letter to the county saying that we are very concerned about the process and how they have not done that and that there are a lot of issues here that need to be looked at before they make a decision. I don't think we ought to take a position on closing or not closing because I don't think we are there yet I think we can actually make the case that they haven't done a good job of proving it yet.

Mr. Kuhlman: I concur with that 100%.

Mr. Brown: So what would you I mean I agree with the Board, what would you ask for us then for tonight, what do we need to do because I think we are all in agreement that number one that you have to continue to do your investigation of what would be the right recommendation that to me is entirely premature to even talk about where any of the PTSA's are as far as that goes, that investigation has to follow, I don't want to know until you guys have decided what that is, but on top of it I would like to know what is the, you know spell out what you are looking for specifically, what you would like us to recommend or be on board with, you know I think you have the ear as well as the support in terms of the due process.

Ms. Defnet: Well I think I just heard it and that is I mean certainly a letter supporting the fact that this issue is being rushed and should be treated on the scale of a boundary change and should not be rushed in the timeline that its being rushed that there are too

many issues to consider to ensure that whatever decision is made is done properly and that all decisions are considered because of the impact on all the schools in the Cluster.

Mr. Hoewing: The other thing too Sara that I think is and Mike Seubin said this a lot and I think he meant it when we got the middle school is that this is a community that is really unique, it has all the schools here, we get a lot more support I almost guarantee you in our schools for our kids than most other places do and just to kind of cavalierly say well we are going to do it for economic reasons doesn't really consider the fact that the educational experience is probably better here because we do have the support and the community is part of this and so it does need a lot of careful consideration.

Mr. Klobukowski: Well that is my point we can't be parochial about this and you say about getting better support we've gotten better support when it comes to the high school, when you look at the middle school and you start dropping programs and taking programs away...

Mr. Hoewing: That takes support from the County I am talking about the parents.

Mr. Klobukowski: Oh I am sorry I agree with that.

Mr. Hoewing: The County is a different issue.

Ms. Defnet: Well thank you for the opportunity to share our views.

Mr. Klobukowski: Thank you.

Mr. Kuhlman: And if there is any change I unfortunately have a previous commitment tomorrow night I did attend the other meeting last week but if there is any change out of the Board would you notify Wade, if there is any change from your position tonight.

Mr. Klobukowski: I'll be there I'll notify Wade.

Ms. Defnet: One thing you can count on in this Cluster is that not only will we all support one another but we can come together and listen to what everyone has to say and we will have due process and we will listen to what the community has to say and we will just try to make sure that everyone has that opportunity to voice those thoughts.

Mr. Kuhlman: Ok thank you very much.

Mr. Hoewing: Thanks for your efforts too and for your leadership.

Mr. Kuhlman: All right anything else under the Town Manager's Report?

Citizen Forum

Mr. Kuhlman: All right citizen forum anybody have anything?

Mr. Klobukowski: I think we just heard it.

Mr. Kuhlman: All right seeing no hands, oh yes Ma'am.

Ms. Breiner: I am Joyce Breiner current resident of Poolesville and I was listening intently to the discussion about Monocacy. It concerns me greatly, my son did go to Monocacy now he is in middle school. He was extremely honored with being awarded the Citizenship Award, which I think the Odd Fellows Chapter or one of the Chapters here in Town awards and he garnered that honor as a result of the community that he grew up in, that includes Poolesville that includes Monocacy school community, that whole thing. A couple of times I have heard this evening a we they kind of thing when it comes to Monocacy and Poolesville, in my mind that doesn't exist in this community because there are lots of voting Poolesville residents that send their children to Monocacy please don't forget that, please don't forget that, when you have come to support the schools in Poolesville you need to add Monocacy onto that because residents of Poolesville send their children to Monocacy by choice and its not against Poolesville in any way, shape, or form, but please don't bring up a we they kind of thing because that is

not appropriate. But that is for you to decide but I would appreciate if you would take that into consideration and fully, fully, fully support this effort to keep Monocacy open, thank you.

Mr. Kuhlman: All right thank you. Anybody else?

Adjournment

Mr. Kuhlman: All right seeing no hands I entertain a motion for adjournment.

Mr. Klobukowski: So moved.

Mr. Hoewing: Second.

Mr. Kuhlman: All in favor?

All: Aye.

Mr. Kuhlman: We are adjourned.