

**COMMISSIONERS OF POOLESVILLE
MEETING OF FEBRUARY 1, 2010**

PRESENT: JIM BROWN, JERRY KLOBUKOWSKI, 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 and welcome to the February 1, 2010 Commissioners Meeting. The first order of business will be our Pledge of Allegiance, Mr. Klobukowski please.

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

Mr. Kuhlman: All right thank you. For the record let it show that Commissioners Klobukowski, Brown and Kuhlman are present. Mr. Hoewing is out of town on work and Ms. Gruber is sick. Also present are Mr. Yost, Mr. Wright, and Mr. Strong.

Approval of Minutes

Mr. Kuhlman: First order of business will be the approval of minutes from January 4th.

Mr. Klobukowski: Before we get there I have a few announcements.

Mr. Kuhlman: Announcements is missing, go ahead Jerry.

Mr. Klobukowski: Ok first of all I don't know how many people saw the Washington Post Metro Section but it announced that the 2010 Challenge Index and Poolesville High School ranked number 5, moving up from 47 from last year, which is a significant improvement especially when you look at the schools that are behind us like Montgomery Blair and Walter Johnson, Richard Montgomery is ahead of us but to hit number 5 says a lot about the teachers and staff and students and parents applying themselves in education. The other thing is that on the 22nd of February Poolesville Pride will have a bullying prevention group is having a cyber bullying information night here at 7:30 on the 22nd of February. And then also there will be Executive Board Meetings at various schools throughout the year, this is a community event they are going to try and have this at other schools as well so that this is not just geared to Poolesville, it is geared to all the schools. And they are working on something for the Elementary School on the 29th. And then Montgomery County Council is going to be taking Capital Improvement Project testimony 9 and 10 of February I just found out about that today it slipped my mind so I will be preparing my CIP testimony to go down there and I will get it to you guys hopefully by the end of the week as soon as I talk to Sara Defnet and I will be basing it on the CIP testimony I gave before the Board of Ed and I may include a few things on the library and then the last thing is there has been a lot of discussion obviously about alternate energy, I don't know again how many people saw Saturday's real estate section of the Washington Post but on page 1 they had this curious little thing that looked like a bicycle wheel on a tripod attached to a roof, now this is something that basically it is made by Honeywell I don't own any stock in it as a disclosure, it will operate as low as 2 miles an hour and generate electricity as low as 2 miles an hour and for this area based

on the wind section it is pretty good. It will generate about 2700 kilowatt hours per year, it may not beat a 5 kW generator but it seems like that might be one of the most promising things for residential homes in this area, and with that I will end my little schpeel, thank you.

Mr. Kuhlman: All right any further announcements? Hearing none we will move on to the approval of minutes of January 4, is there a motion for approval?

Mr. Klobukowski: So moved.

Mr. Kuhlman: Is there a second?

Mr. Brown: Second.

Mr. Kuhlman: All in favor?

All: Aye.

Mr. Kuhlman: Motion carries unanimously.

Open Forum & Citizen's Comments on Agenda Items

Mr. Kuhlman: Citizen's comments on agenda items, we are going to have a presentation tonight from the Ethics Commission on a financial disclosure statement that can be filled out online, is there any comments? The Community & Economic Development Committee has a budget request, they want to use some unspent money in their budget on a new venue mainly a Farmer's Market this would be for advertising expenses, any comments? All right we will be setting a public hearing for the Charter Amendments, any comments, any comments there? And we have a Memorandum of Understanding from Montgomery County Ike Leggett dealing with the speed camera revenue, any comments there? All right any comments in general, all right seeing no hands new business, the Ethics Commission, Ms. Allen, Ms. McIntyre.

New Business

Ms. Allen: I will be joined this evening by Judy McIntyre. And I don't think we have come before the Commissioners for a while so Jim Brown I don't know if we have met.

Mr. Brown: I don't know if we have either, nice meeting you. Hi Judy.

Ms. Allen: Same here. Wade you are going to...

Mr. Yost: It is warming up right now.

Ms. Allen: Ok. I am looking for charts up here. Did you all receive a hard copy of the terms?

Mr. Kuhlman: Yes.

Ms. Allen: Ok very good great. Well first of all I want to thank you for the opportunity for letting us two present to you about the automation hopes of the Financial Disclosure Statements. What I am going to do is go through some background, recommendations, the actions that we took, proposal summaries, options to consider the advantages and disadvantages of such a system, and then do some Q&A. And if it would be at all possible if we could do questions at the end so you'd make some notes because I think some of your questions might get answered as I go through the presentation. Initially we had some discussions about automating the Financial Disclosure System process before actually getting asked by the Commissioners and we had already spoken with the County about what they use for a Financial Disclosure System and as it turns out they have a very sophisticated automated system. Approaching them with the possibility of giving our folks the opportunity to use that same system, unfortunately the decision was made that it would be somewhat costly to make changes to accommodate that, the excitement was there but it wasn't going to happen. So with that you all just happened to come around

and Wade asked if we would take a look at an automated process for the disclosure statement, so with that we went out and with Wade's approval worked with Berry Thompson the web Town developer, Town web developer I will get that right. We worked with Berry, Berry determined that it was beyond his capabilities and suggested that we work with a couple vendors so he went out and gave us two vendors to work with, we identified the requirements and then we pulled from there. What we are recommending that funding be approved for the automation and then a recommendation is to select BerKora Technologies, LLC. How we made this conclusion is going to be on the next few charts if you can hang in there a little bit longer. The actions that we took initially we identified the requirements again working with Berry Thompson, utilizing the existing hard copy forms as the starting point. We received 2 proposals, we also held vendor meetings individually with each of the 2 vendors, we did follow up questions with each vendor and then had updated proposals, which make our final presentation for tonight. A summary of each proposal follows, the first one is Anvil Data Works, Anvil indicated from a schedule perspective that they could do have it ready for initial testing within 30 days, they had a fixed price of \$10,270.00. I want to make sure I note that the maintenance and trouble shooting would be an additional \$1300.00 for 10 hours and you will understand why I comment on that a little bit more so on the next chart when I show you BerKora. All services beyond that 10-hour maintenance and troubleshooting would be at \$135.00 per hour for a 10-hour contract. Anvil does include user documentation in a hard copy form but what they do not include is an administrative user training hands on, which would mean training the Ethics Commission how to use the system since we would be the ones to add or remove users, tweak it for questions, and also if it was you all were in agreement to train maybe the Town Clerk. Our concerns with Anvil are the platforms and that is that they would use their platform it would be housed on that platform versus the Poolesville link and then they also have higher follow on cost. BerKora gave us a schedule of completion in 60 days, with a fixed price of \$6,900.00 so we are looking at a difference between the two of \$3,370.00. Maintenance and troubleshooting included 30 days and we can defer that and what that means is that if this is awarded and he gets it done say in June then we can defer that maintenance and troubleshooting until we actually go live with users which would be in the later part or the end of the year for a 2010 report, we can defer that time. User documentation is also included and he also includes hands on training for the administrative users and Town Clerk. He will also put it on the Poolesville link so it is a local platform, Poolesville would own that application on the Poolesville link platform. Follow on services would be \$500.00 for a 10-hour annual contract, beyond that it would be \$75.00 for an hourly rate. The hours in both cases do not expire so if we didn't use the hours in the first year they would roll over into the next year so you don't lose that. Our goal if you would approve this is to utilize it for the 2010 submittal, which would be done in January of 2011. Naturally there is recurring costs, the recurring costs we believe are reasonable, the first year you will see that the recurring costs would be \$581.00 and that is our recommendation based on using BerKora and only taking the follow on services for one year, we don't believe that they would be necessary for any follow on years. If there were major tweaks that would need to be done that we would not be capable of doing that we would need to have someone else do it we are not hard linked to BerKora or to Anvil because it is on Poolesville's platform we can go out and find someone else to do it, it

might be maybe Berry Thompson can do tweaking or something like that. The first 3 line items on this chart, the server fee, the secure license fee, and the URL purchase are the same for all both businesses, the only difference is the fact that follow on services for BerKora are \$500.00 versus \$1300.00 for Anvil. There are obviously advantages and disadvantages to automation, we believe the advantages are this will support the data from the prior year to the next year and so on. The first year is critical having people input their data first time through and then subsequent submittal not just on an annual basis but if someone had a change in their, lets say they change residences or some other item in the disclosure process required them to, so they could enter it in the middle of the year, they could go in and do that automatically with their last bit of data, similar to Turbo Tax. It is definitely going to be less time consuming after the first year for the filing, it will be easily modified not only to add and remove filers but to modify or --- questions if that should be the case. It would certainly streamline our Ethics Commission Review and it would also prevent an audit trail. Getting away from the paper it would be an electronically stored secure server. Disadvantages initially is the cost. The options clearly we are excited about seeing some automation come to this process and our hope is that you would approve the funding for the automated development and implementation but of course you certainly have the other option and that is to continue with the hard copies and not have a change at all. So with that as I said we'd go through those quickly and give you the opportunity to ask any questions.

Mr. Brown: I have to admit I love your timing after having just spent the time to fill out my form. It was painful no doubt about that. I don't think I had written handwritten that much anything in recent years I guess except for doing it last year. The only question I had is I mean wow that is expensive still I mean I know it is worthwhile but that is and I appreciate all the research you did and I fully believe the price is the right price for it but I'm just surprised that it is still, that doing that kind of work in this day and age especially where we are economy wise that it would be still that expensive, but I believe it.

Ms. Allen: Quite frankly when we received the first proposal and we knew we needed to come forward with a second proposal as well, the first proposal was rather pricey, which surprised us, we gave them an opportunity to go back and reconsider, it did come down a smidge and then we decided we needed a second proposal and this one came in and we were much more pleased with that from the perspective of some minor tweaks here and there the individual did not reprice the quote.

Mr. Brown: Well I can really appreciate the work you put into it I mean its I know how this works there are little pitfalls everywhere in the negotiation process and what services etc., so nice work and I would hopefully if we end up going back to them that we hit them back one more time to see if there is a way we can get it done for even a little bit less because I am in that world these days, and no matter what price I quote anybody they come back and say well do you really want to do it or not.

Mr. Klobukowski: You are looking for a best and final.

Ms. Allen: Yes.

Mr. Brown: That is right.

Mr. Kuhlman: Jerry any questions?

Mr. Klobukowski: Yeah I got a couple. I am sort of upset about the County that we couldn't sort of piggyback on their based on your experience do you see it as, did they give you a reason why it would be so expensive specifically as to they wanted to the

problem of segregation of County employee information from Poolesville Employee information or Boards and Information people or something like that.

Ms. Allen: Nothing specific just cost, the cost to modify the system.

Mr. Klobukowski: The cost to modify the system.

Ms. Allen: They had other (inaudible).

Mr. Klobukowski: Oh I am sure they did. I'm wondering you don't know like the Town of Chevy Chase, Rockville, Gaithersburg any of these other towns, what they do, do they use paper or do they use some other automated system.

Ms. Allen: Off the top of my head I do not know.

Mr. Klobukowski: Because I am wondering if maybe through the Maryland Municipal League we could pursue something with the County because then if you get enough people we could give them a little bit of things to modify it because if you are talking about modifying it for one it seems like it wouldn't cost that much to modify it for all since it is the same.

Ms. Allen: Quite frankly the questions are basically the same. I did inquire at the State level as well but the State is significantly different so that one wouldn't really work. --- we thought was the closest and because they were large that is why we went through that, but certainly we can contact other counties, we've contacted other counties, looked at their websites for some other reasons but we could certainly make some contacts to see what they are doing, some are hard copies versus automated versions and see if there isn't some way we could piggyback with them even.

Mr. Klobukowski: Oh I appreciate the work you have done and I like the idea of being able to just go in and update the previous year and change a few items rather than having to sit down and redo everything by hand, it takes like Jim said a little bit of time...

Ms. Allen: Another advantage of this that really wasn't mentioned earlier is if we are adding more participants to complete the financial disclosure statement and we are starting to be responsible for more paper more there is more opportunity I think for mistakes, this would make it easier in the end for the filers, easier for maintaining the documentation historically.

Mr. Klobukowski: Ok because I personally believe that probably more Boards and Commissions that currently fill out the financial disclosure sheets this shouldn't be --- it should apply to all the Boards, not just the Planning Commission and the Commissioners, the CEDC, the Parks Board because each of them are making certain recommendations where they recommend we spend money in certain ways and again you never know who has got friends here and there or relatives here and there and I think in the interest of open government and having people have confidence in us and the members who serve the community that it goes along way to instill a little bit more confidence. So \$6,900.00 seems like a lot but at the same time if I understand you correctly it is almost like a one time deal, one time shot.

Ms. Allen: It is and the first year again my recommendation would be to pick up the \$500.00 for follow on maintenance, troubleshooting, just as a protection but than it does carry over to subsequent years if you don't use those hours and then from there on it is less than \$100.00 a year.

Mr. Klobukowski: What about do we own the software or is that owned by BerKora?

Ms. Allen: No you would own it.

Mr. Klobukowski: We would own the software?

Ms. Allen: Yes.

Mr. Klobukowski: We would actually own the code.

Ms. Allen: Yes. So that in the event there was a let's say a major change, I can't imagine what it would be but the State said here is another series of questions you need to ask, making it another schedule say, we could go to anybody we wanted to and say what would it cost to add them and they could do that for us. We aren't hard wired to BerKora where as with Anvil we would be.

Mr. Klobukowski: I like that. So basically in looking at it the total for the initial \$6,900.00 plus \$581.00 would be roughly \$7,400.00 if we amortize that over x number of years and x number of people the price drops significantly per person and also the amount of aggravation that we all suffer would drop significantly.

Ms. Allen: We feel your pain.

Mr. Kuhlman: Initially it would be \$7,400.00 to start.

Ms. Allen: Well if I could just interject in I say the first year is really \$6,900.00 but I wouldn't suggest even doing the \$500.00 follow on until 1 January of 2011 because we have the 30 days already built into the \$6,900.00 but on 1 January 2011 you pick up the \$581.00.

Mr. Kuhlman: Ok so \$6,900.00 now \$581.00 in July and then the other figure...

Ms. Allen: January.

Mr. Kuhlman: Huh?

Ms. Allen: January 2011.

Mr. Kuhlman: And then \$81.00 a year from then on out for 13 people.

Mr. Klobukowski: More than that.

Ms. Allen: Well 13 right now.

Mr. Klobukowski: It is 13 right now but go ahead Gail.

Ms. Allen: It is 13 right now but I believe you are proposing to endorse the CEDC Committee Members to all complete...

Mr. Kuhlman: Hadn't heard a word about that.

Mr. Klobukowski: Well I think they should.

Mr. Kuhlman: Well that is a different subject I haven't heard anything on that line.

Ms. Allen: We have been asked that question and our recommendation which will come forth in some other documentation are for a couple other people to complete the disclosure statements, and that would be in concert with what other counties are doing.

Mr. Kuhlman: Well I mean I appreciate the work you have done and to give this good picture of this but I can't see the financial sense in it especially given what we are looking at this coming budget year to spend more money for the convenience of 13 people right now it just doesn't make sense to me. You above all people know I hate filling out that document but it takes 10 to 15 minutes if you sit down to do it. How many people have not turned it in since yesterday was the deadline?

Ms. Allen: Quite a few.

Mr. Kuhlman: How many have turned them in.

Ms. Allen: I think 8. 7 actually I don't have the 8th one yet tonight, and that really and truly is unconscionable when you consider that that is a legal document, people are signing an oath, it is part of the Ordinances of this Town and they have an obligation to do it and I realize that it takes 15 minutes of someone's time to complete that but I weigh that against the pain and suffering that your Ethics Commission has gone through

repeatedly year after year to get these filled out and filled out accurately and completely with some thought and forethought.

Mr. Kuhlman: Well I realize my penmanship probably is not the best.

Ms. Allen: I am not getting into penmanship but...

Mr. Kuhlman: But mine was turned in on the 2nd day of January.

Ms. Allen: Yes and I thank you for that, there were 3 people that turned it in.

Mr. Kuhlman: Its simple you just keep a copy from this year, next year you can pretty well copy it.

Ms. Allen: Then if you could get that message through.

Mr. Kuhlman: Well that is going to be my next question of Counselor what happens to these people that haven't met the requirements to be in Office. That is a requirement to serve is to have it filled out and turned in by January 31 and I would like you to look is there any...

Mr. Wright: There are recourse we can basically they can be thrown out of Office that they volunteered to do and don't get paid for it. So we try to work with people and harass them all day and...

Mr. Kuhlman: I am not positive but I have heard rumors that in previous years some people are 6 and 7 months getting theirs in and that is totally unconscionable.

Mr. Wright: We have had some disputes that have gone on not I would say just people who have simply not turned them in but...

Ms. Allen: But it is very close to that there are people that have felt very bitter about it, they don't like being reminded, I have personally made phone calls several years ago and it is disturbing how people act and treat you on the phone because they don't like getting that phone call that they need to turn this in, it is not important, and I am sad to say but that is the case, it is not important while there are sanctions and you can remove a volunteer from their position what have you done.

Mr. Kuhlman: You and I have had several conversations and I'm not ashamed to admit it I hate filling it out I think it is a lot of redundancy in the form but as I say it takes 10 to 15 minutes one afternoon to sit down and do it, I don't see the problem with this. Also if you put it online like this in a lot of cases there are some sensitive information that can be disclosed in this document. What happens to that information if it is out there...

Ms. Allen: It is on a secure server.

Mr. Kuhlman: Huh?

Ms. Allen: It will be on a secure server.

Mr. Kuhlman: Where?

Ms. Allen: On the Poolesville platform.

Mr. Kuhlman: And where is that server located?

Ms. Allen: The link will be from the Poolesville Internet website. The server the actual data will be I think they recommend Go Daddy, which is a server company where the actual hardware is located, and then we pay the fee to utilize that secure server.

Mr. Kuhlman: Well I don't have anymore questions if you haven't figured it out I intend to vote against this, I think it is a waste of money, I appreciate the effort you did in looking into it, it is nice information but for 13 people I just can't see this.

Mr. Brown: Well it is more than 13 people it is everybody on the Ethics Commission as well, it is the people working with the process not just the people that are having to fill it

out, it is also the handling of the documentation, it is how the information is stored, so it is more than just what it takes somebody...

Mr. Kuhlman: I see that point.

Mr. Brown: The only thing I would say is if possible I mean you have already spent a good amount of time on this obviously and the education process is worth something just by itself but would it be possible to as Jerry suggested either through the MML or through your own research to find out not only what other towns are doing but if those platforms could be shared and we wouldn't want to use theirs but maybe there is something that we can hitch a ride on as it would be. Because I could definitely see myself being in favor of this I am in favor of it for all the right reasons, the cost is the only reason that I am not standing right here and saying, I think it is a great idea it is a smart idea and something we should as Poolesville moves forward we need to kind of take care of that.

Mr. Klobukowski: I think there is more than just 13 people, you have got Commissioners on all the Boards so you have to subtract one.

Mr. Kuhlman: You got 5 Commissioners, 4 Planning Commissioners, Town Manager, and 3 BZA people.

Mr. Klobukowski: Right but also...

Mr. Kuhlman: That is 13.

Mr. Klobukowski: The Parks Board probably I mean some of those guys should fill it out.

Mr. Kuhlman: They are an Advisory Board only.

Mr. Klobukowski: The CEDC should probably fill it out too.

Mr. Kuhlman: But they are not required to right now.

Mr. Klobukowski: No they are not but if you look at it and then like you said so that is how many there I just lost track.

Ms. Allen: And then your Code Enforcement Officer.

Mr. Klobukowski: Your Code Enforcement Officer maybe should fill it out as well.

Mr. Kuhlman: Who?

Mr. Klobukowski: So you divide that by 20 into 6900 and then you divide that by the number of years and then you divide that by the fact that you own the software and you divide that by the fact you are not using the thumpity thump machine and reproducing it and somebody making a copy of it for themselves when they can print it out at their own home and storage and all this other stuff, and you talk about going green and yada yada yada and it goes on and on and on and its like I think we need to sometimes you have to spend a dollar to save a dollar and I think this is one area that deserves consideration. Maybe like I said earlier and Jim was talking about is look at the MML look to the County maybe we need to contact Mr. Knapp and Mark Elrich and Nancy Floreen who are the Council Members there or at least go to MML and talk with Scott Hancock or maybe Chevy Chase and Gaithersburg and Rockville and all those other places or Jim Peck yeah you are right he would be the one to talk to absolutely right.

Mr. Kuhlman: Jim Peck PECK with Maryland Municipal League.

Mr. Klobukowski: Yeah he is basically the liaison to the Montgomery County Delegation is that how you'd...

Mr. Kuhlman: He is a research analyst for the whole state.

Mr. Klobukowski: But he would be able to find out as well and we could just piggyback and maybe there would be other people who would be interested in doing this and who haven't got it and the research you have done might prove to them that maybe what they don't have or maybe even what they have is worth chucking to go in with something like this.

Ms. Allen: Ok well we will take the action to do some research on other municipalities and I can tell you in looking at some of the other municipalities on who was completing the actual disclosure statements, many, many more people than those that we have on our list, I mean some included the Town Attorney, the Ethics Commission, a list that was just stunning to me.

Mr. Klobukowski: I think that would be a good thing for us to know as well instead you know whether towns require, what their people who serve the community and fill out these forms.

Ms. Allen: We are kind of nipping at this in small bites a bit at a time, it is just one of our focuses.

Mr. Klobukowski: Well I hope you are not discouraged and I appreciate your efforts in coming here and suffering through us.

Mr. Brown: Actually I think you covered almost all of it, just trying to figure out a way to lower the cost and make it something that would be potentially piggybacked with another group.

Ms. Allen: We will do that research first and depending how that turns out we can either consider going back to BerKora to see if he has got any wiggle room in quote and then come back to you.

Mr. Kuhlman: I also would ask you in your further deliberations if to be prepared to answer if the Commissioners if those Commissioners decide to go forward because I won't with it, are you still going to be able to fill out the paper one because I will not want my information on that server period.

Mr. Klobukowski: I can understand his reluctance, I can understand that because every time you log on and you put anything in your financial disclosure you know all the identity theft going in, the people going in the hackers going in to databases and stealing information, it definitely gives me pause when I get online and look at certain things and wondering who is watching who is doing what and you read about this stuff and it is just sort of scary.

Ms. Allen: Would you still have that fear if it were utilized via another municipalities system or lets just say for some reason the County said ok you can use our system, would you be as reluctant still?

Mr. Kuhlman: I have no interest in entering any personal information into a computer at all.

Ms. Allen: Ok.

Mr. Kuhlman: Anybody asks for a Social Security Number I am gone, whenever they ask for anything...

Ms. Allen: We don't ask...

Mr. Kuhlman: No we don't on the Financial Disclosure but I do not enter any personal information on a computer.

Ms. Allen: Ok even though the information on the Financial Disclosure is public information.

Mr. Kuhlman: That is right but you have to come into Town Hall, request a copy of it, it is just not willy nilly, it is just not somebody out there finding out information on somebody. Too much identify theft and everything else and I don't feel like feeding the potential.

Ms. Allen: In the meantime I would respectfully ask your Commissioners to reinforce with the people who are on your Committees and Boards to turn these forms in, to turn them in on time, complete them accurately so that our jobs become a little easier, because we don't like you know you have got 3 women on this committee and I can imagine how we are viewed. We can nag the dickens out of people and I don't like doing that, none of us like doing that, we have more important things to be doing than reminding people, writing letters, writing emails to get people to do these forms, if they would sit down when they get the letter and the package and do it, their lives would be simpler, and it would make our volunteer efforts a lot simpler, we are volunteers too.

Mr. Kuhlman: What are the ramifications Alan?

Mr. Wright: I think the most immediate one is that people would not be allowed to continue in their positions. It is potentially a misdemeanor or a municipal infraction to violate any provision of the Code and this would be included so that is a possibility as well.

Mr. Klobukowski: Well you know there is another option. And that would be to have a computer here in Town solely dedicated to this.

Mr. Kuhlman: A what?

Mr. Klobukowski: Have a computer here in Town solely dedicated to this and have everything in the computer where you take your stick or your diskette and you put it in and you fill in your information, and basically you just use last years to copy it over, now the hiccup is if the forms change, than you have to start from scratch all over again, but at least if it was in some sort of computer readable form you could copy and paste your name, your position and the date between forms and it would just be on one computer here in Town Hall, people could come in here at Town Hall and fill it out.

Mr. Brown: You have a great point but I can tell you this large companies this is all in the clouds it doesn't happen here on Earth it doesn't happen in our computer, it doesn't happen anywhere else, it is all done virtually and people that have a lot more information than you or me or anybody else here is going to put into it go through that, I mean millions and millions of people do it that way these days, so it is really not a reach to think about Go Daddy virtual in the cloud information storage and we just figure out a way really to become more accepting of it and move on, its really not you know we don't have to make allowances for trying to keep it inside the building, this is less secure here than the clouds are, that is hard to believe but that's the way it is.

Mr. Klobukowski: But the thing is I am just figuring out a way to make it even more palatable to people, but you are right, I mean I fill out 3 different forms every year, attend 3 different briefings or either online or in person or courses on various things at work that are mandatory and you will fill them out by a certain date because if you don't you will have a real problem, its called pay.

Mr. Kuhlman: Well that is where we were waiting for Counselor to give us our answer on that question.

Mr. Brown: Well we need to come up with a procedure so you guys don't have to chase down people.

Mr. Kuhlman: The procedure is in the book right now Jim you fill it out by January 31 and turn it in.

Mr. Brown: Well ok so say you don't what is our procedure?

Mr. Kuhlman: That is what I am asking, what are the ramifications?

Mr. Brown: Well that is what I said the list probably should be just turned over to Wade and then Wade should probably there should be an official letter that says we are not in receipt of it, you have until, your date was this, we are starting these proceedings, I mean these are volunteers we are talking about too.

Ms. Allen: Quite frankly if they are not filling it out we don't know, nor do you know whether or not these people have a potential conflict of interest that is what it is about its not that we want to know what is going on in everybody's personal life based on the information that is in this form, its for protecting them and the Town from potential conflicts of interest.

Mr. Brown: Well you guys shouldn't have to chase them down we have paid people that...

Mr. Yost: Once she gets tired of chasing she gives a list to me which she will probably do tomorrow or the next day and I will be the hound dog.

Ms. Allen: Tonight before I leave.

Mr. Klobukowski: But we shouldn't have to wait until the end of the month and people do this...

Ms. Allen: And it is my understanding they did get an email reminder early last week, I also drafted a letter to those who were delinquent well I won't say delinquent that still had not submitted it and not sure if that went out the later part of this week or not.

Mr. Yost: I believe it did.

Ms. Allen: It did ok so they have had at least 2 reminders over the course of a week.

Mr. Kuhlman: Ok.

Ms. Allen: You setting the tone and sending that message that it is important I think is what will go along way to the people, I would hope that it goes a long way to the people who have to fill it out because if you have felt that it is important then they should do the same thing.

Mr. Kuhlman: I agree.

Ms. Allen: Well we will, we have the actions, we will go out and do some more research in the municipalities see what we can do with price if the municipalities don't seem to have something that we could utilize. I will go back and why don't I coordinate with Jerry to see what the thing is with the County or the Council person and see if there is something we could do a little more on that area and get back to you.

Mr. Klobukowski: Ok.

Ms. Allen: Thank you.

Mr. Kuhlman: All right thank you.

Mr. Brown: Thank you.

Mr. Klobukowski: Would that be the County or should we call the County Executive Wade?

Mr. Yost: Actually I can call some County Executive Staff people, Kathleen Boucher...

Mr. Klobukowski: Kathleen Boucher the person who never gives us the information you want us to call her who we have asked for speed camera information how many times.

Mr. Yost: Well not the data but she has...

Mr. Kuhlman: All right if you are done slamming County Staff. All right CEDC budget request Wade?

Mr. Yost: Helen Gunther had brought this forward at the State of the Town Meeting how they wanted to transfer some funds around and there is actually a budget sheet in everybody's package, they had some funds left over in several different accounts. The biggest one is probably the Holiday Lighting Ceremony they have \$1,400.00 left in that account for all the sponsors that did buy in for the program so that money was left available. Then you will see on the list, some left from Poolesville Day, the Photo Contest, all in all what they want to do is start this Farmer's Market and what they want to do with the \$3,200.00 is advertising is the biggest thing they have 10 ads in the Gazette, some postcard mailings, a Monocle advertising and then some signs and vendor registrations and mailings. They don't have any vendors at this time, what they want to do before they start approaching these vendors is to actually have a program in place and say ok this is what we are going to offer you to attract them to come to Poolesville to begin this process and then they will be charged a couple hundred bucks for a spot to be able to set up to sell their goods. So that is what it is.

Mr. Kuhlman: Comments?

Mr. Klobukowski: Ok I don't know about I am looking at the ¼ page ad and the 10 ads, why do we need 10, I mean you have got 3 months.

Mr. Yost: Yeah I am guessing it is a 10-week program so they want to advertise each week.

Mr. Brown: That is how they get the cheaper rate.

Mr. Klobukowski: All right I will defer to the printing gentleman here.

Mr. Kuhlman: Any other comments?

Mr. Brown: No I like it. That is my only comment.

Mr. Kuhlman: Jerry?

Mr. Brown: They could probably save a few bucks as Jerry said on the ads but I think they want to ensure the success of it, I think they have already shown that they have saved money and they have achieved sponsorship that has saved the Town money and I think it is a perfectly appropriate attempt to try and bring a Farmer's Market in and they are already showing how they are going to pay for it and I think that is a lot better than many people that step up here looking for money.

Mr. Yost: In addition to that they are doing a Friday Concert Program and trying to get PAA when they do their football signups and baseball signups have all these things on Friday nights and create that community atmosphere in Whalen Commons each Friday night that is kind of the whole program.

Mr. Klobukowski: Ok I still have concerns about it was expressed by Mr. Davis, Rande Davis about impact on existing people around the area, like Kingsbury and Lewis who don't want to be part of it. Maybe it would be an opportunity for some local groups to try and get stuff from these orchards or local orchards around town and sell it on consignment as a way to, if Lewis and Kingsbury would agree to something like that, but I don't know it seems like a little bit much in money for what we are doing. The signs now we are talking not the signs you are making up that you make up for the bulletin board out there.

Mr. Yost: No these are going to be separate signs.

Mr. Klobukowski: How many and where would they go?

Mr. Yost: I don't know if they've, they thought ok we will get some signs and we will put them out here to advertise, I don't think they really have everything nailed down exactly.

Mr. Klobukowski: I mean we have got 4 entrances into Town right, well if you want to call Cattail and Budd Road but I mean you have one sign per that location that is 4 signs, \$600.00 for signs for 4 locations seems high, I mean even these core board signs especially if you figure that you are going to have people who are going to steal them, mutilate them.

Mr. Yost: But if you had banners though that would only be a couple banners expense wise.

Mr. Klobukowski: You could put one I guess at the corner of 28 and 107, put one at Whites Ferry, one at the Polo Grounds.

Mr. Yost: I don't know if they've even thought that far.

Mr. Klobukowski: But it would be interesting as to how they came up with the \$600.00 where they were going. The advertisements I said \$1000.00 for 10 ads, I don't know I guess like Jim says that saves that is their break.

Mr. Kuhlman: You are not looking for any answer on this tonight are you?

Mr. Yost: Well the request came last meeting and they are looking to move on this at least not tonight but by the next meeting they want to start the process and try looking for vendors, if it is going to be a success they need to get going on it.

Mr. Kuhlman: Well I know this has been tried before and it never got off the ground. You and I even went to the County meeting of the Farmer's Market Association, nobody was interested in coming up here for this. And I am kind of disappointed, not until open session Sir, kind of disappointed that there is not more information. I mean why didn't they check with any vendors to see if they would come. The one that you and I went to visit they said no they didn't have any interest in coming to Poolesville for a Farmer's Market.

Mr. Yost: They have been in conversations with a couple that are interested in coming, Calleva being one of them, they have a farm and they grow their own produce and stuff and so they are interested in being part of this also already, further than that I don't know if they have discussed it with others yet.

Mr. Kuhlman: Ok what is you all's pleasure?

Mr. Brown: I'd actually like to, I know we had a chance last meeting but I wouldn't mind if we could actually I know we had an overall presentation from them on many things that the CEDC is doing, but for the money I would actually like to hear a better detailed explanation of how they plan on pulling this off as well as why they think it is going to be successful versus at times that it has not been successful and I am all in favor of doing anything we can within reason and of course within budgetary constraints to promote and do things that make this Town great. This could be one of them but I would like to hear why they, I would like to hear how they plan on making this different than other Farmer's Markets and where the level of commitment is and how they plan on pulling this off successfully.

Mr. Klobukowski: I think something like a business plan or something just to, where they are going to put the signs, how many signs, what types of signs, now they say they haven't flushed it out but they are putting dollars down, so they must have some ideas as to the size of the signs, where they are going to go, banners, core board...

Mr. Brown: More details.

Mr. Klobukowski: Are they going to be reusable every year, if you got a sign that could be reused every year

Mr. Kuhlman: Where are they going to put the vendors?

Mr. Klobukowski: They want to put them right down here along Fyffe Road.

Mr. Kuhlman: No I was told today it would be out in the middle of the grass.

Mr. Klobukowski: Really.

Mr. Yost: I don't think they know yet.

Mr. Kuhlman: Well I think they need to get their plan together and get back to us.

Mr. Yost: A lot of it would depend on how many vendors show up and where to place them and what type of goods are they selling, are they going to be in trucks, there are a lot of variables I am sure.

Mr. Klobukowski: Most of the time I have gone to Farmer's Markets I remember my father used to go one down in Albany's Farmers Market in Albany, New York and they just had slot sort of like Poolesville Day and you had trucks there and you wanted, you had a guy with peaches and another one with watermelon, another one with broccoli or whatever corn and that is where you went and each one had a slot.

Mr. Yost: That is what I was seeing too.

Mr. Klobukowski: Or a stand.

Mr. Yost: Right.

Mr. Kuhlman: All right Mr. Coakley I just remembered you are on the CEDC, did you want to speak in that capacity, come forward Sir I apologize I forgot you were on it.

Mr. Coakley: George Coakley I seem to be the only member of the CEDC here this evening. I would like to say that the past events that the CEDC has undertaken have tended to be successful, run as economically as we thought was possible and I believe what they are asking for this evening is to use some of the funds that we hadn't used because of our judicious oversight of the activities that we had in our budget and as far as some of the details you are talking about or something it is not like we do that for the Lighting Ceremony that we have undertaken and it has just grown I believe fairly well without us submitting a business plan every year and saying where the stage is going to be set up and where the vendors are going to be set up etc., I think that some of that would just end up taking care of itself, what they are talking about I believe is just setting up stands somewhere on Whalen Commons either on the periphery or in the center, and as many additional vendors that want to take advantage of it then it would expand to that extent. The secret of it is to advertise it well and let people know that it is going to be there every time for a set period, so it is going to be every Friday night come rain, shine, etc., from the beginning to the end of the period that is stated, and I think the reason that it has failed in the past is that somebody would set up a stand on one Friday or Saturday night or one weekend and then they wouldn't do it for 2 or 3 weekends and then they might set up again and people never knew that the venue was readily available. It would be like going to the shopping center and not knowing whether the stores were going to be open or not.

Mr. Kuhlman: Well I believe there were a lot of questions asked of the first lighting ceremony and then it has become routine and just grown better. This would be the first Farmer's Market so I think it deserves questions and some better explanation about what they want to do. Also has the CEDC went and had any conversations with Mr. Selby

because he sells fresh produce locally produced produce supposedly, one doesn't have to be a rocket scientist to walk through his store and see that the shelves are under stocked so I would imagine he is having a tough time in this economy too and then to further subtract from his bottom line I guess by bringing in very possibly people from outside of this greater community to take money away from an existing business and I was wondering has the CEDC went over and talked to Roy face to face and got any feeling from him.

Mr. Coakley: I have not spoken to him personally, I did raise the issue when this first came up with the Committee because I am always concerned just like you are saying but whenever there is a bake sale and he lets them hold it right in front of his store to sell things in competition with what he is selling.

Mr. Kuhlman: But he is helping groups in Town.

Mr. Coakley: I am well aware of that.

Mr. Kuhlman: Boy Scouts, Girl Scouts, football, baseball.

Mr. Coakley: So I do have that concern but by the same token and then Rande also raised that at one of our meetings last month or the month before last and we are not sure. Like Lewis Orchard and some of the other places I mean they are certainly welcome to come and be participants if they feel that it is adversely affecting their set location, but with Selby's I mean it could possibly be a benefit where with the concert on Friday night in conjunction with the Farmer's Market and any other activities we can tie in with it, it could possibly benefit all the stores here because people may come from the periphery of the up county area to come to Poolesville and while they are here they may ordinarily not shop at Selby's they may end up going there and buying something else. So it is hard to tell right now whether it would be a negative or a positive.

Mr. Klobukowski: Let me ask you this, with respect to the Gazette ad would that be County wide or just the paper that serves Germantown and Poolesville.

Mr. Coakley: I am not sure.

Mr. Klobukowski: Because if it was going to be county wide that might then I could see it attracting people from down county to tie it in with a movie on the Commons and people would like that sort of thing but if it is just going to be a smaller distribution area because I am just thinking of through put is that what they call it, the number of people that see it per...

Mr. Coakley: Circulation.

Mr. Klobukowski: No like Dunkin Donuts they want to know how many cars go down a road before they will open a franchise because they figure based on the number of cars going down the road x number will stop in for donuts and coffee. So that sort of thing.

Mr. Coakley: And I am not sure with that whether there is like a regional ad you can get or what it would cost to do it for the entire Montgomery County area. I mean we don't really anticipate people coming from Silver Spring, Tacoma Park or something like that to come out here on a regular basis but there is certainly a lot of people between there and here.

Mr. Klobukowski: Well you don't know because some people well you have what a lot of people I see a lot of people from DC going to pick strawberries down at Homestead.

Mr. Kuhlman: All right well I think you know enough to take back to the Committee and I guess refine the presentation or answer a few more questions and I particularly would really like it if they went and visited Selby's store and had a conversation with them.

Mr. Klobukowski: But this also raises another thing I meant to ask you is...

Mr. Coakley: I will do that personally.

Mr. Kuhlman: Ok thank you George.

Mr. Klobukowski: Thank you. When you say about it sort of just happens, I have seen those things happen before and they happen and they happen well and all of a sudden no one really has the plan so when the corporate --- leaves there is no plan there as to where you are going to set stuff up, who you are going to send out requests to, who you are going to invite, etc., etc., etc., you don't have anything like written down in a book saying Holiday Lighting Ceremony and a list of things you need to do as opposed to depending on everybody getting together and one guy always takes care of the lighting, another guy takes care of getting the bands, another one takes care of contacting churches as to writing it all down so that and then revising it every year through lessons learned.

Mr. Coakley: Well we do do that, you have to admit we are a fairly organized organization and get a fair amount done pretty well to be honest. I mean that is part of the evolution we do assign tasks and get pretty specific as the events roll closer and we also review what we have done, which is why we are thinking of moving the concerts to Friday night instead of Sunday night because some of the attendance hasn't been as high and we found out that animated type films for entire families or younger children and stuff seem to draw more residents than Shane.

Mr. Klobukowski: I wasn't going to say that I really wasn't going to go there.

Mr. Coakley: Or Road Hogs or whatever.

Mr. Kuhlman: Wild Hogs.

Mr. Coakley: Wild Hogs.

Mr. Klobukowski: Well I am just curious to say that you have a book somewhere and you can always just grab it off the shelf and then just divvy up the responsibilities among people, points of contacts for all the other stuff, all right ok.

Mr. Kuhlman: All right thank you George.

Mr. Klobukowski: Thank you George.

Mr. Kuhlman: All right moving on Charter Amendments Wade.

Mr. Yost: Ok I put together a presentation just kind of providing an overview exactly what the changes are but it is much easier to read and then to go through a redline draft that we do have available also for the public as well as Resolution 001-10, which we are introducing tonight as part of the Charter changes. So I will try not to put you guys to sleep and that is what we will do then. Since the adoption of the Charter initially there has only been some minor changes and updates throughout the sections, this is really the first comprehensive overview that we have gone through chapter by chapter by chapter and made changes, and they include modernization regarding the manner in which the Town business is actually conducted with the Town Manager now being things are run a little bit differently, updates to the tax collection and methodology and the Clerk is actually the one in the Charter now to collect taxes and we know the County does all the collection now. Some election verbiage updates which we have done before and then the updates to the addition we added the CEDC and then some Boards and Commissions and some updates in those sections. Basically what we need to do to process is to introduce Resolution which we are doing that contains the exact language being deleted or replaced, each one are outlined out, they can all be in one Resolution, we will hold a public hearing, we will have to post the Resolution in the Town Hall for at least 40 days,

we will have to publish it in a newspaper, once it is adopted 4 times for weekly intervals will meet those 40 days to allow anybody to step forward and petition for a Referendum, if no one does on the 50th day it does become law. That is kind of the process we will follow. All right starting with some of the changes the very first one and we will just go chronologically through the Charter, the Section 82.3 the section on the Commissioners the language now reads the Commissioners shall receive no pay for their services, that is going to be taken out and going to add "each Commissioner may also receive such compensation as the Commissioners by Resolution prescribed" and they have to go through if the Resolution is passed that they are going to get a raise or a salary they have to go through an election before they would receive it, so no one in Office at the time could change or implement a salary unless they have been re-elected or elected. Another minor change to that same section just to add that the candidates must complete an accurate financial disclosure statement, which wasn't included before. This is an update here basically it is talking about the President with the approval of 3 Commissioners appoint and remove the fixed compensation, it did say of all the head of departments and all the employees prior and what it says now is just for the Town Manager and Town Clerk and then everybody else falls below the Town Manager's oversight. 82.4 basically this is a clarification to add signature pages shall be attached and petition of all pages, did say before simply had to have a petition but didn't say you had to turn it in so that is a clarification. Section 82.5 Meetings we are going to re-title so it is going to be Meetings now and clarify that they shall meet is changed to the Commissioners shall meet. Registration of voters, really the biggest thing in here all throughout these whole paragraphs is changing it from the Board of Supervisor of Elections to just the Board of Elections and throughout just clarification that the Commissioners actually don't provide the appointees with information, election laws, and updates, the Town Attorney does and a little bit more clarification of how business is now done, and then down to Paragraph D where registration and qualifications and they all registered with the Board of Elections now so that is Montgomery County. More registration of voters and again it is more Montgomery County does a lot of this so that a lot of the information can be taken out that says that Poolesville does it, added in residents address and again putting State Election Law information in.

Mr. Klobukowski: And this basically means that not to interrupt that their Poolesville Voter List is no longer in effect, that if you want to vote in the Town election you have to be registered with the County.

Mr. Yost: Exactly and that has been the way that business I think has been conducted for several years so again it is just bringing it into line. Town Managers Duties and Compensation this is actually a new section and it just said that the Town Manager acts under the Town Commissioners as Executive Arm and they set the salary and the President oversees the Town Manager. The Clerk also is combined that was 2 different sections and they were combined into one. And clarification on --- to the Town Clerk so no major changes but minor ones. Bonding employees need to be bonded don't actually get bonds to the Commissioners so it is again just a clarification of how things are done. We just took out a couple sections of the Enumerate Powers of the Commissioners, one is to establish a ban a municipal ban in other words to regulate dogs, a merit system and again these are just things that we don't do and we are just cleaning up the Charter as we are going through it. N-66 we don't have any industrial zones so industrial is taken out of

that whole paragraph. This is one of our bigger ones here that really we need to do to help us develop the proper budget and going through the process right now, currently we have to provide a budget 120 days prior to the adoption of it, which really gives us a short time frame to develop a budget like right now we are under the gun we will be presented to the public by March 3 and we won't have information from the County whether they are going to cut revenue funding or not and so it is kind of hard to put a budget together when you don't know all your revenue sources, so what this does, it still protects the meaning of how the Charter was written prior that it would allow citizens the chance to referendum if the current property tax revenue increases more than 7%, what it does if we do not anticipate or if we do not go over the increase of the 7% we can extend our time to adopt the budget so that will allow us to get better information from State and County revenue sharing sources, and that is the jest of that one. Again this is just cleaning up some language here to make it or actually no the original small book this language was in there but it went to the larger book, this sentence actually was deleted or dropped out somehow so we are adding it back in. In this section here this is the Power of the Commissioners with Water and Sewer System. And what we wanted to do here was really just reflect the goals of the Wellhead Protection Plan and then as not to allow private wells to remain in areas that the water system is there to pass, there are several older wells throughout Town that are in the process of getting closed up and we want to shut this door here so that we don't have potential contamination areas or potential contaminants for the aquifer out there so they have to close them off and there is not a granting process for that. And again we are going to make sure that people do hook up to the water and sewer when it does become available to the property lines and so that they are not able to maintain them. G right there the last sentence was taken out, basically it is a law that we can't enforce, we can't force our way into somebody's house or give them a misdemeanor we'd have to get a police search warrant or an entry warrant of some sort I guess to get inside. All of these sections here 82.20, 21, 22, and 23 this is no longer the way business is done Montgomery County Taxation performs all of these functions. 82.24 again can't lock somebody up for not paying the bills or fines. This section was removed as really there is no relevance regarding the Charter, the County does grant us our revenue sharing and obviously if we don't even know about it this year what we are going to get then we have not received the funds yet and they really don't have to give it to us, where there is an agreement that the County has with all the municipalities similar but there is no authority in this at all. This is just a clean up in language 82.26. On 82.28 the Planning Commission cleaned up a little bit of the language and then deleted the last phrase there that would allow Poolesville Planning Commission to possibly get paid if the Commissioners approved it by Resolution. The Parks and Streets section 82.29 several different changes in here, first we removed Officers could actually hold other Town government offices and what exactly that is one Parks Board is also on the CEDC he acts as a liaison to other Boards and that is an important duty for them. The rest of this the changes in here really just clarify that they do act as an Advisory Board to the Town Manager as well as the Commissioners as far as parks, trees, and they will after the park permit appeal board for anybody aggrieved by a park permit denial and administratively the permits will be taken care of by Staff and again they will just act as an Advisory Board. The Board of Zoning Appeals several and this is just clean up language too as far as the President of the Commissioners where it said after the

President will be removed from so all the Commissioners shall appoint the residents to the Board of Zoning Appeals and Zoning was removed so it is just the Board of Appeals, and again throughout this just basically cleaning up the document itself. Sign Advisory Board again it is the Commissioners in general that will appoint the members and not the President for the approval. And this one here Community and Economic Development Committee it really describes, this is a new addition also, it describes their functions, they are 9 members how they are made up 3 residents, 3 business members and 3 government officials and their purposes, they actually wrote part of this up and it is part of the initial maybe 5 or 6 ago when they were actually appointed, this was part of their original Charter so we just included it into the Charter now so that its in there. And that is it.

Mr. Klobukowski: I have one about the last one on the CEDC it says the CEDC will provide the Town Manager with proposed budget estimate, income and expenditures for the coming year no later than January each year. One thought is one you put a date in number one, number two you make it specific to all Boards and Commissions who have some sort of input in their Town budget would provide input to the Town Manager by 1 January of each year. Make it just a blanket statement so that anybody who has anything like the Parks Board they make recommendation to you with respect to equipment and stuff that they would like to see maybe that necessarily is not there. The Planning Commission, CEDC, so if you put it in once and say all Boards and Commissions than you cover everybody BZA, Board of Elections and everything else and there is no ambiguity, there is no differences between Boards so people can't say well why does this Board have more time than I do, that would be my recommendation.

Mr. Kuhlman: Jim anything?

Mr. Brown: I would like to think about Jerry's recommendation.

Mr. Klobukowski: I do have one other thing. To pay the Commissioners and Planning Commission I just really have heartburn with that one.

Mr. Yost: The Planning Commission no that was taken out, so they only one that is left in is for the Commissioners.

Mr. Klobukowski: Ok I looked at it whether it is brackets or not brackets.

Mr. Kuhlman: Under the current Charter the Planning Commission is the only body that is allowed to be paid.

Mr. Yost: And Sign Review.

Mr. Kuhlman: Oh yeah and Sign Review. Ok when are you looking to set this for Public Hearing?

Mr. Yost: We should do it for March 3rd.

Mr. Kuhlman: March 3rd. Alan what can we do in the advertisement I guess just in case there would be a lot of people to show up for the public hearing...

Mr. Yost: Wait March 1st.

Mr. Kuhlman: What are our options if just to have nothing else on the agenda other than that public hearing in case there is a fair turnout, I mean there is a lot of stuff that is in this, we could be a lengthy time in a public hearing or do we try to do some other business that night and possibly postpone or prolong the hearing to another night to finish up, I don't know?

Mr. Yost: The only thing pressing that night will be the budget we have to introduce it that evening.

Mr. Kuhlman: Ok.

Mr. Klobukowski: One way to speed it up would be to have people submit written testimony I know it is not really liked...

Mr. Kuhlman: It is not required by law Jerry.

Mr. Klobukowski: Well still and all you could require it in order to have it down rather than having...

Mr. Kuhlman: Yeah but you have to follow the existing law and that is not a requirement right now.

Mr. Wright: You can invite people to submit written testimony and to cut the time of actual testimony pretty short so that people...

Mr. Kuhlman: I understand but there was just an article in the Frederick paper last week they had a hearing up in Frederick and the turnout was a hell of a lot more than they anticipated and the Chair of the organization said well we are going to stop hearing at 10:30 and we will take this to the next meeting for everybody else that didn't get to speak.

Mr. Wright: You could do that. I would think it might be better to have an agenda for the Commissioners to postpone that.

Mr. Yost: We actually can by Charter it says that we have to make the budget available to the public by March 3 so really I can make it available here at Town Hall to pick up and just have the presentation the following meeting if we were so far pushed that we had to...

Mr. Kuhlman: That is what I was getting at are we better off just better served to put this off until the 2nd meeting in March for a public hearing where we don't have a budget in the way.

Mr. Klobukowski: Well generally you review what is special about this budget compared to the other budgets so it takes a little time.

Mr. Yost: That is fine whatever you want. That is probably a good idea.

Mr. Kuhlman: All right so that would be March 17th.

Mr. Yost: It would be the 15th.

Mr. Wright: 15th of March, Monday for the next Commissioners Meeting. March 1st being the first Monday of March and the 15th would be the third.

Mr. Kuhlman: Ok all right so is there a motion to set this for a public hearing on March 15th.

Mr. Klobukowski: So moved.

Mr. Kuhlman: Is there a second.

Mr. Brown: Second.

Mr. Kuhlman: Any discussion, all in favor?

All: Aye.

Mr. Klobukowski: Now what about my recommendation with respect to Boards and Commissions and the date to submit...

Mr. Yost: Make a recommendation that we definitely consider that because Alan and I had talked about that exact thing, he had recommended we put a date in there also, but since we have introduced the Resolution as is tonight we should probably go through the public hearing and then once we have our discussion amend it at that point.

Mr. Kuhlman: Keep your notes.

Mr. Klobukowski: We should have amended this tonight before we just passed this.

Mr. Yost: Right but we had this at the last meeting and this was the way you guys liked it.

Mr. Brown: You can still change it.

Mr. Klobukowski: All right.

Mr. Kuhlman: All right moving on speed camera MOU Wade.

Mr. Yost: You guys have in front of you a copy of the MOU from the County, which they have a couple caveats on it that we have discussed a little bit. First one is allowing 50% of the revenue up to a 10% cap, which is state law for our revenue stream, so each year we have to after our audit turn in an audit sheet of what our revenue was for the year and then the cap will be 10% of that.

Mr. Kuhlman: All right so what it basically is saying further is that the Town of Poolesville would get 50% of the net revenue off the 3 cameras, that would be each ticket is \$40.00, the company that owns the cameras and maintains them charges the county almost \$15.00 and then there is a small handling fee the County wants per ticket in here and then we would get the rest, it would be retroactive back to October of 09 on the income and as Wade said State law gives a 10% cap that is based on your revenue of the town so for last year the most money we could have collected off the cameras would have been about \$270,000.00. So it is not millions and millions of dollars coming to the Town.

Mr. Klobukowski: But at the same token I would sort of like to know how much they collected last year and we still haven't gotten those figures, I mean we got figures back in September of 08 which we then could project out through the end of the year based on the number of tickets written per month, the cost and everything else, we have seen nothing and this cap thing I understand it is a state thing and I have emailed our great District 15 Delegation saying you cut back on Highway User Funds, we don't get our roads plowed, etc., etc., and then you say we are limited by the 10% and the thing is this is a regressive sort of income because the only people after a while that you hit are the people who are absentminded like me or that are new to Town because the majority people by now know where the cameras are and they do one of two things they either avoid them by driving through other neighborhoods or they slow down, so the question is how much revenue would we really get number 1, number 2 well wait a second let me finish, what the heck does our 10% have to do our income is that that is total income including any interest we receive off of a bank account etc.

Mr. Kuhlman: Yeah the 10% is state law Jerry, the County can't keep more than 10% of their budget so and I mean the money has to be spent any money that we would receive has to be spent on pedestrian safety.

Mr. Klobukowski: But the County is not required to and neither is the State. The County is required but the State is not, the money goes into the General Fund.

Mr. Kuhlman: I don't know where it goes in the State but I think you are right but I don't know for sure.

Mr. Klobukowski: You look at the roads they way they were plowed, trees need to be pruned, there are dead trees in the wooded area past 107 and Partnership that need to be done, the paving is not done, they don't unless you call and then when it was done recently it was done very sloppily. And they are telling us that because we manage our money effectively and frugally that we are not entitled to more and then they put it in the Rube Goldberg format where you have to sit there and read it they just can't give it to

you in a simple equation format like any high school student would get in his textbook, to me it is sort of ridiculous but anyway ok.

Mr. Kuhlman: All right any questions or comments?

Mr. Brown: I just have a couple things Wade or anybody here who is looking at this document if someone could tell me the actual MOU, it doesn't say first of all one of the things we've asked for a good number of times is actually some accounting of what has been collected here in the Town and I love in the MOU it actually states that the County will also provide data to Poolesville showing the number of citations issued and the number of citations paid including late fees for each speed camera, upon request the County will provide Poolesville with reports regarding the speed of traffic on Fisher Avenue in or near Poolesville so Poolesville can assess the effectiveness of the speed cameras reducing speeds on Fisher Avenue, that we haven't come close to getting anything like that right so we have to agree to this in order to get that information it seems like and there is no date on that either.

Mr. Yost: When I read that that is exactly what I thought.

Mr. Brown: And it is kind of crazy that yeah lets sign it away and by the way we will treat you the same way we have treated you all this time, which is ignore our requests and don't come up with any hard data so that we can actually accurately assess and help assess or assess for our own good where are the speed cameras most effective in reducing Town speeds for safety purposes and that was disturbing to me I mean I have been miffed this whole process but that miffed me that that was written that way so I would really like to see that be addressed somehow because there is no accountability to that paragraph 8 as far as I am concerned.

Mr. Klobukowski: That is Ms. Boucher.

Mr. Brown: Yeah I met her she is good at that. At the same time too I appreciate that we are finally almost getting the opportunity here to potentially get our hands on some of this revenue that is good. The other part of this too is can it be explained or Wade in your best interpretation of this I see where it says that this we will agree to not place any cameras on Fisher Avenue, we will agree to work with them I saw in here for future placement of cameras or the removal of the cameras, if they actually want to work with us I can see how that would fly. Does this since Fisher Avenue has been the only road that has been prohibited from us acting on it individually as a Town, does this give us the right to potentially purchase mobile speed camera and utilize that and somehow operate under this because I see the declining revenue for the actual cameras in Town end up falling below the \$270,000.00 mark and the typical 10% cap.

Mr. Yost: Oh I do too. As long as you didn't do it on Fisher Avenue.

Mr. Brown: Right well I want to go where, I want to put speed cameras wherever safety is compromised and if it raises money fine and dandy I would want it to pay for itself more than anything else. But I would think that we would want to, it almost bothers me that they are saying not on Fisher Avenue even because one of the chief sore points of speeding is in front of the Elementary School of course and I'd like to see, we also have by the high school and other areas there so if we are not being restricted, I don't like being restricted on Fisher Avenue but further this doesn't prohibit us from establishing our own speed camera program by buying one of the mobile devices and putting it in place.

Mr. Yost: I didn't read it that way Alan.

Mr. Wright: I didn't see anything in there except for the Fisher Avenue restriction.

Mr. Klobukowski: But if we do that who would adjudicate the tickets and send all the stuff out and collect the fees.

Mr. Yost: You would have to establish an Officer set up with the Police Department and go through that process.

Mr. Brown: And I mean obviously that is a huge step.

Mr. Wright: And that is the reason why we wanted to go this route in the first place.

Mr. Brown: Right well then I still want to have, I don't like having it written in there that nowhere else on Fisher Avenue can one be installed because I don't, maybe we could say in conjunction with them on Fisher Avenue but not just solely the can't be done, because I really do think our speed trouble point is I mean there is other speed trouble points but one of the biggest ones is in front of the elementary school, anyway.

Mr. Wright: Well you have the option to cancel this out.

Mr. Brown: I don't want to necessarily do that.

Mr. Klobukowski: Is this a take it or leave it thing or is there any negotiation here?

Mr. Yost: My take on it from talking with Kathleen is this is what Ike Leggett has put together, he is proposing this, and I thought it was a take it or leave it deal.

Mr. Klobukowski: Well I'm wondering can we go back to her and reiterate the fact that 1) where the cameras are located are well and good but 2) people's main concerns like Jim said and I have said in the past is in front of the elementary school and to basically say that is the only place that we can put them is where they are currently located is ridiculous because...

Mr. Yost: Well they say they will work with us to move them.

Mr. Klobukowski: Pardon?

Mr. Yost: They say they will work with us to move them, there is no right of way available is probably why they didn't put them closer to the elementary school, those are all prescriptive easements and it is a state road all the way through there. Same thing when they moved the one down here by the pool, they had to move it down but they couldn't because from Jack Poole and Willard and all those areas there is not a right of way. They own all the way up to the roadside.

Mr. Klobukowski: Ok but my point was is if you could move them because what people do is they slow down for the camera, once they get by the camera they are back up to speed and rocking down the road and unfortunately the elementary school is where they end up rocking the most.

Mr. Brown: Well once again we go to the MOU too and number 11 says "Poolesville agrees it will not install or operate any speed cameras on Fisher Avenue". I mean it doesn't sound like we can do that on our own for any reason anyway correct.

Mr. Kuhlman: No you have to have a police department.

Mr. Klobukowski: Wait a second.

Mr. Kuhlman: Or an agreement with the police department to run it for you.

Mr. Wright: But I don't know whether you have to establish your own department.

Mr. Yost: You can establish your own department.

Mr. Brown: Right ok.

Mr. Wright: Specifically to administer this program you can set up a department within Poolesville.

Mr. Klobukowski: There will be contracted with people who run these things.

Mr. Kuhlman: No.

Mr. Klobukowski: No you can't.

Mr. Kuhlman: All tickets have to be reviewed by a licensed officer.

Mr. Yost: You would have to do both. You would still have to contract with somebody to...

Mr. Kuhlman: But you cannot just contract with this company.

Mr. Klobukowski: No I understand that but what Wade is saying also you contract the company but then you contract with the Police Department to review the tickets.

Mr. Kuhlman: Now you got to remember this is declining revenue. I mean the report you are referring to Jerry was for January to September of 08 and I mean the gross revenue during that time period when the cameras were fairly new was 1.8 million so take out 50% of that we would have got about \$900,000.00 that year. I mean that to me is a gift to the Town set aside the money, the cameras are doing what we want it to do, slowing people down.

Mr. Klobukowski: I agree with what you are saying but we wouldn't have gotten \$900,000.00 because it would have been capped by 10% of our budget.

Mr. Yost: That just passed October 1.

Mr. Kuhlman: It would have been \$180,000.00.

Mr. Yost: That is probably why the State did that they thought oh we are getting a piece of this pie also.

Mr. Brown: Well is it too much to ask that we get a date on when we get the reports in and would it be too much I mean Alan your interpretation of this is that we would be able to work with the County on the placement of future speed cameras inside our town limits period.

Mr. Wright: Back up I remember that but...

Mr. Brown: It is number 8 that is the data.

Mr. Wright: That is the data but the placement of additional cameras.

Mr. Brown: Well that is number 11.

Mr. Wright: The one that Wade was referring to agreed to work with the County regarding placement of...

Mr. Brown: I don't see it specifically in here maybe I am missing it. And because those are kind of Poolesville centric issues I don't see why asking for a slight adaptation to make it more Poolesville because obviously they are doing these with all the townships each one has its own little quirk in it, I don't think we are asking to step out of bounds.

Mr. Yost: So what were you asking for Jim?

Mr. Brown: What is that?

Mr. Yost: In other words you kind of said that if they were to move them or deactivate them they would work with us, number 1 says they would work with us on that and then number 2 if they set a new location that we would be involved with it.

Mr. Kuhlman: So your intention is to go back and try to renegotiate some of this?

Mr. Brown: Actually once again I have been fighting for the money all this time I don't want to give it up, if this is the end all be all than we take it as is but I don't like once again that there is zero accountability for anything that they have to owe us in terms of reports on speed traffic, on the amount of number of citations issued, number of citations paid, late fees for each speed camera, I mean there is no timeframe for the data and I think in order for us to be the most efficient and have our best shot at having both safety

as well as maxing out or trying to get to our cap in terms of revenue I would like to see just a little bit more in there, I mean it seems like it is vague on purpose.

Mr. Kuhlman: Well I read the first sentence in number 8 as they will provide us the information you are asking.

Mr. Brown: Just like they have so far.

Mr. Klobukowski: Yeah that is just it.

Mr. Kuhlman: No but this would have to come with a check to back up the check and then upon request the County will provide you reports regarding the traffic and the reduction in speed and so forth and so on, but the number of tickets, late fees and so forth and so on would come with the check or checks.

Mr. Klobukowski: Well the thing is too when do we get the check, now does this go calendar year or fiscal year?

Mr. Yost: Fiscal year is my understanding. We have to submit an audit so we don't have our...

Mr. Kuhlman: I think it is around October.

Mr. Brown: It says fiscal year throughout that is how it is.

Mr. Yost: Yeah it does say fiscal year.

Mr. Klobukowski: Well and the other thing would be is to change the will to shall, which makes it a little bit more narrow in interpretation.

Mr. Brown: So Mr. President are you recommending that we just say thank you?

Mr. Kuhlman: I mean I have had quite a few conversations with Mr. Knapp getting this MOU put forth and with the Staff at the Leggett's Office, Wade has, this is the almost exact well it is the exact deal that Kensington and Chevy Chase are being offered and I believe they have already accepted it, I am very happy with what we are looking at and I mean I am more happy we have the cameras, they have done the job, they are doing the job, they are keeping people from doing 50, 60 miles an hour on Fisher Avenue, yes Jerry is correct, they come to the cameras they lock up the brakes go down to 20, 25 and then it will pick up a little bit further up the road, but it is not like they are coming into Town at 60 and just backing down to 50. I think they have done what we wanted them to do, to think that you are going to get cameras placed on Wootton Avenue, Tom Fox or something like that I mean maybe 5 minutes a week there is 1 or 2 speeders that go through there grossly...

Mr. Klobukowski: I mean it is more than that.

Mr. Kuhlman: 30 to 40 yes 40 and above I would say there is only a couple a week that do it so I don't see where it is cost pro...

Mr. Klobukowski: Try Friday nights during the summer.

Mr. Kuhlman: I don't live on Hughes Road.

Mr. Brown: I don't want to have the MOU restrict us in that anyway if we feel that the MOU does not restrict that I mean obviously we can't adjudicate these tickets ourselves etc., we have to do it in cooperation with the County.

Mr. Wright: Well this with regards to speed cameras elsewhere in Town if you look at 1 and 2 together it looks like they are just contemplating Fisher Avenue.

Mr. Brown: Right.

Mr. Wright: There is nothing in here that says they couldn't agree to put speed cameras somewhere else in Town and they will work with us about the location of the speed

cameras which sounds to me like they are referring back to the preceding paragraph, which mentions only the Fisher Avenue, it doesn't say you can't do it but there is nothing and this is just an MOU in any case, it doesn't require them to even specifically allow...

Mr. Brown: I understand it is not a contract.

Mr. Wright: A reference to other speed cameras in Town it doesn't require them to put speed cameras anywhere and the only ultimate remedy that you have if you don't like their decision is to opt out.

Mr. Yost: But I think that number 8 does actually kind of solidify to keep asking to put a date and now you have in writing that they have to give it to us. I think that changes the rules of the game a little bit.

Mr. Brown: Well I hope you are right.

Mr. Yost: And as far as putting speed cameras elsewhere in Town I just wonder how much money you would even make if any given that it has to be at least 12 miles over the speed limit for it to even be able to give a ticket, the speed bumps would probably be a lot less expensive and they are very effective, we know this.

Mr. Klobukowski: I don't want to speed bump the whole Town and that is the reason why if you have movable cameras and relocate them maybe you only get one guy at 3 in the morning but I know on Sunday afternoon there is one guy I can't remember if it is a Mustang or a Camaro or whatever but...

Mr. Yost: The cops got that guy.

Mr. Brown: Yeah they got him, that night we saw.

Mr. Kuhlman: Yeah the Firebird.

Mr. Klobukowski: Ok.

Mr. Brown: Yeah he got something.

Mr. Klobukowski: Ok good.

Mr. Brown: All right well thank you for letting me extend my piece on it I am willing to give it a try because obviously it is better than where we have been.

Mr. Klobukowski: Is there a need to possibly recommend to change shall or will to shall, contractually I know in my business it is much more obligatory, you have to do it, you will is you have wiggle room, shall you do not.

Mr. Wright: Well interpreting shall is a whole...

Mr. Kuhlman: What is the definition of the word is.

Mr. Klobukowski: Oh God I knew you or somebody I didn't say it, I didn't say it.

Mr. Brown: Thank you sorry.

Mr. Kuhlman: Is there a motion on this?

Mr. Brown: In absence of other satisfactory answers I guess I move that we accept the speed camera MOU as is.

Mr. Kuhlman: Is there a second?

Mr. Yost: That isn't what we were given.

Mr. Klobukowski: That is about it. All right I will second.

Mr. Kuhlman: All right all in favor?

All: Aye.

Mr. Kuhlman: Motion carries unanimously.

Mr. Klobukowski: But I believe by the way I got an email from Delegate Rice that said that he is working on changing the formula, yeah I know don't hold your breath but I did email him and I raised the same issues here.

Mr. Brown: Well let's get started with this and hit him again.

Old Business

Mr. Kuhlman: All right Parcel 840 Planning Commission recommendation is this what you hung around for John.

Mr. Strong: During the process of review the Planning Commission was not involved in this project because of an interpretation that has since been reversed that this being a Town project and the nature of the project that the Planning Commission did not need to be involved. We did notify them of what was taking place at the project site and the question was asked why they weren't widening the road along Wootton Avenue. So we bring forth this is the existing plan, we had a proposed curb along the existing Wootton Avenue it is grass now and any extra pavement, we originally had the possibility of widening the road along Wootton from property line to property line to accommodate parking along the road, what the Parks and Commissioners requested is that we actually just post no parking signs along here to try to get people to park in there, that creates an issue that the Planning Commission thought of is where are the people that have boats and other vehicles going to park that live in the townhouse area. So they make 2 requests that we remove the curb and move the road back and it was initially examined that at the level but cost was such that that is why it was decided not to go there and to hold this existing curb line.

Mr. Klobukowski: Is there a sidewalk there John?

Mr. Strong: Yes there is sidewalk that runs right along here to here.

Mr. Klobukowski: How big of a grassy area is there between the sidewalk and the curb?

Mr. Strong: You know as I recall it was about 10 foot, this area here was about 10 foot right there.

Mr. Yost: Yeah the sidewalk is 5 foot, is that to scale?

Mr. Strong: That is correct it will be the 5-foot sidewalk across...

Mr. Yost: So at least 10 foot.

Mr. Strong: The other issue would be if we did move this back we would have to change the grading within here, there is also a fire hydrant that would have to be relocated and we have to convey the storm water that will be in the road into this inlet over here and we knew that we would have to construct additional stormwater management if we did widen the road and the cost of, it just drives the cost of the project up.

Mr. Yost: And you would have to widen it all the way up to Norris Road.

Mr. Strong: I don't think you can see Norris.

Mr. Yost: No you can't.

Mr. Strong: There was slopes and if you go all the way up on this portion of the road the slope becomes very much steeper and we were looking at sidewalk and how to construct it and actually this existing fence line is slightly on the Town's property or right of way. So there were several different considerations when that recommendation was made.

Mr. Yost: The recommendation is twofold 1 is to not do the curb and gutter and not to do the sidewalk until such time as the Planning Commission can consider in the Master Plan revision or some type of revision if they want to widen or recommend widening Wootton Avenue 5 foot so it will accommodate the parking of vehicles from the townhouses and so buses can get through.

Mr. Kuhlman: Comments or questions?

Mr. Klobukowski: Right now it is maintained like this drawing as opposed to --- the recommendation then is based on cost?

Mr. Strong: Correct.

Mr. Klobukowski: And other factors to, the other thing is if you widen the road and then you end up creating a speedway to some extent too.

Mr. Kuhlman: Well not only that, all the ground I guess east of it you can't widen that because that curb is already set on the Donegan property and the site plan has been filed or proposed site plan, so I don't understand what the logic would be to widen just this little segment of the roadway.

Mr. Klobukowski: To accommodate the people in the townhouses who have boats or RV's.

Mr. Kuhlman: Mr. Coakley as Chairman of the Planning Commission do you have anything to say? I can remember quickly you are on that.

Mr. Coakley: George Coakley, Chairman of the Planning Commission. The item that came up wasn't so much to widen the road to accommodate folks in RV's for the townhouse individuals, the concern was that there is currently parking allowed on the one side of the road and probably rightfully so when you just put up no parking signs all you are doing is pushing a problem from one location to another but so if there is a car or truck parked on the townhouse side of Wootton Avenue it is difficult for 2 vehicles to get by at the same time. The other concern was that if the Master Plan does call for putting sidewalk or curb and gutter farther up between this site and Norris Avenue that we wouldn't want to go ahead and spend money on doing this now and then 2 to 5 years from now decide it has to be torn up and moved to fit in with what accommodations are going to be made between this site and Norris and it might be better to hold off on doing anything till we are certain what that area is going to have in the way of future development. So it is really an effort to save money in the long run and not spend more or less now, its more looking at the big picture in the long run and not spend money now that ends up being thrown away to accommodate something else.

Mr. Brown: Does parking on the townhouse side end at the intersection of Hoskinson and that intersection right there because we are talking about widening potentially widening that side the Parcel 840 side, where does the parking end on the townhouse side, it doesn't extend all the way down Wootton to...

Mr. Kuhlman: It prevents them from parking the full length of Wootton.

Mr. Brown: It seems like that was the overflow though at Hoskinson or on this side...

Mr. Coakley: Yeah rarely do people park between Hoskinson and Fisher it seems like the majority of it are where the town homes have backyards backing up onto the street because then you have easy access into your back gate. And as far as people parking for parties if they have them or at least for short term parking of a recreational vehicle or something like that I mean they could use the parking lot for the Skatepark I don't believe that is going to be closed regularly so I mean that could be potentially like an overflow parking if someone has a party and has a bunch of guests over and there are no spaces within the parking lot of the town home.

Mr. Kuhlman: All right thank you very much Sir.

Mr. Klobukowski: Thank you George.

Mr. Kuhlman: Comments?

Mr. Brown: What is your opinion?

Mr. Kuhlman: I am happy with the way it was. I mean we discussed when we were putting this plan together having requiring another lane there a full width lane if you remember correctly and it was the feeling of the Committee that it would be overkill and needless. And that is why the Committee recommended this right. George as representative of the Planning Commission raises an issue that there are several homeowners there in that one clump of townhouses that have more vehicles than some people really need and they park them out on the road and it does restrict the flow a little bit but I don't know whether it becomes a dangerous situation. I have seen 2 school buses going this way with a car parked there and there seems to be ample room for them that they didn't really hit the brakes. A compromise we might consider if you want a compromise would be to add 2 or 4 feet to the road but I am very careful of why spend the taxpayers dollars to help private people park and create a better drag strip.

Mr. Brown: How hard would it be to reengineer this to pull the sidewalks back a little bit so that future accommodation of a possible 4 foot widening of Wootton Avenue could take place?

Mr. Strong: Well you can get the 4 foot widening in there the only thing it will change will be if you slide this back this green space between the --- this fire hydrant is there is curbing right now as you enter into the site that will change a bit and the radius would be pushed back. At some point if you decide to do that this area here is a storm drainage channel that will have to be addressed...

Mr. Kuhlman: That is going to require going back to Montgomery County and Stormwater Management and everything right?

Mr. Strong: Probably.

Mr. Kuhlman: Yeah.

Mr. Brown: Ok.

Mr. Kuhlman: And you know again I think it is a very decently wide road right now the bottleneck is when you get to the stop sign at Norris where the old property in front of the water tower juts out into the road.

Mr. Klobukowski: We talked about that before about widening the road up there because we asked the question do we have the right of way or not.

Mr. Kuhlman: We do.

Mr. Klobukowski: And as it turned out we do so we could.

Mr. Brown: Does doing what we planned on Parcel 840 as it stands right now preclude us or potentially end up in some sort of doubling up of what we would do to widen the road at Norris?

Mr. Strong: Well if you are going to widen a little bit here and then way up toward the water tower...

Mr. Brown: Well I am only worried about potentially what happens in the bottleneck there versus what happens here. If we do this as is are we going to make a problem for ourselves in the future in terms of widening the bottleneck, because I can see us widening the bottleneck at one time or another.

Mr. Strong: No what will happen is you will just of all things to demo, curbing is probably the least expensive so you can pull this out and regrade through here make this tighter and then slide this back. So this curbing area will shift you will have to do a little bit of work on the sidewalk area because your grading is going to change but...

Mr. Klobukowski: Where is the water line that supplies the fire hydrant?

Mr. Strong: It is actually on the other side of the roadway.

Mr. Klobukowski: Ok so it is not like by pushing it back it will be sticking in the middle of the roadway.

Mr. Strong: No.

Mr. Brown: Well if we can do this now and it is not going to cost us more than when that intersection at Norris get revised than I am still ok with it as is. I mean that was taken into account when this was discussed the first go round and I don't see enough of a reason to turn back on it.

Mr. Kuhlman: Jerry?

Mr. Klobukowski: I like it the way it is right now and as for the bottleneck we talk about putting in speed bumps we talk about cameras talk about everything else, you got a bottleneck that slows people down because they have to come to a stop and they have to adjust.

Mr. Kuhlman: Ok leave it the way it is.

Mr. Yost: Can you make a motion and vote on that please?

Mr. Kuhlman: We can if you desire.

Mr. Yost: Please.

Mr. Kuhlman: Is there a motion for that Mr. Brown?

Mr. Brown: Yes make a motion that we leave the Parcel 840 what do they call this...

Mr. Klobukowski: Site Plan.

Mr. Brown: Site Plan as is.

Mr. Kuhlman: Is there a second?

Mr. Klobukowski: Second.

Mr. Kuhlman: All in favor?

All: Aye.

Mr. Kuhlman: Motion carries unanimously. Forest Conservation.

Mr. Yost: Ok you got your packets you had 2 different forest conservations one is exactly what the State has required us to change and one is a little bit more stringent the one that John put together that went through the Planning Commission and was approved. We had a public hearing on the 1st and we had some comments from Mr. Pierce concerned about the strict measures that were beyond what the State required.

Mr. Kuhlman: All right so we had a public hearing on the Staff's recommendation right?

Mr. Yost: Correct.

Mr. Kuhlman: And not the State's language.

Mr. Yost: Correct.

Mr. Kuhlman: Ok we had one person testify and they were in favor of going to the State language.

Mr. Yost: Correct.

Mr. Kuhlman: All right are there any questions or comments?

Mr. Klobukowski: The way I understand it the State language is more restrictive than ours or less restrictive, less right.

Mr. Yost: Of our current adopted or the proposed change?

Mr. Klobukowski: The current adopted.

Mr. Yost: No it is more stringent, it changes any lot that is 20,000 square foot that has forest on it now if that is cleared where it used to be 40,000 square foot and that is really

the only change the State has regarding stricter limits and then the price went up from where it was 10 cents to the 30 cents per square foot. So there still are changes needed.

Mr. Klobukowski: I like the more restricted number one, I don't like the fine because looking at Clarksburg and everything that has happened there raising it 10 cents doesn't seem to influence anyone, when you look at Clarksburg and everything they have done those developers there and the fine that has been levied on them it's a drop in the bucket. I think when we are on wells the more trees we have the more forest we have the better filtration of the water we have so I'm for more restrictive language than more liberal language.

Mr. Kuhlman: Jim?

Mr. Brown: With all due respect to the hard work that looks like was put into our personal version of it, I actually do like the State language better, which is more restrictive than our current but not as restrictive as the heavy duty version of it as far as I am concerned.

Mr. Kuhlman: Well I agree with what you are saying and in the current Forest Conservation Ordinance Chapter 7 was put in originally in 1992 and as been said before Bob Pierce worked heavily on this and if I remember correctly this pretty much mirrored what the State was doing at the time. It has served us well, worked greatly and I think they have got some good brain power over there at the State that came up with these changes and I can very easily support the State changes the State language.

Mr. Brown: Yeah this is heavy duty enough I mean this is not...

Mr. Kuhlman: I mean it does what it needs to do.

Mr. Brown: Yep.

Mr. Kuhlman: Any further questions or comments? Hearing none is there a motion?

Mr. Brown: I would like to make a motion that we adopt the State language version of the draft of Amendment No. 122.

Mr. Kuhlman: All right is there a second?

Mr. Klobukowski: Second. I have one question. The only place on the page is not numbered 7.2 well it is the third page in.

Mr. Yost: On the redline or the blue line?

Mr. Klobukowski: On ours.

Mr. Yost: Ok.

Mr. Klobukowski: And it has got 10,000 square feet there.

Mr. Brown: What page is that?

Mr. Klobukowski: It is the third page in bottom paragraph A under it is Forest A...

Mr. Kuhlman: Ok where it has got the 20,000.

Mr. Klobukowski: It says 10,000. I am looking at the original shouldn't something go in there.

Mr. Kuhlman: Oh the currently adopted one.

Mr. Klobukowski: Yeah shouldn't that 10,000 change.

Mr. Kuhlman: Yes.

Mr. Klobukowski: Should that change is the definition now...

Mr. Yost: Still haven't found which one you are looking for.

Mr. Klobukowski: Just go on the original Forest Conservation...

Mr. Yost: I don't have the original in front of me.

Mr. Kuhlman: That would not change.

Mr. Klobukowski: That would not change.

Mr. Kuhlman: No that would not change. That is Section 7.2 definitions under Forest A, that would not change with what we are doing.

Mr. Klobukowski: Ok.

Mr. Kuhlman: Any further questions or comments?

Mr. Klobukowski: Ok what about development projects right above that, 40,000 square feet wouldn't that go to 20.

Mr. Yost: No.

Mr. Kuhlman: That would not change.

Mr. Yost: The only one they changed was the one that was forested areas you remove the trees that dropped to 20,000.

Mr. Kuhlman: Or no it would change, A would change under development projects.

Mr. Klobukowski: Under development projects same page. And there is another one on the bottom of page.

Mr. Yost: No development does not change.

Mr. Kuhlman: No in the State one nothing changes.

Mr. Klobukowski: Ok I see there I just wanted to make sure that I see all these other numbers 10,000, 40,000 and I am wondering if there is a consistency here that needs to be.

Mr. Yost: No and there wasn't.

Mr. Klobukowski: All right good enough.

Mr. Kuhlman: All right.

Mr. Klobukowski: Yes Sir.

Mr. Kuhlman: All right call for question on the motion all in favor?

All: Aye.

Mr. Kuhlman: Motion carries unanimously.

Committee Reports

Mr. Kuhlman: Planning Commission report Mr. Coakley.

Mr. Coakley: George Coakley Chairman Planning Commission. At our last meeting we addressed a waiver request to extend the period of time that someone has to submit a site plan after allocation has been approved and we are anticipating we may end up getting either more of those or a deluge of site plans to review.

Mr. Klobukowski: I am sorry Jerry can you say that again I apologize?

Mr. Kuhlman: Yeah under the allocation plan once your allocation is granted if you are 4 or Under you have 24 months to submit a site plan to the Planning Commission if you are over 4 you have 12 months to submit a site plan and the individual who came in, actually it was Bob Pierce who came in and requested a waiver on that because he really won't be able to connect until such time as Stoney Springs 2nd or 3rd phase is...

Mr. Kuhlman: I don't mean to interrupt you but is a waiver or an extension the correct terminology. The way I understood it from reading your minutes he was asking for an extension of the timeframe to when the infrastructure was there, it is not a waiver.

Mr. Coakley: Yeah.

Mr. Brown: So that was granted?

Mr. Coakley: Yeah.

Mr. Brown: Approved?

Mr. Coakley: Yeah.

Mr. Kuhlman: Yeah there are several property owners that are going to be in the same boat.

Mr. Coakley: And we reviewed and submitted our solar guidelines for your review and we looked at the blank band shell site plan and I believe made a suggestion that maybe something be done to the front elevation to break the monotony of just a blank roof going across and possibly some dormers if they could fit that might match the ones on the Town Hall or possibly a copula on the roof to give those individuals on the lower part of the park here the residences here or when you are driving through Town from west to east to break up the monotony just of the front of the façade and we already discussed the concerns that were raised with the Skatepark that if things are done up at the corner of Norris and Wootton that it may possibly have an adverse affect that could be costly down the road on what is currently being done with the curb and guttering and the entranceway to the Skatepark and that was it.

Mr. Kuhlman: Thank you very much Sir. Parks Board Mr. Brown?

Mr. Brown: Parks Board has not met since the last time we met but on the agenda for our meeting on Wednesday night is it looks like a review of Fisher Avenue sidewalk plan, a review of Park Permits, and I assume this is something you guys will have already worked through.

Mr. Yost: Yeah.

Mr. Brown: Got ya. We will be discussing Park Rules and Regulations again I think there is a couple things we need to tie up on that or is that we are voting on it.

Mr. Yost: I am not for sure.

Mr. Brown: We will find that out. More discussion about Campbell Park including probably discussion about a dog park there and further discussion about the Skatepark grand opening and how we are going to handle that.

Mr. Kuhlman: All right. CEDC Mr. Coakley one more time.

Mr. Coakley: CEDC met and the topics of discussion were primarily reallocating our existing budget, they were talking about the Farmer's Market and the fact that that did come out as the number one suggested item on the survey that we have done in the Town that people would like to have a Farmer's Market and also some kind of Spring Fest. Because now we have the winter lighting ceremony and that brings the people into Town and gives a community atmosphere and the thought was to try to do something in the spring time that would do that and I think what is coming to the 4 again I think 2nd and 3rd items on the surveys that we have done, had like a beer fest chili cook-off type of event that would sort of start the spring season off for the Town. And then we put together the 2011 proposed budget, which you have a copy of.

Mr. Kuhlman: Thank you Sir. Town Manager before you begin 2 things here. A general announcement I forgot, we got a budget work session this Saturday morning February 6 here at 9:00 am weather pending. We are supposed to get a bad storm in here.

Mr. Yost: You will be able to make it all through Town.

Mr. Kuhlman: I might be busy.

Mr. Yost: I will come pull you out if you get stuck again.

Mr. Kuhlman: And again a very well deserved thank you to our gentlemen that plow our streets, we had asphalt showing everywhere well before the County and State did. They did a heck of a good job again.

Mr. Brown: Yep many compliments from the residents.

Mr. Klobukowski: Yeah I had driven the road Saturday night going to Germantown it was fine 118 was fine right up until you got to where the Soccerplex is and all of a sudden you had one lane and you had 6 inches of snow and it was really terrible, it was like amazing and every year they say the same thing the County and State they can't afford the equipment or they don't need the equipment because these storms happen so infrequently but when you see 3 dump trucks and you are paying 3 guys in 3 separate commercial dump trucks plowing a road when you can do it with 2 if they had the proper type plows, I have to wonder how they decide to spend their money and where they see the efficiency is, because it isn't there, it isn't there. And the other thing I noticed was like with the sidewalks it didn't hit me so much with the green space all the time but from the first storm is that the amount of green space between the curb and sidewalk you don't think it means a lot until you have to shovel the sidewalk because that snow has got to go somewhere and you look at Georgia Avenue and Connecticut Avenue and some of these places they have sidewalks that abut the road and people still want to walk, there is no place to walk because the sidewalk is full of snow, so anyway.

Town Manager's Report

Mr. Kuhlman: All right Capacity Report.

Mr. Yost: Yes I put together our annual Sewage Capacity Report. This year our average daily flow at the wastewater plant was 678,000 gallons per day, up a little higher than last year, we did receive more than 50 inches of rain. Good thing is we don't see the spikes anymore at the Wastewater plant like we used to when we had up to 3 million at a couple different times, 1.6 and 1.8 is usually our top flows that we get after the ground is super saturated. So what we do is go by a 3 year rolling average and our 3 year rolling average currently is 594,000 gallons per day, we are permitted for 750,000 gallons per day so what we do is deduct all the taps that have been allocated and not used and we do that at a conservative 325 gallons per household and basically breaks it down to a net available capacity, if all of that was used up and using that much everyday would be 2467 so we are just under the wire of going to the limits of our permit if all the houses were built and they were all doing 350,000 gallons or 325,000.

Mr. Brown: Nine more houses.

Mr. Kuhlman: Questions or comments?

Mr. Klobukowski: ENR won't affect this at all this is strictly just the process.

Mr. Yost: Correct this is gallons in, gallons out.

Mr. Kuhlman: All right anything else Sir?

Mr. Yost: And then water report you guys have that today and I just wanted to bring up that you see that obviously the wells are way up, we actually have well 2 offline which we do take offline in the wintertime, well 4 is offline just because it is higher in radon and we don't use that if we have to, well 7 has been offline since we completed the uranium test just because of the content and well 10 is also offline for the same reason and the wells are not stressed at all, they are running anywhere from 15 is like the most to like 12, 15 hours a day.

Mr. Kuhlman: Very good.

Mr. Yost: And the two new wells are online and they are doing fine.

Mr. Kuhlman: All right is that it?

Mr. Yost: That is it.

Mr. Kuhlman: Thank you.

Citizen's Forum

Mr. Kuhlman: Citizen's Forum anybody?

Mr. Klobukowski: Wait a second I got a question here. When we had the State of the Town report you know we reported about the water it would be nice to know and see a graph of the wells and the average depths that they reach over a period of years and like now we are seeing a recovery, some of those wells are higher than I think they were when I became a Commissioner but it would sort of like to know or see a trend or look at each individual well and get an idea as to the depth of the average depth for the year or whatever for all of them.

Mr. Yost: Ok.

Mr. Klobukowski: That sort of report. And also what happened to our portable speed sign, I haven't seen it around anywhere.

Mr. Yost: It is up at the Woods of Tama.

Mr. Klobukowski: Ok thank you.

Mr. Kuhlman: Is that it? Citizen Forum anybody?

Adjournment

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

Mr. Klobukowski: So moved.

Mr. Brown: Second.

Mr. Kuhlman: All in favor?

All: Aye.

Mr. Kuhlman: We are adjourned.