

APPROVED 09/21/09

**COMMISSIONERS OF POOLESVILLE
MEETING OF SEPTEMBER 8, 2009**

PRESENT: LINK HOEWING, LORI GRUBER, 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 we will call the September 8 Commissioners Meeting to order. For the record let it reflect that all Commissioners are present as well as Town Manager Mr. Yost, Town Attorney Mr. Wright, and Town Engineer Mr. Strong. First order of business will be the Pledge of Allegiance Jerry if you would.

Pledge of Allegiance

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

Mr. Kuhlman: Thank you very much.

Mr. Klobukowski: You are welcome.

Public Hearing

Mr. Kuhlman: First order of business will be a public hearing I need to read this. Public Hearing on multiple proposed Ordinances. The first proposed Ordinance No. 171, would amend the Poolesville Code, Chapter 15.5, titled "Unsafe Structures", by adding specific requirements to the public nuisance section of the Ordinance and generally amend and correct the law regarding unsafe structures. The second proposed Ordinance No. 172 would amend the Poolesville Code, Appendix B, "Zoning", Use Chart following Section 3, to change the start date to December 1 and permitting the sale of Christmas trees in residential zones for non-profit groups with at least 20 paved parking spaces. The third proposed Ordinance No. 173 would change Appendix B, "Zoning"; Development Standards Chart following Section 3, to change the current side yard setback for accessory building and structures in the R-1/3, R-1/2, and R-3/4 zones from 10 feet to 5 feet. The fourth proposed Ordinance No. 174 would amend Appendix B, "Zoning"; Section 3, Types of Use, Subsection D., Special Exceptions by requiring that on any residentially zoned property having a shared driveway, any special exception use that materially increases the number of cars using the driveway shall not be permitted. And proposed Ordinance No. 175 would add to Appendix B, "Zoning"; Section 3, Types of Use; by adding a new subsection E; by clarifying the intent of the Zoning Code that special exception and variance applications shall be referred to the Poolesville Planning Commission for review and recommendation. Copies of these Ordinances have been available at Town Hall. The file for tonight's public hearing contains the following exhibits: Ordinances No. 171, 172, 173, 174, 175, notice of Public Hearings, copies of the August 19, August 26, September 2 and September 4, 2009 issues of the Poolesville Gazette containing the Notice of Public Hearings. Any person wishing to do so may now

testify or ask questions about the proposed Ordinances may do so now after giving your name and address. Our sign up sheet on Ordinance 171 the anti-blight Ordinance our first speaker is Mr. Roit. We will be limiting you to 3 minutes.

Mr. Roit: Bob Roit, 17301 Dowden Way. Question what in specificity is the anti blight ordinance going to cover?

Mr. Kuhlman: You didn't read it then?

Mr. Roit: I did. I would like you to state it Sir.

Mr. Kuhlman: What does it cover?

Mr. Roit: Yes.

Mr. Kuhlman: A lot of things Bob I didn't really have to read it word for word.

Mr. Roit: Because I am very much in favor of the Anti-Blight Ordinance but I think it needs to cover the entire spectrum of blight that is in this town.

Mr. Kuhlman: Ok such as?

Mr. Roit: Such as a house on Dowden Way.

Mr. Hoewing: The whole house is a blight?

Mr. Roit: What?

Mr. Hoewing: The whole house is a blight?

Mr. Roit: No. One house on Dowden Way that if you drive down there, there are vehicles sitting out there with covers on them, snow mobiles and various other things that are sitting outside the house that have been there forever. I mean they have taken down a tree that was in front of the house with a vehicle it has never been replaced. The swale is kind of blending in to the roadway now...

Mr. Kuhlman: Oh for the lack of grass?

Mr. Roit: That is correct. And the other thing I have a concern is with all the Ordinances you are passing, there is a cost that goes with them, now we have passed Ordinances in the past where there has been no enforcement so I mean are we going to specifically enforce these Ordinances once they are passed? We did this with snow parking but when it does snow there are vehicles that sit out there for the entire duration until the snow melts, they are never moved, never towed so I mean what is the sense of passing an Ordinance if we are not going to enforce it?

Mr. Kuhlman: Well as far as the snow removal goes, there is only 1 or 2 streets in Town that are Snow Emergency right.

Mr. Yost: Two.

Mr. Kuhlman: Yeah the rest of them are not snow emergency.

Mr. Roit: I understand but when it is snow emergency there are vehicles that have been parked right.

Mr. Yost: There are a couple here and there.

Mr. Roit: And we never do anything to enforce the Ordinance so why waste the money of the legal time, the printing...

Mr. Kuhlman: Well for years we had trouble acquiring and keeping a Code Enforcement Officer, we've now have had a gentleman hired for over a year now who has been doing an excellent job as far as I am concerned and the only thing that really limits him right now is our finances on trying not to pay him too much, he is already exceeded what was in the budget last year because we had enough complaints that warranted him looking into it so I mean we are trying to do a better job I realize we are not perfect.

Mr. Roit: No I understand but I am just saying from my observation we pass Ordinances but we never enforce them.

Mr. Hoewing: It is probably fair to say and the Town Manager can comment on this too that this is in part designed to be a help to the citizens. I expect this is going to be sort of an --- pointing kind of process, in other words we are not going to have the inspector go around and look at houses everyday to see if one of them violates, or is that not the case.

Mr. Yost: Enforcement is a complaint basis only.

Mr. Hoewing: Right so this gives the citizens at least some, you just complained about a house at least you have something, you look at number 6 it says that this covers any locations that stores equipment or construction materials or equipment not in active use on the premises within a 30 day period including but not limited to vehicles, containers, tires, the things you talked about are in the Ordinance now, at least you have some way to go to the Town Manager and say hey we need to have somebody do something about that, we did before.

Mr. Klobukowski: But the car part has always been in the Ordinance it is a matter of whether or not the Code Enforcement Officer goes on the property, if it is covered, does he in fact lift the cover to find out if there is blight.

Mr. Yost: No.

Mr. Klobukowski: You know that is the thing and supposedly if it is covered he is not, now I don't want to hurt the guy who is doing a car restoration, actively doing that, but if someone has got a hunk of junk that is sitting there for umpteen years with no hope of every doing anything than something should be done in that aspect I would agree with you. And you are right I would agree that if there is violations regardless of the time of year and budget then we need to make the Code Enforcement Officer's salary a little bit bumped up so that we can enforce it year round and I would have that he would go around to various subdivisions once a week to verify that everybody is in fact abiding by our rules because the thing is you want to keep the public honest you need to enforce the rules or else they become a laughing stock exactly what you said.

Mr. Kuhlman: Ok anything else Mr. Roit?

Mr. Roit: No that is it.

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

Mr. Goldberg: Hi I am Steve Goldberg I live at 20330 Whites Ferry and I own 19900 Fisher Avenue, the Antique Shop and Garden Center in Poolesville. And that is the reason I have been looking at the Blight Ordinance basically I'm totally in favor of the Ordinance but many times when you write things there can be unintended consequences and so not knowing how this fits into the zoning and how this might or might not cover the businesses in the central business district I could see an overzealous Code Enforcement Officer saying oh you have a business, you have materials that you are selling or architectural I personally think they are junk versus the antiques and so that is blight. So when I read through here I can see dependent on how enforcement can be you know dependent on complaints or not or dependent on persons perspective that it could have consequences for my business, the Hardware Store, and maybe a few others so my big question was how this fits into the zoning, does it have anything to do with businesses or just residences, and which is my first point, and then the other point when you get in from the landscaping part of the business I was looking at item number 8 where it talks about overgrown brush, grass, weeds at least a foot high, these days a lot of people are

doing naturalized landscaping with grasses and in places like Kentlands have problems with this description because if somebody wants to put a naturalized garden with a natural grass that is 2 feet, 5 feet, 9 feet, than this Ordinance could be used to say no you need to cut it down below a foot, so I understand where they are angling at but depending on an overzealous neighbor not liking another neighbor and an overzealous Enforcement Officer we can end up with unintended consequences so that is where I wanted to bring up these concerns, one for my business and two from the landscapes the way people are starting to garden these days could be perceived as a problem within this Ordinance.

Mr. Kuhlman: All right your comments are well received but I will answer the one question as far as I am concerned the Ordinance covers the Town of Poolesville, whatever is inside of it.

Mr. Goldberg: Ok and I had been told that not to worry about it that it was probably only considered residential and that's why I wanted to speak tonight was I did have a concern how it would cover the businesses because how this is written it says if you have building materials well it doesn't say what if you sell building materials and they are stored outside or what if you have a fencing company and materials are outside so technically if you buy in bulk and they are stored for awhile you would be in violation if somebody wanted to complain I understand its complaint driven but all it takes is somebody being over zealous so there is some issues within this that I do have concern with and I want to make sure that I continue to work within the Town Codes as they happen and I would hate to see all of a sudden this go through and I end up on the wrong side selling what I've been selling for the last 10 years.

Mr. Kuhlman: All right so we will have to take a look at that inventory slash businesses and see how that could be clarified a little bit better. Anything else Sir?

Mr. Goldberg: And I would recommend as I was saying in the landscaping bit that possibly it is not just height having some little clarification of in an natural setting versus being hazardous or I am missing the term but I am sure there is some great language that Alan can come up with that other areas do use that will protect the Town to allow you to go in and have things cleaned up, I used to be in D.C. and these Ordinances are really strong for taking houses that are half naked and problematic and using it as a way of getting them cleaned up and corrected so there are a lot of positive aspects to this its just defining a few terms for everybody.

Mr. Kuhlman: Well again I mean as Wade stated code enforcement in Poolesville is mainly complaint generated so landscape I am pretty convinced myself that it was meant to go after the height of grass and I know there is one particular property where everything is just overgrown in a lot of peoples opinion, we were hoping to be able to maybe do something about that with this Ordinance but again it is complaint generated and if we receive enough complaints and you think your grass is beautiful your wild grass we might have to have an argument about that if the majority disagrees with you.

Mr. Goldberg: And that is why I just hope there is some clarification ahead of time so that way everyone knows where there positions are.

Mr. Kuhlman: All right take it under advisement.

Mr. Goldberg: Thank you very much.

Mr. Hoewing: One point too Steve is that I agree with a lot of what you are raising those concerns on the other hand businesses can get into a state of disrepair too, so we shouldn't ignore the fact that some people just have businesses that are storing things in

an unsightly way and have been sitting there for months and nothing happens with them, so I agree with your point but I think we need to keep that in mind too.

Mr. Goldberg: No I understand and that is why every September I go through a major clean up before Poolesville Day.

Mr. Kuhlman: Thank you Sir. Anybody else have anything on the Anti-Blight Mr. Pearce?

Mr. Pearce: Robert Pearce 20300 Westerly Road Poolesville. I would just like to add on to what Steve just finished saying especially with regards to the landscaping. I have 3 ½ acres part of which is in natural condition I don't do any maintenance of it whatsoever. I have got a cactus garden which some people might think is a weed garden, I've got other areas that are so you know you got to be real careful how you word this because one person's desert garden is another person's weed patch. I think you need to specify such that areas that are normally maintained in a lawn type condition are maintained properly as opposed to having broad statements about the vegetation and the height of the vegetation especially for people with larger lots because that is a real possibility. The other thing I would suggest you do with regards to the storage of materials is make it a requirement that the storage be visible from public access as opposed to any storage of materials on property, you know people have the right to store lumber and stuff I have lumber in my barn because I do woodworking and stuff so I don't use it every day or every year but its not unsightly so I think you need to have it somewhere in there that public view is the key item on that, thank you.

Mr. Kuhlman: Thank you anybody else? All right close that public hearing. There is nobody signed up under 172 for Christmas trees, anything? All right that public hearing is closed. Ordinance No. 173 sideline setbacks, nobody is signed up is there any comments, Mr. Pearce.

Mr. Pearce: I guess first I would like to ask questions since you stated that was a possibility at this hearing and what the genesis of this is, why we need to go from 10 feet which we have had for decades and decades and decades down to 5 feet. It sounds like what we are trying to do is push the things we don't want to have close to our houses close to our neighbors property as possible and especially in ½ and ¾ acre zoning I just don't understand it at all so I would like to know why this is being proposed.

Mr. Hoewing: One reason Bob is that it already is 3 feet from the back setback so you already have the possibility of putting it within 3 feet and that has been there for decades and decades too, the other reason is and this was a Planning Commission proposal a lot of the properties that were most affected by that 10 foot setback were very oblong or difficult properties in the backyard so they have a hard time putting their shed anywhere because of the 10 foot setback so since it already was 3 feet in the back we thought 5 feet was not quite 3 feet but it already is 3 in the back so what is the difference moving it a little closer so people can more easily put their sheds in the backyard when they have bad properties that are not very well configured for it.

Mr. Pearce: Is this limited to backyards?

Mr. Hoewing: Anything like this has to be in the backyard, you can't put a shed in your front yard.

Mr. Kuhlman: It's for accessory building.

Mr. Pearce: I didn't read the Ordinance so I don't remember.

Mr. Kuhlman: To accessory buildings.

Mr. Pearce: Right well again I personally don't see the need for this possibly on 1/3 acre but the half and ¾ acre zoning I don't understand the need for it.

Mr. Kuhlman: Ok thank you. Anybody else on sideline setbacks?

Mr. Barnes: Good evening my name is Don Barnes I live at 19735 Selby Avenue and my one concern with this setback issue is that where a situation is where that someone's front yard is someone's backyard and I know there is a few places like that in Poolesville. I think maybe there needs to be some sort of a caveat in there addressing those types of issues, a building 5 feet from your property line if that is your front yard is probably going to be a little more offensive than if it is 10 feet so I think some sort of caveat maybe you know both property owners have to agree that a building can be built within 5 feet of the property line something reasonable like that.

Mr. Kuhlman: All right anything else Sir?

Mr. Barnes: No.

Mr. Kuhlman: Ok thank you, anybody else on 173? All right that public hearing is closed. Ordinance 174 the shared driveways I have no speaker signed up, anybody, all right that public hearing is closed.

Mr. Barnes: My name is Don Barnes I live at 19735 Selby Avenue and this proposed Ordinance 174 prohibit any special exception that materially increases the number of vehicles on a shared driveway. Ordinances should be clear, concise, unambiguous, there should be no question, this to me is unclear and ambiguous, what do you mean by material increase?

Mr. Kuhlman: It is a lawyer's term.

Mr. Barnes: To me it is unacceptable.

Mr. Kuhlman: Ok.

Mr. Barnes: I'd strike this from the record.

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

Ms. Williams: Karen Williams 19505 Hartz Pond Court, Poolesville, Maryland. I do not agree with this Ordinance at all either and I don't agree with what is going on with that property as well. I know that this Ordinance is on here because of the problem with having a commercial in a residential area, you of all people.

Mr. Kuhlman: I had nothing to do with it, Board of Zoning Appeals.

Ms. Williams: Well then you need to talk to them.

Mr. Kuhlman: The law is the law.

Ms. Williams: Yeah it is and I went to Town Hall when it was under Special Exception and told them there was a precedent in Montgomery County already and nobody listened. So I am telling you now in front of everyone, in front of my neighbors, that you don't put commercial in residential, and you guys are setting a precedent for everyone else to put commercial in residential and you need to think about it.

Mr. Kuhlman: Thank you anybody else?

Mr. Wright: I want a clarification on this. Was the objection to the amendment or to the Ordinance as it exists?

Ms. Williams: The Ordinance as it exists and the amendment.

Mr. Kuhlman: All right that public hearing is closed. Ordinance No. 175 Special Exceptions and Variances going to the Planning Commission no one signed up to speak is there any speakers, Mr. Pearce.

Mr. Pearce: Robert Pearce 20300 Westerly Road. I believe that the Ordinance is a good correction to a deficit to the extent it existed. I know Special Exceptions in the past did go to the Planning Commission and if the Ordinance needs to be corrected it should be.

Mr. Kuhlman: Thank you Sir. Anybody else? Seeing no hands that public hearing is closed. The record will remain open on all the Public Hearings until close of business this Friday 4:00 at Town Hall. At this point we will go back to our normal agenda and that is announcements.

Announcements

Mr. Kuhlman: Anybody have any announcements. Skatepark Design Meeting September 23, 7:00 PM Town Hall. Jim did you want to say anything on that.

Mr. Brown: No just we are putting the word out that this is a fully cooperative and open meeting for anybody that is interested in contributing to the Skatepark design, the actual company that was contracted will be here and meeting with us starting with our base concept but meeting to address a couple of the deficiencies that we have in the base concept as well as getting the input from the local skate community, parents and kids are invited.

Mr. Hoewing: Eddie I did have one thing I wanted to mention. I know we are going to put some more notices out on this but I wanted to just make clear I know there are not many citizens here tonight but the Planning Commission has to go through a process every few years to revise the Master Plan any by State law and we want as much citizen input as we can, there will be hearings anyway, but one of the ideas we had for getting some good dialog with citizens about what they want to see happen in the Town was to hold 2 focus groups. Focus groups are essentially small meetings of citizens with an agenda, a series of questions asking about the Master Plan and your opinions on it and then we obviously use that input to help us in the drafting of the Master Plan. The first one is supposed to be the 26th in the morning I think it is 9 to 12 is that what we are talking about now and then the 2nd one is October 3rd. The first one is basically on the Vision Statement in the Master Plan what do you want your Town to be, what is the character of the Town you want to see, so it is a very general statement but very important, by State law you have to have a Vision Statement in your Master Plan. And the 2nd piece is the specific aspects of the plan, the infrastructure, provisions in the plan, the public buildings and community buildings and so forth so tell your friends and neighbors about it, if you are interested in there is a way to sign up for it, a very simple way to sign up for it, we really welcome people participating in this process. So far we have only had very limited reactions to that and I hope we can get some more people to sign up.

Approval of Minutes

Mr. Kuhlman: Ok any further announcements? Hearing none move on to approval of the minutes of August 17, is there a motion for approval?

Mr. Klobukowski: So moved.

Mr. Kuhlman: Is there a second?

Mr. Hoewing: Second.

Mr. Kuhlman: All in favor.

All: Aye.

Mr. Kuhlman: Motion carries unanimously.

Open Forum & Citizen's Comments on Agenda Items

Mr. Kuhlman: Open forum and citizen's comments on agenda items, is there anybody that has anything in general they want to say, Mr. Goldberg.

Mr. Goldberg: This is pertaining to the Winchester Well is this the right time for it or no.

Mr. Kuhlman: Yes Sir.

Mr. Goldberg: Hi I am Steve Goldberg from 20330 Whites Ferry Road. As of the last meeting I just wanted to give you guys an update on the well and Winchester sorry to give you a headache Eddie.

Mr. Kuhlman: No I'm just...

Mr. Goldberg: Basically the next morning Winchester showed up on the property to start corrective action of most things and which definitely pleased me and it shows that you guys have the power to push them along which was great. Most of the work has been done the problem that has happened since I last saw you is we've had 2 instances of a good bit of rain and each time we ended up with turbidity in the water so I called the County, I also contacted Wade and also Winchester and we are trying to monitor it and figure out how, why and what to do with it and so I wanted to just kind of put it on the public record as yes I have the well, yes I have a certificate of potability that I spoke to Andrew at the County and when I told him about the turbidity he said oh I guess I shouldn't have given that out, I'm like yeah, he said well keep us informed I don't know what to do and I'm like neither do I so I thought the best thing to do was to come in and say we are having an issue we are not too sure what to do, we are monitoring it, Wade is dealing with it and he has done some testing and said he was willing to, Winchester has also said that but at this point I have been kind of advised not to drink the water and kind of wait and see how things filter out and I know we are going into a testing period of the master well that could adversely affect this anyway so it was worth just kind of sitting back and seeing how things fall into place, so short of just saying this is what has happened I don't know what else to do at this time or ask for bottles of water, thank you.

Mr. Kuhlman: All right thank you Sir. Anybody else on a general item, Mr. Pearce, oh ok Mr. Barnes.

Mr. Barnes: Don Barnes 19735 Selby Avenue. I would like to address the Master Plan and just briefly. I think on my last read of it I felt very comfortable with the Master Plan and particularly like one central --- of this Plan will go for strengthening and improving Poolesville core Town and business district. I think the plan is pretty good, I see where it is a big problem though is in the zoning, as I understand the zoning implements the Master Plan and I feel that the Master Plan can be easily updated to meet the times which it should be and I think may be more prickly than the State requires but I think also the Zoning needs to be updated more frequently and make it implement the Master Plan and I feel our Zoning Codes in Town right now do not implement the Master Plan and I would like to see the zoning, I would like to see the Town take on rewriting the entire zoning to implement the new revised Master Plan once that is done.

Mr. Kuhlman: Thank you Sir, Mr. Pearce.

Mr. Pearce: Robert Pearce 20300 Westerly Road. I would like to voice my continuing objection to the Commissioners spending for this year another quarter of a million dollars almost to supplement the shortcoming on the water and sewer portion of the budget from property taxes that is inappropriate it is contrary to the IRS regulations and what you are doing is setting a precedent that the more people conserve water and the more rain we have in the summer such that people don't have to use water the more costly it gets and

you are continuing not to charge the County the full fare for water most recently you gave them a walk I understand on the impact fees for the new school building that was built and I didn't get a --- but that was what the Town Manager told me was the case, that you all voted on it. I think it is totally inappropriate to be using our property taxes to support the students, I am all for students coming from all over the County but we support all the County schools and the rest of the County should be paying their fair share for use of our water and sewer. The other point is that I think that the proposed Ordinance on Alternative Energy which I see is going to be discussed something on it is going to be discussed is shortsighted I do not think that the fact that we can't remove all the hundreds of poles through the main part of Town means that one or two monopoles with small windmills on them is going to be offensive to anybody. If you are not offended by all the poles that exist in Town now, one or two you are not going to even notice them after you first notice them it is going to leave your consciousness as soon as you say oh there is a windmill on the top, that will be the last time you ever see it, so I think it is very shortsighted that the Ordinance is proposing no windmills not only in the commercial district but in other places in town.

Mr. Kuhlman: Thank you Sir, Karen.

Ms. Williams: No I...

Mr. Kuhlman: You got to come up here please.

Ms. Williams: Karen Williams, 19505 Hartz Pond Court. Just so you know residential people would like to have windmills also, so because we've discussed in our neighborhood about some people have the solar panels but we have also discussed the windmills as well, so I know you are having this debate within the commercial downtown but you guys need to think about being more progressive and being more green because people want to do that in their house as well.

Mr. Kuhlman: Ok. All right anybody else. All right that takes care of the general comments and open session.

New Business

Mr. Kuhlman: All right new business, discussion and to set a work session on the State Highway Fund cuts. The Commissioners received notice on August 28 from State Highway that our highway user revenue was being reduced by almost a quarter of a million dollars that is going to greatly affect our budget and we will be having a work session on 9/28 Monday night to discuss how to correct that problem or the shortcoming, any discussion?

Mr. Klobukowski: Why do we need a work session on 9/28 why won't we be...

Mr. Kuhlman: All the other Commissioners have no problem with it Jerry.

Mr. Klobukowski: I don't see why we need an extra work session.

Mr. Kuhlman: All right well we will be having a work session on September 28, 7:30 here. All right we got an I&I report John, how long are you going to take?

Mr. Strong: I'm going to take a little bit.

Mr. Kuhlman: Ok we are going to side step you and go to the Alternative Energy discussion and we have Scott Misenger from Scott Engineering who is a geothermal guru I guess and Mr. Klobukowski had quite a few questions and we brought you in mainly to answer his questions on geothermal.

Mr. Misenger: Fire away.

Mr. Klobukowski: My question basically was with respect to the fact that we have an aquifer, I know people say sure this stuff is drinkable, well that is fine I don't think I will partake of it I drank a lot of water that wasn't so great when I was in the service and I'm wondering as to what would prevent someone from say another concern another business comes in and says we have this real hotshot liquid that if we put in your heat exchanging system will increase the efficiency of it by 1/3 but doesn't tell you that the stuff is caustic one to the system or if it ruptures and gets into the aquifer could cause problems with some of our wells, we are already finding that one gas station in town had MTBE problem because of the tank system and problems that were related to it and so what prevents someone from making some sort of modification to it that really the system is not designed to use.

Mr. Misenger: Well talking about the wells there is another gentleman who was complaining about how the well became unsatisfactory after a rain and what that sounds like to me is that the well was not properly sealed because when you bore a 400 foot hole in the ground you want to keep the ground water from getting in to the aquifer, it sounds like it didn't happen on that well, and that is your biggest risk with geothermal it has to be properly sealed with Bentonite and you may want to check that out that well may not have been sealed with Bentonite is probably what the problem is. The amount of liquid in the system is very small and it is that liquid never touches the dirt, it is a sealed system you are essentially burying like a giant car radiator under the ground if you will and all that radiator is made of the same pipe that the gas company uses, it is a heat fused polyethylene and it never leaks, the only time it ever has a problem is when people dig it up but that is up by the surface not down at the aquifer and if the well is properly sealed and someone does dig it up you shouldn't have a problem. The antifreezes they use now are mainly rubbing alcohol and glycol and the glycol is a food grade, the rubbing alcohol the quantity is so small it just its not going to cause a problem if it does leak. The reason I don't like the rubbing alcohol is if you have a repair inside the house where you are working on your geothermal heat pump you have to solder and the alcohol is flammable and it makes for problems when you are working on your heat pump so that is why I don't like using the rubbing alcohol and I mean I don't think you can prevent if there is a new chemical that does come out that does increase the efficiency I just don't think you can ever prevent someone from putting it in their system, it would be done inside the house they typically about 5 gallons worth is put in and you could easily carry 5 one gallon jugs into the house under your coat, it would just be impossible to enforce, but I don't think homeowners would want to do that either and I think it has been pretty much proven that water alone is by far the most efficient and the only reason we are adding the chemicals is when you are using your geothermal heat pump sometimes it make the water colder than 32 and we just don't want to have freezing in it and also the food based is kind of a soap product and if we have that in there then we can't have no light, no algae or it will grow in there and foul the system so that is why you have to add the anti-freeze and I can say that I have been doing this since 1992 and there has never been any failure, never been a contamination and I get the national magazines, International Ground Source Heat Pump, I get that and I've never ever heard of there being a problem where there was a rupture and there were chemicals leaching in the ground. I mean obviously we've all heard about the gas stations but I've never heard about it with geothermal ever. Every jurisdiction has embraced it like I did a job in Annapolis and it was one of those

tear downs where they put a giant house where there was once a small one and the only land left was in the front and it was 40 x 10 and it was between the house and the road and the jurisdiction said you are breaking every single Ordinance we have for wells which were all based on drinking water wells not geothermal, they said here is your permit and I think it is you know really good for the environment and really good for your town to do the geothermal.

Mr. Klobukowski: Ok I don't recall these places once they are put in the ground is the area marked off on the plat and is there somewhere so that I guess I am saying something like Ms. Utility you know it is notified so when it passes from one owner to the next somebody doesn't Happy Harry Homeowner goes out there and says I think I am going to put an Azalea bush here or a tree here or something and all of a sudden kerplunk there it is I mean is there some sort of thing that tells the...

Mr. Misenger: Well there is already an Ordinance I'm sure with wells that you have to mark it on the property line but you can make that number 4 on your geothermal standards that the pipes that connect the wells to the geothermal pipe shall be located on a map and Ms. Utility shall locate them whenever someone wants to do some digging and then what you should do is put a minimum depth of 5 feet that way most landscaping they are not going to dig down 5 feet and that it is in the installation guidelines they are supposed to bury it 5 feet but a lot of people cheat and do 3 or 4 sometimes I have seen 2.

Mr. Klobukowski: Well if you ever dig in Poolesville you find out digging a 3-foot hole can take you quite some time.

Mr. Misenger: Rock, is there rock is that what it is.

Mr. Klobukowski: Yeah it took me about 8 hours to dig a 3 foot by 3 foot hole, which I thought was going to be a simple area.

Mr. Misenger: Well they will have to get a backhoe. You really should go...

Mr. Klobukowski: I've asked my wife for one but she won't let me have it. Ok I think that answers the question because I am basically concerned that I know that you said never but I also said and been told lots of times "never say never, never say always" so my concern is what if something happens and as someone mentioned the word unintended consequences of something well us doing something that we think is good and could possibly have some adverse consequences that we then have to turn around and remediated or the homeowner has to remediate and I just want to make sure that going in both the homeowner knows and we know everything that could possibly, not everything but most of the things that we have thought of that could possibly happen and what would be the consequence so if we tell the homeowner you have to do something that there is no if ands or buts like the gentleman said specificity.

Mr. Misenger: Yeah you would specify that the wells have to be grouted. The geothermal system won't work if they are not grouted and there are a lot worse surface contaminants that can get down underground and contaminate the aquifer then what is used presently in the geothermal systems so that is the most important thing protect your aquifer is Loudon County they specify that the grouting shall be witnessed by a County official so if they are drilling 8 wells there has to be someone there from the County who sees the grout go down in the hole.

Mr. Klobukowski: Just generated 2 other questions in my mind. One you said the fill pipe for the system is inside the house or outside?

Mr. Misenger: Inside.

Mr. Klobukowski: Inside ok. And is there the pump that is used to pump this can it also be used to flush the system out?

Mr. Misenger: No it cannot be used to flush the system out, you have to bring in a special pump to flush it out, it is called a flush cart.

Mr. Klobukowski: Ok and so that is flushed into a special container or something.

Mr. Misenger: Yeah the flush cart in fact that is a good point, the flush cart is how you add the chemicals so you would have to bring in a flush cart to add the chemicals so a flush cart costs about \$1000.00 most homeowners would not have one usually only an HVAC company would have one so that makes it all the more unlikely...

Mr. Klobukowski: And they would have the tanks when they are flushing it to flush it into something, it wouldn't be like run the hose over to the floor drain or something or the standpipe and put it down into the sanitary sewer.

Mr. Misenger: Yeah I mean I wouldn't see the harm if they did that because it is propylene glycol or rubbing alcohol.

Mr. Klobukowski: Not the glycol but the rubbing alcohol.

Mr. Misenger: Worse things than that go down the drain.

Mr. Klobukowski: That is true. I have lost a few diapers in my time.

Mr. Misenger: So I don't think it would be bad if they put it down the floor drain as long as it didn't go to the storm system that would not be good. One thing you should add on this it says number 2 it says "must be installed by a certified installer" and what you want to answer is who is the certifying agency, that agency would be IGSHPA and that is an acronym and it stands for International Ground Source Heat Pump Associate that is where you get the IGSHPA and you should insert that acronym you should make that A an and and insert it between and and certified to modify your regulations so you know everyone knows what kind of a certification you are looking for and that is the agency that governs geothermal heat pump installation in the country, well I guess they are nationally.

Ms. Gruber: Is that the only accrediting agency for geothermal?

Mr. Misenger: Yes.

Ms. Gruber: Ok.

Mr. Kuhlman: Is that it Jerry, anybody else have any questions?

Mr. Klobukowski: Thank you Sir.

Mr. Kuhlman: Thank you very much Sir, have a good evening. I&I report Mr. Strong.

Mr. Strong: This is John Strong this is the first time I've used this so bear with me now I am going to be juggling paper and a microphone and a laser pointer. This was our findings from 2009 we were hoping for some early spring rains which we did not get which delayed some of the process of analyzing data and hopes of getting some very good flow data we did eventually get that in May timeframe in April. We tried to go ahead and map out the different segments that feed into the main line the purple line here is the main trunk line that comes into Town, and then it transfers into blue, we were trying to demonstrate how the system works and where the different feeders are to various pump stations and also to the main line. We then went ahead and analyzed various sections by putting in flow meter nodes and this drawing is a little bit squished to try to get it on the screen but we set up flow meters right down here by the Koteen pump station then just right outside the Westerly subdivision then one in the Bodmer Hughes Road area, one at the High School because we knew we had a problem at the High

School from last investigation and the working with the school system in February we located an inlet where they evidently removed an old boiler tank we suspect and it was exposed to the ground and the water flowed into it. And then we looked at Tama the Tama line right here and right here in hopes of trying to determine if there was any seepage in this main line here as you recall there was a beaver dam right in this area that the beavers were relocated by Preston and the area was cleaned up a little bit. This is the flow meter data from a rain event and a dry period and we compared that event and the red line indicates our normal flows that we see through that line on a non rainy day or little rain and the blue line indicates what we saw during a rain event and this is after the repair had been made. The red line if you notice there is not much here and the reason for it that happened to be during a weekend period if you see the spikes here and here they are very similar to what we would normally see within the just a normal school day and this is over a week period. There may be a slight bit of infiltration still takes place but the amount of differences are very small. So that brought us to the Tama line and we wanted to compare what we saw during the rain event in 2 different places, 303 is down in this lower area here and 319 is up in this area. We tv'd this line and found out that our plans were inaccurate to start with, the line showed a connection piece that ran between these 2 manholes, it wasn't built that way at all so we're glad that we did get that in case a problem develops we can pull that data out. What we found was yes there was a little bit of infiltration but not to the extent that would make up for the high flows that we sometimes see during a rain period.

Mr. Klobukowski: Before you go on that line that is missing is that line necessary? The line you said that you found out...

Mr. Strong: Oh this line here, no, it doesn't exist, it is not necessary, what they did was simply and it was a wise decision when they built the line originally what they had it shown as is coming straight across the creek bed and tying in right about here and then the flow was to go down, what they did was they branched it and they just went from this point right about there to here and that was a more direct route and a better flowing route for it. And this is the Westerly Koteen pump station data and before I get into too much of this, what we saw in this particular one which is downstream of this particular flow monitoring is it showed the flows were higher here than here, that we believe was due to calibration issues in the flow meter gauges but the indications the data that was collected still was valuable, especially this one right here. If you notice there is a high peak rate and that is the initial onset of the rain event taking place, that is inflow, the later here is infiltration that takes place after the rain event occurs so we were real happy with what we got as far as data and we saw repeated occurrences in similar rain events through that time period, this indicates that there is something that is inflowing directly into the system and then we have the infiltration that takes place along the line and then the event happens again where we have a shot of rain come in, this particular one was a 2 point our rain gauges only measure 24 hour periods, this was over a 2.88 inch rainfall and then this one here is a .72, the ground is probably saturated already and therefore we get the inflow. We did that repeat of a similar event but not the same again this is a calibration issue. We went back to 2008 and looked at some similar data to determine whether the flows were within the range of we are typically seeing that 1.2 high MGD flows both in the upper area of the Westerly Subdivision and also down in the Munger Farm and that makes a little bit of sense in that the flows in this area of we will call it Tom Fox area,

these pipes are newer than these old transite pipes that are in place and we did already have some leakage issues in there due to some videotaping that we already did. Hughes and Bodmer this is that node right here right there and that node told us a lot about how the system reacts, you can see there is a red line right across the bottom, it serves about 8 houses, very small the other thing is that this line has already been lined on the main line not at the lateral level so we are going to go back this coming spring once the Town has its camera we are going to park a camera in the line right after a rain event and during a rain event so that we can see how this is actually working. It is believed that it is either leaking past the main line at the joint where the lateral comes in or the water is coming down from the lateral, we will be able to get more information but again you see that high spike of the inflow followed by the infiltration and again the rain event occurs and you get that high spike and this time due to the nature of the rain it was a prolonged infiltration event. Ok this is Hempstone right back in the area that we already lined and that sits right about there and what we were very happy to see is its good news and its bad news with everything. In this case we saw high inflow but we didn't see any trailing infiltration took place which means these are probably houses that either have the sump drains tied into the line and we know that is a possibility or the foundation drains are tied into the sanitary line, having 30 years of experience I know that up to 25 years ago they were replacing if you had a foundation drain they were tying directly into the sanitary line, we would believe that practice still pertains.

Mr. Klobukowski: And drain outside around the peripheral...

Mr. Strong: That is correct, that is correct, but you can see that low flow we would expect that low flow to continue, we are at about 50,000 is that right yeah there is 100,000 right there about 50,000 in there and then we shoot up to almost 3.5.

Mr. Klobukowski: You said that was accepted practice back then or just it was done back then?

Mr. Strong: It was the thought process back at that time was put more water into the system because you dilute the sewage and the solution to pollution is dilution so...

Mr. Yost: There have actually been a few houses we have been in over there at Hempstone in that area of Wesmond doing tvng during rain events and saw clear water coming down the lateral, knocked on the door, went in and did a pump inspection, the sump pump was connected out the back so it was something very similar to a drain being tied in, there was no other explanation.

Mr. Strong: It could also be due to percolation of the pipe or open joints but in the cast iron cases those are usually pretty tight. All right so where does this leave us well probably the best bang for the buck for the Town is to go ahead and look at the Westerly subdivision we know we have a problem in there, now it is a case of trying to eliminate the causes and analyze what segments of these lines these feeder lines are the problem. We know what the conditions are at Hughes and Bodmer, we've set the, we are keeping this as a control point right there at 743 manhole and we are going to go ahead and break this area up into various segments and set the flow monitoring up so we can gather the good data. The purpose of that is so that we don't treat areas that don't need to be treated or unnecessary repairs. Areas that have been lined, video piping the segment during a major rainfall and that is what I was talking about the Hughes and Bodmer along Hughes. Any questions? Meter locations this is a terrible PDF and I don't know why it turned out that way but it did, again on this map here if you want to come up and take a look

afterwards, the meter locations are marked in blue, we feel comfortable in telling the people where they are because in these cases you would have to pull the manholes in the roadway and nobody wants to do that. Any questions?

Mr. Brown: John I was wondering what does if you had to rank them with Westerly being the obvious targets for the next go round what is behind that?

Mr. Strong: I would say that right now it is Westerly that we concentrate on then we work back towards the Townhouses, we do know that we have a slight problem out on Elgin it is a 6 inch line but that is not the major contributor, all our data shows that the Koteen pump station gets hammered when it rains and in a few cases it has gone to pretty bad conditions, so we are going to go ahead and work towards defining that area better, hopefully we can come up with the major inflow point, we did some smoke testing if you recall it was up at Spurrier and Brown and we had smoke coming out of a manhole, the guys went back and tried to find that interconnection, we couldn't find it during a rain event but we really didn't have the best TV equipment to do it with either. It could be, it may be 100, 200 feet away from where the interconnection is or it may be a broken pipe, simply a broken pipe and it fishes it way back up through there. We do know that down by the old pump station off of Westerly that we saw a lot of pipes that don't show up on any drawings so we are going to go ahead when we have a good prolonged rain event go back and look at that line, there was 3 or 4 well there was 3 lines that came into the manhole there that we don't know very much about, they don't show up on any map or any plans.

Mr. Klobukowski: What size lines?

Mr. Strong: They were large. I would only say large probably 12 or 15 inch lines and then there was a 4 inch line and there is a stormwater box not too far away from that so if there is some type of odd interconnection or when the flow rate goes up to a certain point then it overflows into the line but we don't know.

Mr. Brown: Unlike the Wesmond I&I relining does this look like we will be able to get away without relining the vast majority, do we know that yet or is it going to be a, is there like a pardon the expression smoking gun for the Koteen situation that might make it easier for us.

Mr. Strong: We would hope there would be but typically spot repairs are ineffective in an I&I campaign. In other words you don't want to just, if you see an open joint you don't want to repair 4 feet on one side and 4 feet on the other because the crack will open up somewhere else most likely the pipe is deficient.

Mr. Yost: Plus we can narrow it down to some major roadways, prioritize them and figure out which is the best bang for your buck and knock out a couple roads with a couple hundred thousand gallons worth of I&I.

Mr. Strong: Right that is our hope is that when we start dividing up the system we can say ok well we are getting 200,000 from here and we are getting 500,000 from here well lets look at how many linear feet of pipe there is, well ok and then we start chasing it and it takes a little bit of time to get all this flow data but if we have good weather which means rain for us or for the Town the quicker that data can be assembled.

Mr. Kuhlman: Any further questions?

Mr. Klobukowski: There is no way of sort of saturating the area say using the Upper Montgomery County Volunteer Fire Department trucks or tankers or something where

you go in and you saturate if you think you have a problem in a specific area where you could sort of use them to saturate the ground?

Mr. Strong: Yeah we tried something similar to that up on that Brown and Spurrier but we didn't have any luck with that because we figured if it was an interconnection we would be able to see it, we just fill up the storm drain and it didn't trickle down which makes us think it is probably a crack and a fissure in the ground and the ground has to become saturated in order for that water level and that is fairly large, it is not the surface that you have to worry about its what is underneath to become saturated.

Mr. Klobukowski: And that happens very important side ---.

Mr. Strong: Well what we saw was during smoke testing and smoke testing you do during the most dry periods so there is no ground water that would inhibit the smoke from rising up from the sanitary system into the storm system.

Mr. Kuhlman: That it? All right thank you very much John.

Mr. Brown: Thanks John.

Old Business

Mr. Kuhlman: All right Tom Fox Avenue sidewalks.

Mr. Yost: In front of you guys today was a memo put in here by John with the price breakdowns and different options to look at.

Mr. Klobukowski: So the price increases from the first option to the second option by \$134,000.00, from the 1st to the 3rd by \$282,000.00.

Mr. Yost: Yes.

Mr. Klobukowski: For those who don't have, for the audience who doesn't have a thing, Option A is basically you have road, curb and gutter, sidewalk; Option B you have the road, curb and gutter, 16 inch green space, and then a sidewalk; and the third one involves providing a 16 inch green space between the curb and sidewalk with existing swale built in, it requires relocating a fire hydrant sign, lights, closing inlet boxes, installing new inlet boxes and planting trees that is the most expensive one.

Mr. Strong: We looked at several different options during this evaluation process, the first option Wade can you hit the Tom Fox...

Mr. Yost: Its not on here.

Mr. Strong: Don't have that one on there, bear with me. We will move right on through this real quick. This particular option we are going to go ahead and what is proposed is that the existing sidewalk would be removed and the placement of curb and gutter and also a 5 foot sidewalk, presently there is a 4 foot sidewalk there, 5 foot is ADA compliant and the water would flow from the road to the curb and into a series of swales, I'm sorry into a series of --- that would go into the swales that way we wouldn't have to build a stormwater management inlet and tie into the existing system, we would simply convey the water underneath the sidewalk much as what we do at Spurrier at the present. The trees would stay in place because we wouldn't be manipulating the swale to any great extent by simply moving the sidewalk toward the curb we would be able to use the existing slope or decrease the angle of slope and maintain it. What we also wanted to do was avoid the Westerly Avenue effect where when they moved the sidewalk and they built it up higher they slipped the sidewalk toward the swale, which then increased the angle on the swale and created some heartache. And what you are looking at here is we would have to go ahead and replace the driveways as they go but the existing drainage pipe would stay in place. That will continue on down to the school property line, no

problems in obtaining this at all, we would have to construct new handicap crossings to be compliant with ADA. This is the least costly venture it is \$245,000.00 engineers estimate. And these are just different profiles as you can see the area is fairly flat and keep this in mind as I go through the next 2 phases, being flat doesn't help this condition very much. And again you can see there is not much of a profile to help the drainage run from place to place. We do start to pick up a little bit downgrade as you head towards the school, down Halmos and then you really start to pick up the grade and again that's the helpful point in the stormwater management area. This is right now depicting the curb and gutter with the 5-foot block the 1 foot green space and then keeping this slope at a 3 to 1, these are exaggerated so that the contractor will know how to build it, it is not to scale, it is a typical section is what we call it in our profession. We are going to use trench slews, the slew detail, sidewalk on top, carries over and goes into the swale and that is probably standard. This section or this section both are the same these are typical business sidewalk sections that you would see around town. The curb and gutter is a 6-inch curb not a mountable curb we don't want people driving up on curbs if at all possible. And that concludes the first Option A. The next option we looked at was Option B which we created a 16 inch green space between the sidewalk and the curb, the back side of the curb, one of the problems that we had with that is as you move the curb as what happened in Westerly towards the swale, the angle starts to become steeper and steeper within that area which then creates an issue that we would have to remove the trees also in this particular area which is just after Hoskinson there is a fence or a won't call it a planter box or retaining wall that is actually in the public right of way that would have to be demo'd and moved. There is several fire hydrants also lights that would have to be relocated, the swale would have to be moved 2 feet, the culver pipes underneath the driveways would have to be removed and repositioned to carry out, the stormwater boxes there is several yard inlets in that area, those also would have to be moved and moved to the towards the property owners property line but we would still be able to use the swales and for drainage once completed and the slew technique of getting the water off the road. That option is \$379,000.00 engineers estimate. And the final one Option C is enclosing the existing swales, that is the most expensive option, that takes a lot more work of course and we would be placing stormwater boxes in the roadway because we are going to carry the water across the road also a few yard inlets because the existing drainage swales can't make it overtop to the roadway because they are dead even so we would have to put some yard inlets there. And as I described before removal of trees, the trees won't survive they are actually planted in the swale in that area so they will have to be removed and redone and that cost is \$527,000.00, questions?

Mr. Klobukowski: There is another option that you really didn't calculate in which I spoke to before what if you took the road and moved the road a little bit to the other side the non sidewalk side, you'd have to relocate I don't know how many mailboxes, I don't know how many driveway aprons it would impact or anything else, there is no sort of thing basically to give you Option B.

Mr. Strong: We looked at that a little bit but then that creates a crown problem in the roadway, the crown now becomes off center, people tend to follow the crowns of the road, its just human nature, we did consider that, we talked about that the last time and how much it would cost to go that route and as I recall it was approximately another \$24,000.00 in that area.

Mr. Klobukowski: \$24,000.00 on top of what the 379, the 245 or...

Mr. Strong: The 245. If you wanted to go for the 2 foot green space now we are talking another foot or so so you are probably talking \$45,000.00 somewhere in there because you are going to be having to add roadway as we move it toward the other side which means that we have undercut and...

Mr. Kuhlman: And that is just \$45,000.00 for the roadbed not the cost of moving all the mailboxes.

Mr. Strong: That is correct yeah it was just the road pavement issue. It is another option I mean it is something that could be looked at but again you are going to be disturbing that centerline of the road the crown of the road and there is a crown on the road.

Mr. Klobukowski: So you would have to recrown the road is what you are saying eventually when you repave it.

Mr. Strong: The road would be repaved, what we typically do when we repave the road in its current condition is we don't recrown the road we just follow the existing crown, we put 2 inches of pavement over the existing road, now as you start to shift the crown on the road it could be done that way there is limits the thickness of the asphalt can go to in a surface course and we would have to have very tight sections on that to make sure it would be possible and feasible in one layer, we try not to do successive layers because you are going to have one side that is going to be diminishing and another side that is going to be gaining and you can get some odd breakups that can take place.

Mr. Klobukowski: The reason I mention that is if you go down Tom Fox you know the road broadens at the corner of Halmos and Tom Fox it broadens there and its like I think I can't understand why they just go like I know its because you've got the school there but I guess that was put in last the school property was there so therefore they planned for the school but to me if you were going to build a road you would build it the same width going all the way down as opposed to just choke it off at a certain point because the road is extremely narrow.

Mr. Strong: I don't know what the engineering process was that they used in fact we've talked about that in various sections in Town it seems that some of the reasons you see breakup in other parts of the Town is that they probably used a tertiary road design rather than a secondary road design, our specifications are for secondary roads that we use presently where we don't even consider a tertiary section within Town so I suspect that may have, they may have looked at how at what the amount of traffic would be on the road when they designed it I don't know for sure.

Mr. Klobukowski: I think they probably looked at cost is what they looked at and they said cut out x number of feet, we will save x number of dollars. Because that is my only question I want to make sure that whatever we do we do it right and we do it once and if the optimum thing for the long term is to do something as to move the road slightly than that is possibly what we should do as opposed to say oh what good people we are and pass one of these other options and come out not being the best thing to do in the long run.

Mr. Strong: It could be looked at again we think the viable option is if you want the green space then you are going to have to do a lot of relocation that way you keep the roadbed where the roadbed is. If you want the, if you don't mind the curb being up against the sidewalk then that is the other viable option and if you want it closed in that is

also an option that way the stormwater management issues would have to be addressed through construction of new inlets.

Mr. Klobukowski: I am not that extravagant.

Mr. Brown: John I have a question for you as much as I like hearing about fences relocated etc., the Option A are we absolutely convinced that we are going to be able to move the water off this road the way that we should and then also address the pooling that takes place in a couple areas there now.

Mr. Strong: Well the pooling that takes place we are not changing the road bed, when Tom Fox eventually gets repaved that is when we will address the pooling that takes place.

Mr. Brown: I'm talking just basically right around, you know where I am talking about on the corner of Hoskinson as well as down the road at Halmos as well.

Mr. Yost: The sidewalk itself where it is all covered with mud that will be taken care of with the curb line.

Mr. Strong: Yeah through these options the sidewalk issues will be gone.

Mr. Brown: Right I understand.

Mr. Strong: Its if you are talking about roadway we have to wait until we repave because the roadway we can work when we mill any warped areas we can address it there.

Mr. Brown: Well this is really a combination of both that is why I am asking because it has to be if we are going to be putting in the we are talking about curb, gutter, sidewalk those are the specific areas where we have problems with pooling right by the sidewalk and right by those corners where the handicap dips go down etc.

Mr. Strong: What will happen is the when they place the gutter pans in place they will go ahead and create first the gutter pan falls toward the gutter and then from that point it will flow, if the water doesn't pond in the roadway or if it is at the edge of the roadway this will resolve it, if it ponds in a birdbath what we call a birdbath out in the roadway itself this is not going to resolve that.

Mr. Brown: Ok.

Mr. Kuhlman: Ok anything further for John? All right thank you very much Sir.

Committee Reports

Mr. Kuhlman: All right Committee Reports, Planning Commission?

Mr. Coakley: We meet next Wednesday.

Mr. Kuhlman: All right. Mr. Brown you meet tomorrow night.

Mr. Brown: Yes Sir.

Mr. Kuhlman: CEDC Lori.

Ms. Gruber: Yes I believe the CEDC wanted to approach the Heritage Montgomery for some mini-grants that were available and they wanted to see if the Commissioners would be interested in having them design flags and I believe they were interested also in welcoming signs entering and leaving Poolesville, so they wanted basically your permission to approach the Heritage Committee for the mini-grant and wanted to get an approval for a design.

Mr. Hoewing: Do they have a design yet that they are thinking about Lori or is it a grant to get the money to do a design.

Ms. Gruber: I think that they are applying for a grant for designing the graphics to be used for it.

Mr. Hoewing: Is there a timeframe that is pressing them right now they have to apply right away.

Ms. Gruber: It is yes the timeframe is September 14th.

Mr. Yost: Is there a required match to those, I'm not for sure.

Ms. Gruber: I'm not really sure. There is a required match ok.

Mr. Kuhlman: All right any further comments?

Mr. Hoewing: So are you asking us to do anything Lori at this point, are you suggesting that we go ahead and approve this or are you just saying they are going to ask us, I mean it sounds like you want us to do something tonight.

Ms. Gruber: Well my problem is that I was not...

Mr. Hoewing: Oh you weren't there ok.

Ms. Gruber: I was ill during this meeting this was given, this was just addressed tonight, I think that they wanted to have it addressed but the information was not passed so...

Mr. Kuhlman: Well as far as I am concerned if they want to get an information packet together and get it to us or send somebody here to brief us on it than that is one thing.

Ms. Gruber: Ok.

Mr. Hoewing: That would be fine.

Mr. Kuhlman: All right.

Ms. Gruber: Thank you.

Mr. Kuhlman: You are welcome.

Town Manager's Report

Mr. Kuhlman: Town Manager's Report.

Mr. Yost: I want to touch base on pick up where we left off last time with Winchester Homes and some of the well problems and where we are with that. Start off with on Friday we spent most of the day doing start ups on both the Winchester and the Kettler wells, everything went fine with them, got them started up they are running the --- were all squared away, we have final building permits on the Winchester well so as far as that part of their obligation for their MOU they have fulfilled that aspect of it. The own in manuals John has those and he is reviewing those right now so we are ok on that. On the front as far as the private wells go I have 4 certificates of potability of the 6 that are required from the County they have been issued, I also have 2 other lab reports that are going to the County on the other 2 wells that I need certificates, one being Manoff which passed fine and then the Pearce well they took 2 different samples 1 pre UV light and then 1 post UV light the only yielding on his well. One did not pass and one did pass, the one with the UV light did pass. The County I tried to see where they are with this process typically if you fail they had to do another super chlorination and then if that doesn't clear it up sometimes they allow the UV light to go on, I have not confirmed that with the County I just know what the test results are right now. There was an issue as far as chlorination goes, I think Mr. Pearce did the chlorination himself and I am sure he knows what he is doing but there wasn't any confirmation that it was done according to whatever specs and I don't know how Winchester feels about that but it was difficult they tried 2 different times they wanted to chlorinate and they weren't able to do it. So that is where we are with that so as far as the wells they are all in place they are all connected so they have fulfilled that portion of the obligation also for the MOU's.

Mr. Hoewing: So those 4 that they got approval and they are potable the one of them is Steve's then too.

Mr. Yost: That is correct he did mention a turbidity issue I have gone out he did mention it we took the first sample and sent it off that one has come back and it was fine, but after a rain we did take another one and I have not received that 2nd turbidity result back yet, we sent it to the State Certified Lab just to cover myself completely. We have field units that we can use but in the permit if it's a --- issue they want us to send it to a certified state lab so that is what I just do to be safe. As we are going through the pump down process that well will be monitored as well, all the wells that have been drilled are going to be monitored at some point if any turbidity at all in these wells over the 60 day period they will, a turbidity sample will be taken immediately so we will be following that progress along. Kathy Mihm has been in the field speaking with people we have several different meters set up at several locations so we can do the monitoring, the only thing holding us back from starting to do the actual 60 day pump down test is the result of the MTBE from the private wells surrounding the filling stations in town and I don't have any information on that yet, the State they still have the test none of the results have come back or not but that is all we are waiting for.

Mr. Kuhlman: Have they turned over the deed?

Mr. Yost: No I have not received the deed yet.

Mr. Kuhlman: On the well.

Mr. Yost: Not yet.

Mr. Kuhlman: Where are they with their settlements right now do you know?

Mr. Yost: There are a couple representatives in the audience they might be, they could speak to that more than I could.

Mr. Lemon: My name is Mike Lemon with Winchester Homes and our settlements are scheduled right now for the 21st and the 22nd. I did want to clarify with Wade we did hand over the deed when we met on Thursday, we recorded those deeds for the well as well as for the wastewater pump station.

Mr. Yost: That is right I am sorry.

Mr. Kuhlman: That's ok.

Mr. Lemon: I just wanted to clarify that.

Mr. Kuhlman: Ok all right thank you Sir. All right so in other words Wade they have met all the conditions of the PIA and the MOU?

Mr. Yost: And the State Appropriation Permit yes.

Mr. Kuhlman: All right any questions or comments from the Commissioners?

Ms. Gruber: You are waiting for a 2nd test on Steve's well?

Mr. Yost: All the wells they have an initial test they go take and then they take a 2nd confirmation so the County they take their sweet time on doing that so sometimes it takes them a month or two months before they go back and take that 2nd test.

Ms. Gruber: Ok.

Mr. Klobukowski: So they have taken the 2nd test or have not.

Mr. Kuhlman: Have not.

Mr. Yost: Have not as far as I know.

Mr. Klobukowski: Oh I thought they took the test but the results hadn't come in.

Speaker: I have the initial yeah and then they are coming back next week.

Mr. Klobukowski: And how long after they take the test do you get the results.

Mr. Yost: Usually 7 days, 7 to 10 days.

Ms. Gruber: So the comment that the gentleman made earlier about the well possibly not being sealed properly, how does that affect anybody else's thoughts on that or...

Mr. Kuhlman: I didn't hear you Lori.

Ms. Gruber: When the gentleman earlier who was presenting the geothermal stated that there was the possibility and he hasn't checked out those wells but the possibility of that well not being sealed properly and the rainwater affecting it is that something that should be...

Mr. Kuhlman: That is something that they are going to have to deal with if that is proven.

Ms. Gruber: Right.

Mr. Kuhlman: But the PIA and the MOU specifically state to that they have to mitigate the wells, they have done that, certificate of potability have been issued on the 4 that we could get, Manoff's you can't get one because he is not hooking it up to the house so we got a lab test on that and through a calamity of events or whatever they couldn't get with Pearce but we have got the lab results saying it is good.

Mr. Yost: One other thing also we once the 60 day test starts we have a 3 year period with Winchester or Kettler to mitigate any well if there is any turbidity or any other problem also that is part of the agreement.

Ms. Gruber: Ok.

Mr. Kuhlman: And the other condition was turning over the deed to the well site.

Ms. Gruber: Right.

Mr. Hoewing: On the 3 year Wade is that basically a homeowner enforcement issue or does the Town have any role in that at all.

Mr. Yost: That is between us and Winchester.

Mr. Hoewing: Ok so we do have a role in that if there is a problem.

Mr. Yost: Yes.

Mr. Hoewing: Ok.

Mr. Kuhlman: Yes Sir come forward.

Mr. Detrick: Doug Detrick Winchester Homes. I just wanted to make a correction Wade, potability's that you do have, have all had 2nd tests, they had an issue with potability we did a 2nd test on the Manoff well we will probably have the --- potability which is on the 1st test and Andy Summers said he would issue a potability on the 2nd test.

Mr. Yost: I heard different so that is fine I will wait for confirmation from the County also.

Mr. Kuhlman: All right so do you have a recommendation here Wade?

Mr. Yost: I think they have fulfilled their obligations as far as the MOU goes and they should be able to move forward.

Mr. Kuhlman: I would agree is there anybody that disagrees? All right then they can start going ahead with the settlements. What else you got.

Mr. Yost: That is it.

Mr. Klobukowski: Can we get back to one thing as Link sort of said a timeframe for getting that --- well wrapped up so that we know, because I know we have 3 years but I don't want to wait 3 years I'm sure we won't wait 3 years so do we say by mid October the end of October that these issues should be resolved, is that what we are expecting for Goldberg for Steve's problem, for Manoff and Pearce, now Pearce you said there are 2 tests but if they fail one test you have to do another test.

Mr. Yost: Pre treatment failed, post treatment passed.

Mr. Klobukowski: Ok so they are fine.

Mr. Yost: Well I am not for sure exactly what the County's standpoint is on that.

Mr. Kuhlman: And Manoff does not want his hooked to his house.

Mr. Klobukowski: All right so do we need some special something signed off by Manoff saying I've got the well thank you very much I'm not going to hook it up and I am happy.

Mr. Yost: In the MOU that he did sign it says that if he does not agree to allow them on the property and do the work in accordance to the MOU than it is over.

Mr. Klobukowski: Ok so when do we expect these things to be finalized.

Mr. Yost: Mr. Pearce's well they are super chlorinating I am not for sure where we are with that I tried to call the County Andy Summers and he is out until tomorrow so I am waiting to hear from Andy he was out all last week. As far as Mr. Goldberg we will continue to do turbidity testing and see if there is a problem there, if there is high turbidity in his well according to the permit due to the Winchester Well they have 90 days to rectify the situation, so they have to comply with the permit.

Mr. Klobukowski: So we are looking at December. I just want to put some sort of timeframe as opposed to --- thank you.

Citizen's Forum

Mr. Kuhlman: All right anything else Wade? All right citizen's forum anybody, Mr. Pearce.

Mr. Pearce: Robert Pearce, 20300 Westerly Road. I had hoped the gentleman that spoke on geothermal would have stuck around, it was quite obvious that he didn't realize that we are in a fractured rock geology not an unconsolidated sedimentary rock geology. I am not sure how much his statements applied to a fractured rock geology should have been asked of him because if a well is drilled if there is a leak and the leak gets into a fracture it is going to be a lot different than filtering through unconsolidated sedimentary rock that gets immediately into the water. Secondly as I understand and I haven't been able to get a hold of a copy of the proposed Ordinance actually so I am basing it on what was sent out in the Town newsletter but I understand that the Planning Commission only recommended shallow something like 10 foot deep I don't know whether anybody has examined whether that works in rock as effectively as it would in an unconsolidated material because I can guarantee you over most of the Town if you go down 10 feet you are going to be cutting into rock to put in any shallow geothermal. With regards to Steve's well I think he probably is wrong it probably was sealed properly, the problem is probably because of the fractured rock that you have fractures from near the surface and the work that is going on at Winchester they are related to the sediment ponds and something has interdicted one of the fractures and that is probably what is causing...

Mr. Klobukowski: So you are saying surface communication.

Mr. Pearce: Pardon me.

Mr. Klobukowski: Surface communication.

Mr. Pearce: Yes I know for a fact there is surface communication in the opposite direction there are 2 springs going on that stream that are putting out deep water into the stream that runs through the property and so I wouldn't doubt that there are fractures leading into it also. With regards to I&I I would lodge an objection right now to using any more property funds to fund Westerly Avenue I&I or any other. I would ask that you go back to your 2004 report that you had done on sanitary wastewater by the Academic

Institution in La Plata which recommends that you run the wastewater and I would say also the potable water supply as a true enterprise like everybody else in the world does. With regards to the unknown pipes that go into one of the drop outlets that was referred to during your engineers presentation, my suggestion is that you temporarily plug those during the next heavy rainfall and you will probably very quickly find out what the source of those pipes are. With regards to sidewalks along Tom Fox Avenue I am not sure what the purpose of that if it is ADA compliance I would ask how you let the high school not put sidewalks along the high school like every other high school in the county has instead we have coming from Spurrier Road sidewalk we have a set of steps that go up about 15 feet which I suspect aren't ADA compliant. With regards to that...

Mr. Klobukowski: I raised that same issue not to interrupt but that was not I didn't think it was right to do it but I think Eddie will stand that Winchester is supposed to fix that and put sidewalks down the front of the high school property they are going to do it on their nickel.

Mr. Pearce: Ok that would be good. With regards to that whole subdivision where Tom Fox is if I recall from my days on the Planning Commission the original design for the sidewalks in that subdivision was that they were going to be on the house side of the and I don't know whether you still have a right of way that was actually given up, ok just so you recognize that I wanted to point that out and with regards to I think it was Jerry who suggested moving the road a bit it would seem to me that if you combined milling the surface of the asphalt with repaving you can get a new crown on that. Finally I will go on record as saying that we are satisfied with our well, the County we have tested and with a PhD in Biology and a minor in Chemistry I think I can understand the directions for chlorinating, I chlorinated that well as directed completely now they have come back and said because of the high volume flow in that well that there might be an alternative method we are getting a little tired of having our lives disrupted for multiple days while our well is chlorinated, we have had a UV filter in the house for 20 years and our water as you heard from Wade is potable with the UV filter, we have lower nitrate concentrations we do not have chlorination disinfectant by-product problems from your chlorinated water and my biggest concern if the County is worried about our health is I would like them to run a test on the alpha emitters including radon and uranium rather than continuing to re-chlorinate.

Mr. Klobukowski: So you have had the UV filter in your house long before...

Mr. Pearce: We have.

Mr. Klobukowski: Ok I believe I heard you mention it a long time ago but I forgot and the way it came out it sort of implied that that was installed as part of the new well and it wasn't.

Mr. Pearce: No that has been in the house from the old well it was low level bacterial, there is no fecal coliform, there is soil coliform and we had that before we have the UV filter and we also do an activated charcoal filter on the water that in the kitchen where we get most of the drinking water.

Mr. Klobukowski: So let me ask you one question as you mentioned about the geothermal heating, you are saying that you would have to go deeper, geothermal heating is not compatible with our geology or you have to go deeper.

Mr. Pearce: I don't know if it is or not I've never studied geothermal I just don't know whether the Planning Commission got somebody that knows about our geology because

if you go shallow you are going to be going through rock all over the place here, if you go 10 feet deep, and so I don't know whether the heat transmission is as effective or whatever in rock but before you pass an Ordinance that says that is the only kind that is allowed we ought to find out for sure whether that is even feasible besides the cost of putting a line in that is going to be a lot more expensive putting a line in through rock than it will be through unconsolidated sedimentary material.

Mr. Klobukowski: Thank you.

Mr. Pearce: Sure.

Mr. Kuhlman: All right thank you Sir. Anybody else, Ms. Williams.

Ms. Williams: Karen Williams, 19505 Hartz Pond Court. I just wanted to say about the Tom Fox Road that the narrowness of it that is for a calming effect with traffic and to make it wider would not be a good idea, I live on Hughes Road which is a very wide road and traffic is very fast and now you are putting speed bumps in town to slow down traffic so to make Tom Fox a wider road in order to make it the same size where the school is would just then we would have to put speed bumps to slow down the traffic, so in neighborhoods it needs to stay narrow so that people go slow and up by the school its wider so the buses need a bigger area.

Mr. Klobukowski: But I don't think that was the original concern for some reason I think that that was a common...

Ms. Williams: I know but I don't want it to get wide so lets leave it that way.

Adjournment

Mr. Kuhlman: All right anybody else? Seeing no hands I entertain a motion for adjournment.

Mr. Klobukowski: So moved.

Mr. Kuhlman: Is there a second?

Mr. Hoewing: Second.

Mr. Kuhlman: All in favor.

All: Aye.

Mr. Kuhlman: We are adjourned thank you.