

**COMMISSIONERS OF POOLESVILLE
MEETING OF SEPTEMBER 21, 2009**

PRESENT: LINK HOEWING, JIM BROWN, LORI GRUBER, 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: We will call the Commissioners Meeting of September 21, 2009 to order. Our first order of business will be the Pledge of Allegiance if all would rise Jerry.

Pledge of Allegiance

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

Presentation – Poolesville Support Group

Mr. Kuhlman: All right our first order of business will be a presentation from the Poolesville Support Group Mr. Hobbs and whoever else would you like to come forward please.

Mr. Hobbs: On behalf of the Poolesville Military Support Group we would like to recognize the Commissioners and the Town of Poolesville for their continued support and their dedication to this event that we put on each year for these wounded soldiers. What we have here is a plaque that we would like to give the Commissioners to put somewhere in Town Hall here showing the Commissioners and the Town of Poolesville giving us this support, so if I can give this to Eddie. Just to give a little brief overture of what happened down at Whites Ferry this year for our picnic this year we had a lot of support from our local merchants starting with Selby's Market, Poolesville Hardware, JD's where we got the bait there was just a lot of money that we tried to put back into our local townspeople and all the merchants here most of the money came from you guys and we definitely do appreciate it. Next year we are hoping that this event is even better than it was this past year each year we have grown and grown and grown, our 5th year of doing this we have given Fisher House \$46,000.00 and that's directly from the community and all the involvement that we've had. This handout will just kind of give you an overture of who has been out here supporting us each year and we have been getting more and more support each year and we definitely without you guys and the community coming out helping this would not be possible so we want to thank and commend the community support and the Commissioners as well thank you.

Mr. Kuhlman: Any questions. All right thank you very much I would like to ask everybody to give these gentlemen a stand up please that are involved with it. Can you take a second and introduce all your comrades.

Mr. Hobbs: Richard McKnight we have Roger Strippey, Leroy Archer here he is one of our supporters he contributes to it he is here tonight, Bob Colan and this is our latest return from Afghanistan Paul Kelly who served for 12 months in Afghanistan one of our

biggest military supporters and Don and MaryLou Hoffacker and just all the Town people that come out I mean there are so many that are coming out more and more.

Mr. Brown: Thank you.

Public Hearing

Mr. Kuhlman: All right the next order of business will be a Public Hearing on and I need to read a statement. Good evening ladies and gentlemen. This is a public hearing on multiple proposed Ordinances. The first proposed Ordinance No. 176 would amend the Poolesville Code, Chapter 12, Sections 12.1, 12.15 and 12.21 to add new definitions, to amend provisions prohibiting the parking of certain commercial vehicles, buses and recreational vehicles in certain areas and to generally amend the law regarding vehicle parking. The second proposed Ordinance No. 177 would add Chapter 14.5 – Road Construction Standards. And proposed Ordinance No. 178 would add to the “Use Chart” Alternative Energy, add definitions and a new Section 7.A – Alternative Energy Systems to Appendix B, of the Poolesville Zoning Code. Copies of these Ordinances have been available at Town Hall. The file for tonight’s public hearing contains the following exhibits: Proposed Ordinances No. 176, 177, and 178, Notice of Public Hearings, Copies of the September 9 and September 16, 2009 issues of the Poolesville Gazette containing the Notice of Public Hearings. Each person will be allowed 3 minutes for their testimony and any person wishing to do so may now testify or ask questions about the proposed Ordinances after giving your name and address. Our first hearing is for Ordinance 176 the vehicle parking, we have nobody signed up is there anybody wishing to speak, yes Ma’am. Please come to the desk you need to come forward so we can get it on the recorder please.

Speaker: I didn’t come here to speak on this issue but I think it is absurd how many people park next to a curb. I am a civil engineer I don’t even notice the yellow stripes or not, I know as a Civil Engineer I have done Civil Engineering in Poolesville, there is so much parking in Poolesville, there is never ever a space not within a very short distance and why can’t there be a little more --- you know I drive up to Selby’s and there is 5 vehicles parked there. I don’t know what this issue is about I didn’t come here for this issue but I am really disgusted about the laziness of Poolesville Parking.

Mr. Kuhlman: All right thank you Ma’am. Anybody else. All right seeing no hands we will close the public hearing on Ordinance 176. The record will be held open until this Friday close of business in Town Hall, which is 4:00 PM. Ordinance No. 177 the Road Construction Standards I have a Conrad Potemra signed up to speak please, Mr. Potemra.

Mr. Potemra: Conrad Potemra Spurrier Avenue I also wasn’t prepared to speak on this but when I saw it I realized it brought some problems up. Number 1 this Resolution is woefully adequate or worse at best it is woefully adequate, inadequate. The one thing that is being totally ignored here and is so frustrating is that there should never be an overhead power line in Poolesville when there is a new development. The developers should be putting the lines underground, if you want a way around it the way around it is to only allow overhead power lines in front of Commissioners houses. You do such a good job with Winchester Home and Willard and then you got to have the overhead power lines on the houses that are going to be facing the street, you do something so good and then you leave these overhead lines sitting out there, then you do the same thing you try to create another monster like you created on Hughes Road by patch working the darn road, patch here, patch here and it you know it doesn’t drain right it is a mess, why do

you go out of your way, when a developer comes in he should fix that road take control of it and fix the road so you got 2 major issues that are not in here that should definitely be covered.

Mr. Kuhlman: Thank you Sir. Next speaker Michael Lemon.

Mr. Lemon: For the record my name is Michael Lemon with Winchester Homes by work address is 6905 Rockledge Drive. I want to thank you for the opportunity to provide testimony at tonight's hearing. I completely understand the Town Commissioners concern with road failures and the potential implications on the finances for the Town and I also understand your duty to protect the best interest of the Town's residents both existing and new but I also think as a matter of fairness to adopt new road standards when we have approved plans and an executed PIA. First I would like to ensure all concerned that we are constructing high quality roads in the Stoney Springs development. Winchester Homes has been building roads in Montgomery County for over 30 years we just recently won JB Powers top award for new home quality and I can ensure you our interests are --- because our reputation is extremely important to us and since most road failures occur during the house construction phase and prior to bond release and in this economic climate it is not economical for us to cut corners in any way, shape, or form much less in building roads. As you know Stoney Springs is a large development and Winchester Homes will be on bond and driving over these roads we construct for many years to come. Our decision to pave section 1 of Stoney Springs without sub grade --- was based upon sound geo-technical science, we relied on these facts and data to do the job properly, there were 3 characteristics of the geo-technical support including average weight which we had a recording of 120 versus the 105 minimum, the average liquid limit we tested at 28 which is well below the 40 maximum, and our average plasticity index was 7 well below the 12 max, again these are awesome results. I just think it comes down to fairness and that 1 size does not fit all, if we have facts and data that support that there is not a need for a stone sub base then we don't feel that there should be one in this case. The Public Improvements Agreement which was executed by the Town and Winchester Homes we believe is a legally binding agreement in which we should be able to rely upon and I think it works both ways this agreement specifically states that Winchester Homes hereby agrees to install the following public improvements including street grading, paving, etc., all in accordance with the final engineer plans as prepared by Lordam& Soltez and approved by the Town and the Town Engineer. We believe that the Town therefore is bound to this agreement just as Winchester is similarly bound to construct Stoney Springs in accordance with the approved plans and as you may know our attorney forwarded a letter to the Town this summer concurring with these understandings. Changes to the Town's design specifications for roads or other infrastructure should not apply retroactively to Stoney Springs, simply put this is an issue of fairness. Before I conclude my comments I had heard testimony previously that the Tama section was a subdivision where stone sub grade was installed throughout the community and recently it has come to our attention that that may not have been the case, that Tama section 1 did not have a stone sub grade and we would just like to have clarification on that. Also we understand that the Hunters Run subdivision which I visited and I have seen those road failures, we understand that some testing was done and we would just like to know what the results were of the tests and the reasons for the failure of the roads in the Hunters Run community. In closing Winchester has made a

very large investment and realize with the Town's approval of its plans and the executed Public Improvement Agreement, we ask that we be allowed to proceed based upon approval granted and we respectfully ask that any newly adopted road design specifications not apply to Stoney Springs at a minimum if our development could be grandfathered with specific language that protects the Town, again I thank the Commissioners and I really appreciate the forum to provide testimony this evening, thank you very much.

Mr. Kuhlman: Thanks Mike. Anybody else on Ordinance 177 the road construction, all right seeing no hands that public hearing is closed and the record on it will be held open until Friday, this coming Friday of close of business in Town Hall at 4:00. Ordinance 178 and for those of you that are signed up we will be taking Town residents first so if you are not a Town resident you will be coming last, Mr. Speelman.

Mr. Speelman: I am not a Town resident.

Mr. Kuhlman: Your business is in the Town Sir.

Mr. Speelman: John Speelman 19961 Fisher Avenue. As you know since last February I have been trying to put up a wind energy system, I have been to many Planning Commission Meetings and I understand that it looks like the Planning Commission does not feel it is a good idea for me to have one of these things. I have over the past months I have collected over 350 signatures, which I brought you all a copy most of them are residents a lot of them are not but when you have almost 10% of the Town for this, just the walk in traffic and not going door to door I really feel you guys are missing the boat in thinking green, I think it is a bigger issue than you are allowing it to be because its a bigger issue than you feel and to adopt this new Ordinance I think you are wrong. So I want to give you each one of these and I think there are other people here that want to speak about this.

Mr. Hoewing: John just a clarification when you say you guys it's a proposal that came from the Planning Commission to us we haven't voted on it yet.

Mr. Speelman: Ok well the outline that the Planning Commission has proposed does not allow the wind energy systems in the Central Business District and I believe like I said before I would put it up I could take it down and I believe if the setbacks I was led to believe that one pole light off the property line so if it fell down it would be on my property is legit and reasonable but I didn't realize if it came through not allowing them at all.

Mr. Kuhlman: All right thank you Sir. Just give them to Wade if you would there John we will get them handed out. Thank you Sir. Tom Burch.

Mr. Burch: Good evening, Tom Burch, 19708 Westerly Avenue. While I have reservations about the feasibility of many green technologies I am here primarily to support a businessman who I feel has shown an amazing amount of loyalty to the city of Poolesville. When I came here 33 years ago to live at best the services and products offered in the city of Poolesville were best described as rudimentary at best. As somebody who drives 350 to 400 miles to work for these past 30 years the idea of making a trip to a hardware store down in down county on top of the commute that I made was almost intolerable. When I first arrived in Town I remember we had a little mom and pop store that offered prescriptions also saving me the efforts of making long treks down county. While I do have my reservations about the feasibility and efficiency of alternate energy systems we have a gentlemen here who would like to take the opportunity to see if

he can offset some of his operational costs to do business. I have never sensed that John is getting rich as a hardware store owner in Poolesville and I consider him providing a very valuable service to me as an individual and I am here primarily to support John as a businessman and somebody that I feel a strong allegiance to and gratitude for, thank you.

Mr. Kuhlman: Thank you Sir. Did you figure out who that was ok.

Mr. Burch: Speaking on behalf of Robert Pearce 20300 Westerly Road for the record as somebody who has been in Town for 33 years I am well aware of who Bob Pearce is but in all honesty I don't believe we have ever actually spoken. I volunteered to read something in his behalf due to his absence, understanding the time limitations I recognized how difficult it may be to get through this in total but we will provide it to you in written form for consideration later. Due to work related travel I am unable to deliver these comments in person however the subject is one that every citizen should be concerned about. This is only 2 pages long. Good government should empower its citizens not needlessly restrict them as drafts of this Ordinance will constrain the future and not embrace it, it prohibits activities that could enhance the lives of its citizens without tangible benefits to them. It does not consider all existing technologies related to alternate energy let alone the future advances that we cannot know but will certainly occur. Once propagated the Ordinance will be a hard thing to change. Poolesville is a pleasant community and a good place to raise kids, we raised 2, anyone that has driven down Fisher Avenue however knows that it is not a quaint country village oozing with charm, its earlier history attests to the practicality of the farming community that thrived around it, there is only so much that can be accomplished with the streetscape plan that can't eliminate existing utilitarian buildings and power telephone poles at 200 to 300 foot intervals that line the avenue. By my count there are approximately 96 utility poles ranging in heights from approximately 35 to 65 feet in the Central Business District and Commercial Districts. Many have cross --- with transformers attached to them all of them have a myriad of cables strung from them, there is a 4 letter word that best describes them, ugly, since they can't be eliminated the addition of a few small size wind turbines in the CBD or CD will not detract from the small town characteristics of this community. In addition there is at least 5 flagpoles near these zones is the Town water tower with ugly cell transmission dishes on top, we tolerate that because they enhance the lives of our citizens. At the high school there are 4 very high monopoles with light booms on top and a dozen lower light poles on a high flagpole. Poolesville High School is the home of the Global Ecology Studies program and the Science Mathematics and Computer Science House, 2 county magnet programs looking to the future. One had wind turbines on top of the monopoles illuminating the athletic field in the High School along with solar panels on the roof of the new buildings. Wind turbines and solar panels could reduce tax expenditures by providing power for the wastewater treatment plant, we have 3 flagpoles in Whalen Commons how bout adding a vertical wind turbine to power the modern Town Hall. There is one in front of the National Botanical Gardens on the Mall in D.C. Any property that is not part of a subdivision should have the right to generate its own power, our property and others in Town still have the windmill structures from past generations but look to the future. In the past ours provided power to lift water from a hand dug well to a wooden holding tank that provided running water to the house originally built in 1780. Subdivision properties should have the right under Special Exemption that allows neighbors to express their views, the Town history demonstrates that there are forward

thinking people here in the past. Forward thinking should be a small town characteristic that we hold most dear.

Mr. Kuhlman: How much more you got Tom?

Mr. Burch: It's about another page. Specifically the framing of the Ordinance, 1) it should be changed so that the Planning Commission is not issuing permits, Town Staff is paid for that type of activity; 2) it is ok on solar with two changes, side setbacks should be retained at 10 foot with Special Exception to 5 feet, note 14 should be modified to allow some adjustment of angle for roof mounted solar panels to optimize solar angle of instance; 3) it should be substantially modified regarding geothermal, it appears to be based on many misconceptions, the following should be the substance of the Ordinance, vertical, diagonal, and horizontal closed loop systems should be allowed in all areas beyond the wellhead protection zone and by Special Exception within the wellhead protection zones with a recycling heat exchange compound that is either certified for human consumption or insoluble in water...

Mr. Kuhlman: Ok Tom give it to Wade please.

Mr. Burch: Thank you.

Mr. Kuhlman: Mr. Nessul or Mrs.

Mrs. Nessul: When you get one you always get both.

Mr. Kuhlman: It says Henry.

Mrs. Nessul: Good evening Linda and Henry Nessul 20101 Fisher Avenue. For those of you not familiar with our house it's the big blue historic one within line of sight of where the proposed wind tower would go. First of all I would like to say thank you very much to John for being a good businessperson, a good neighbor and a good friend. John is one of the first people that we met when we came to Poolesville and started doing things for our home so we greatly appreciate you John and this is in no way meant as a personal affront to you. First of all I would also add that I was a Commissioner between 1996 and 2000 when the Zoning Ordinance was rewritten, at that time we spent a great deal of time discussing the Central Business District, we went through a number of changes and proposals to the charts in terms of what would be appropriate and what would not. One of the things that was first and foremost in our mind at that time was the low rise nature of the Central Business District, the fact that it is a small town and the fact that none of our businesses exceed 2 stories in height and neither do the homes that are located there. I would also point out that within that Central Business District is a historic district that is recognized by the National Register of Historic Places as well as the Maryland Historic Trust, the Town of Poolesville however does not recognize that, there is no Ordinance, there is no historic preservation commission and we don't want one so don't get that idea either but what we are concerned about is what this is going to do to the general character, wind farms are generally located on ridges where there is significant prevailing wind not in the middle of a business area with residences that abut directly to and within just a matter of feet of those particular business and commercial lines. So while we appreciate green energy and we see the windmills out along Route 28 there is a new one over on I think it is Jerusalem Road but it is pretty imposing if you look at it and that one is only about 40 feet tall so we are talking about one that would be even taller than that and we are concerned that it is going to overshadow the tree canopies there as well as the local structures. Granted St. Peter's does have a steeple that is probably around 50 to 60 feet but the steeple doesn't move and it looks like it belongs there so we think that that is

not an issue. So we are asking the Commissioners to consider retaining the sense of the small town business district, the low rise nature of it, the harmony with which that business district abuts the historic district as well as the adjacent neighborhood of Elizabeth's Delight. Those of us who live within sight of this really don't want to see it and we don't want to hear it, we would certainly support if John wanted to go with some sort of solar power or other alternative energy that would not distract from the small town character in the Central Business District that we have. I do note in here that it talked about allowing a height of up to 75 feet and then on page 5 letter C the second bullet talked about a maximum height of 75 feet for small wind generator but then in number 4 it says it should be unobtrusive and blend with the surrounding environment, there is no way a 75 foot tower in the middle of the Central Business and Historic District is going to blend. So we would like the Commissioners to please give this negative consideration, do not pass this Ordinance, and do not impose this on those of us who adjoin the Central Business District.

Mr. Kuhlman: Thank you anything else questions?

Mr. Hoewing: Just one actually not a question but I was involved too in the Planning Commission when we reviewed this and I looked back at them and kind of surprised I will just give you a couple of examples. Believe it or not you can actually have a helistop or a heliport in the Central Business District, I don't know who would build one but you can do it and you can have adult entertainment businesses too if you get a special exception so we probably need to go over this again I think at some point to see if we need further revisions.

Mrs. Nessel: I think the question that came up with that one was sort of related to private clubs.

Mr. Hoewing: Yeah that is probably what it was but anyway.

Mr. Kuhlman: Thank you very much. Mr. Tim Whitehouse.

Mr. Whitehouse: Thank you very much. My name is Tim Whitehouse I live at 17207 Hersperger Lane. I have been a resident here for about 3 years. I wanted to talk about a couple things first of all as you develop an Alternative Energy Ordinance I would like to encourage the Town to develop an Alternative Energy Vision, this is a new moving and very controversial field and when you pick up an ordinance like this it is very difficult I think for the average resident of Poolesville to understand what this actually means and I think one of your task will be to make this document understandable to all residents and all town people and that will help avoid some of the upcoming issues as businesses and Town people want to install solar, geothermal, or wind energy. And also in terms of energy I would hope the Town could develop a vision that would recognize that it needs to provide choices to people and to businesses as they move into this town or as they try and start businesses in this town. I was particularly concerned and I may be wrong here correct me if I am but that the solar part of this Ordinance would essentially make it very, very difficult if not impossible for businesses in the commercial district to install solar on the rooftop with a frontage toward the street and I may be wrong correct me if I am but I think other people have that impression too and to me the only reason I can think of is aesthetics but for many of us solar power is very nice it is very beautiful it is very appealing if done right so there certainly needs to be some look at the aesthetics but I hope that aesthetics would not ultimately drive your decision particularly on ---. In terms of the wind energy I recognize people have very, very strong feelings on wind turbines

everywhere, what I would like to see is someone raise a balloon up and superimpose the windmill over the store so people could see what it looks like, take some pictures, super impose the windmill from various points in town that would help I think give people an understanding of what they are dealing with because right now its not very clear. I personally support wind power, I think windmills are very nice looking I would be concerned if I were a neighbor about the noise, I don't know the noise levels here I understand they are quite low on these types of turbines. And finally in terms of process I want to really encourage the Town its very difficult when you look on your website to find out what's going on I am fairly plugged into different groups and I know but I want to say once I decided to focus on this it was quite difficult to get the documents and I want to encourage you to use your website to post draft Ordinances and to receive comments from people who may not be able to attend public meetings, thank you.

Mr. Kuhlman: Thank you any questions.

Mr. Hoewing: Do you support then small wind energy systems in the CBD and residential?

Mr. Whitehouse: I don't know what the CBD is.

Mr. Hoewing: That is the Central Business District that is where John's store is. There are 2 districts in the, there is a commercial district which is the area not in the historic district and the CBD which is where he is.

Mr. Whitehouse: Right so the question is do I support the wind turbines?

Mr. Hoewing: In the Central Business District and in residential.

Mr. Whitehouse: Yes I do. Yes I need to know more about the issue in terms of the setbacks, I'd want to know a little bit more about the noise if I were a neighbor, visually I would not find it offensive at all, what I would be concerned about is the noise or if there is an event that would be catastrophic and perhaps knock the windmill over I'd want to make sure that safety issues are addressed there. And I also want to make sure I think this Ordinance does it is if the business fails or if the energy source is no longer productive that there is a way to get rid of it.

Mr. Kuhlman: Thank you Sir. Joyce Breiner.

Ms. Breiner: Good evening my name is Joyce Breiner and I live at 2 Hackett Court in Poolesville. I thank the Commissioners for the opportunity to provide comments on the proposed Alternative Energy Ordinance that is now before you. I have no doubt that research leading up to this proposal was as thorough as could be expected given the Town's resources and --- of committed volunteers. With that said I request that --- adoption proposal be amended to take into account the following: 1) proposed Ordinance should be changed so that permits are issued by Town Staff not the Planning Commission. Issuing permits is an administrative function, appeals can go to the Planning Commission or Town Commission as appropriate; 2) overall the proposed Ordinance comes across as very restrictive and based strictly on what may be perceived as the only options in technologies presently available, example 1 the Ordinance requires a solar installation in the Central Business District quote be visibly screened from all roadways, in this statement there is no room for solar technologies currently under development such as thin filmed modules that are built right into roofing shingles, example 2 geothermal standards are highly restrictive to the point of being undoable for most who might be interested in this alternative energy option. I am exceedingly aware of, understand, and appreciate the concerns regarding water quality in our community, I

have also not written off this technology in short I possess 2 geothermal heat exchange system proposals, the preferred proposal is based on a series of diagonally drilled holes which are fitted with closed loop copper pipes, from my home it would mean about 5 holes each 3 inches in diameter and about 100 feet long, the refrigerant in these copper heat exchange pipes is insoluble in water and if leaks takes on a gaseous state that works its way to the surface by the diagonal hole. Not only is this geothermal heat exchanger system called Earthling safe for the aquifer, it is more efficient than the more well known standard vertical or horizontal large plastic pipe geothermal heat exchangers much less destructive to a property owners landscape and a non issue aesthetically. The present extremely restrictive wording of the proposed Ordinance leaves actually no room to consider this a worthy option. The second proposal I present is a more traditional design but I understand the proposed Ordinance it would be unacceptable because the refrigerant is something like that used in windshield washer fluid not something I would want to drink and not food grade. As a consumer the first system when --- is efficiency cost and innovation; 3) the proposed Ordinance cannot anticipate all technologies that become available in the future and I believe it can be written in a manner that allows --- and fact to take place. As presently drafted the Ordinance excludes John Speelman's proposed 1 year test of a small wind energy system in Poolesville Hardware, if a test such as this was approved soon a referendum could be placed on the November 2010 ballot and the citizens of Poolesville could decide it was appropriate for the community. The Global Ecology students would have a year to study and analyze it similar tests are expressed to be permitted by the Ordinance and conducted on other technologies as well.

Mr. Kuhlman: You need to wrap it up Ma'am.

Ms. Breiner: One I ask why the proposed Ordinance does not meet my needs as a property owner. I have considered solar on the south facing roof on the back of my home I am unwilling to remove the mature original tree that stands behind my home but that also casts a shadow where the solar panels would be. As for wind I do not believe my lot is conducive to that however my neighbor lives at the top of the hill where wind hits the home directly. A wind energy system peaking up over the rooftop seems it would be a very attractive option for them. I understand that residential wind energy systems are microclimate sensitive not unlike microclimates for wine producing grapes on one part it will produce a superior grape than it does on a field on an adjacent hill.

Mr. Kuhlman: Ok.

Ms. Breiner: One more thing.

Mr. Kuhlman: I am sorry I have given you a minute and a half more if you want to wait around until everybody is done if we have a chance we can call you back unless you can give it to Wade and we will read it this week.

Ms. Breiner: At the end of when all the statements are done or at the end of the whole meeting?

Mr. Kuhlman: The end of the Public Hearing.

Ms. Breiner: Ok.

Mr. Kuhlman: Thank you Ma'am. Aaron Morrow.

Mr. Morrow: Hi my name is Aaron Morrow I live at 17213 General Custer Way. I have been living in the Town of Poolesville for about 3 years now. This came to my attention a few days ago and I feel kind of bad about it because I actually work in the solar industry. I work for a company that is North America's largest solar energy service

provider and so we do a lot of work both in California and in Maryland and also around the world and so when I see this it is interesting because this Ordinance is really out of step with Maryland. Maryland is a top ten state in the nation for solar energy for advances in solar energy as far as the credits and incentives to bring solar energy forth so I look at this and it is really out of step with that and I think there is just some small changes particularly with the solar that would really put it more in line with it. I agree with not having Town Staff or I am sorry the Planning Commission issue the permits it should be strictly Town Staff, which is an administrative function. As far as the CBD and Commercial District having screening for solar screening basically means shading which pretty much makes it worthless right so that is kind of a silly Ordinance to put in there. If you look at special exemption also not appropriate for the CBD or for the Commercial District again I think it should just be an administrative function it shouldn't have to go before the Planning Commission and again most of these folks have already said that solar is not very obtrusive and I think for you to put this on there basically puts one more step in front of people who want to put solar and most people who want to put solar really have dedication to it and so this is just one more thing that they have to overcome in order to do it and you got to go past the Ms. Utility you have got a compliance thing you have got to basically pony up a lot of money to do this and it just puts one more hurdle in front of people. And then just on a related note with regards to John I am again more of a solar person but with regards to this wind turbine I really like what the previous speaker said about letting him have a special exemption put it up and then have a referendum on it or have the town vote on it and see what people think about it. You know everyone I have talked to said this is a good thing and we should do this, there have been very few people who said that we shouldn't be doing this, thank you.
Mr. Kuhlman: All right thank you Sir. Rachel Rough, 19904 I'm sorry I can't read your writing.

Ms. Wales: This is what I came to talk on.

Mr. Kuhlman: Name and address please.

Ms. Wales: Rachel Wales, 19924 Spurrier Avenue Poolesville Maryland.

Mr. Kuhlman: Thank you.

Ms. Wales: I am very proud to have lived here since 1987. I am a civil engineer I have done work in Poolesville as well as all the surrounding states, counties, jurisdictions. When I learned about John's proposal for this wind energy, energy is the future of civil engineering. I think it is exciting and he just told me about this meeting today so I am not really prepared but I would love to see, if he can justify the engineering and I have not seen any engineering on this issue and yes I am an engineer I need to see justification that he is going to get the power that he needs that he expects to get from this wind turbine but I think this is the future of our country. Solar energy yeah I don't want windmills on every residential lot, I'm not for that, solar energy is another issue and again that is not my issue because I design the developments and the roadways and things like that but I think this is the future of the country and I think Poolesville needs to jump on it and get in commercial of what do you call it you know it brings in --- you know if John put in that windmill and it brought in the energy that he was paying we would have tourists galore coming to look at it. I don't think its going to be ugly I live on Spurrier Avenue, I live in the, well I am residential but I'm within walking distance of everything and I think it would be a really shame if Poolesville missed this opportunity. Thank you very much.

Mr. Kuhlman: Thank you Ma'am. John Mullet.

Mr. Mullet: Hello my name is John Mullet and I live on 17025 Hersperger Lane and this is my first meeting I have ever been to. I'd just like to, I really decided to come about 20 minutes before this meeting started and I hear everybody talking about wind and solar and I really don't see any wind generating facilities around here and I don't see really much solar around here either. And I don't understand why we couldn't make an exemption for one project so we all could learn what it really entails. I don't think anybody the Commissioners or even the people back here really know what that turbine is going to really look like, really feel like, really going to do for the Town or whatever, John has already promised that he will take it down if that is what the people want. I guess legally they can sign something that commits him to that but I just don't understand why we don't have some type of evaluation, why we are so dead set against evaluating first and maybe even letting the Poolesville High School science evaluate it too and why we can't just make a special exemption to do it. Just to me it makes no sense at all, thank you.

Mr. Kuhlman: Thank you. Mr. Potemra.

Mr. Potemra: Conrad Potemra Spurrier Avenue. I go back to the same thing that I used in my previous testimony. If John were a developer you would give the house away for him. The developers didn't have to bury the power lines, they make these patchwork roads on Willard and Hughes, and they get all kinds of breaks, but every time a businessman tries to do something they get stepped on. You have already brought up one side of the street won't be able to use solar, you know it goes on and on and its been brought up before and I think it is important for you guys to realize someone said we need a referendum, someone said make him a trial exemption. I called John to be sure about this so that he is right here he can call me a liar right now if he has to but he said he would put it up and he said he would take it down if that is what had to be done, I don't see how you guys can lose with something like that, why you have to go through either a referendum or a special exception on that, the man is standing behind what he wants to try and do and he should at least have the option to do it. I am also very concerned because for the 2nd time of the year I've got to agree with Dr. Bob Pearce and I think over the years you folks know enough that it had been really tough for Bob and I to find any kind of common ground, we had when you guys did the water rates wrong you know Bob and I and I guess even Roy Johnson was in that mix about agreeing on things so I mean maybe there is a pattern here I don't know but the one positive thing I do see so I try to say something good here is that we finally have a Commission that is willing to go public and say they are against global warming and they are not going to support the whole global warming the --- and all these other ridiculous things that are coming before Congress so I think that is pretty positive. I would like to add I also believe windmills should be added to residential district for people that want to do this, we have to look for solutions not excuses not to do things, that is all I have.

Mr. Kuhlman: Thank you Sir. Katherine Hallambauer, Mt. Ephraim Road.

Ms. Hallambauer: My name is Katherine Hallambauer I have lived in Dickerson since 1976. I am a citizen of the world and planning I am passionate about going green, I had a farm Mt. Carmel out of Dickerson for 30 years and I had solar energy. 3 years ago I moved I have a small house still in Dickerson and I have wind power for my electricity. I am also the proud mother of Terry Daniels who owns Healthworks Fitness Center and I

have her permission to speak for her too for going green. Well even though I live in Dickerson I do 90% of my shopping in Poolesville because it is so convenient and I don't have to spend pollute the air with gas by driving a long way so I agree that we have to support alternative energy options for Poolesville and I support the Speelman wind energy test, thank you.

Speaker: Go green.

Mr. Kuhlman: That concludes everybody that has signed up is there yes Sir.

Mr. Briancon: Good evening my name is Alain Briancon I reside at 19328 Cissel Manor Drive this is my second stay in Poolesville. I lived here 8 years and moved away and came back and this is year number 10. This is the first time I'm testifying since coming back. When I first saw this proposed Ordinance I thought this is great I mean this is the time of transparency so I am seeing a very early draft later I realized that this is something to be voted upon. Other's will probably make the point and I've made the point and I've agreed that you should give John the ability to have the system to go for 1 year and you can basically draft text that will say that after 1 year the system can be taken down if certain criteria's are met. But what I am most concerned about is how ambiguous and poorly drafted this is. This doesn't take into account advancements in technology and from that perspective picks winners between different types of solar technology. There are solar technologies now that --- Maryland, Utah, California and a place in Vancouver that are sprayable solar cells that are sprayed literally on tiles or windows, you are preventing those from being deployed. The requirements on shading basically says you can deflect a solar cell system but we are going to be sure that the efficiency is so poor that it is not economical, I don't understand why the Town of Poolesville is deciding to take winners and losers with respect to green technology. I am also concerned about this flat mounted structure where one more time a non-engineering perspective is being qualified into law. There are many things that you can write into law but the laws of physics cannot be bent and you are attempting to bend them. Terminology is vague, no energy system shall be erected on outer, what is an outer --- who decides what an outer ---- is are we going to put the poor folks in the Planning Commission in a situation to have to interpret regulations and terminology like that opening yourself to lawsuits, complaints, I don't understand. A system deemed unsafe, by whom, what criteria OSHA, electrical criteria I don't understand, sound level by qualified engineer again who is the qualifying engineer this is too vague to be enforced and that is one of my main concerns. I have concern overall with and again I support the one year test but this is too vague and I think opens a lot of can of worms. My --- over interpretation is Chapter 6, paragraph 6 in Section C "no small wind energy system (not a big, but a small) shall --- interference with television and other signals", I did not know that we are overriding power by the FCC since when does the Commerce Clause get enforced and written and built upon by the Town of Poolesville. Interference of systems should be left to people that deal with interference that is the FCC. Construction of wind energy systems call on for consumption of credit, wind is not solar why is there discrimination between solar and wind I don't understand why are you picking technology winners. Moreover if I were to build a system with a small wind energy system and had a relationship with the electrical company if the electrical company were to change the rules where it goes from credit to actually make money on it I will no longer be in compliance with it from that perspective this would be a --- indifference

between a contract with me the grid provider an energy provider or as written in Congress companies that will be the store and forwarding of energy systems within the grid the so called farm of super capacitors. With respect to geothermal standards I don't know enough about geothermal standards to know about it but it strikes me that anybody with basic thermo dynamic background realizes that a full closed system versus another is an arbitrary geometric limitation that makes no sense. My strong recommendation to the Commission is to listen to the broad feedback that comes from your constituents and I know they are and that is what is great about Poolesville is there is a give and take and people disagree but take on it. I sympathize with the folks that don't want something in their backyard and I know it is a tough problem I remember when there was a windmill being proposed outside Nantucket and all the liberal raised their arms and said not there and at that point says no good for the goose for the gander but my main problem is this is too vague, this cannot be enforced as it is it opens too many cans of worms. I think this needs to be redrafted from the bottom up as well as the top down thank you very much.

Mr. Kuhlman: Thank you. Yes Sir you had your hand up.

Mr. Kraegel: Good evening my name is Bill Kraegel I live at 19917 Spurrier Avenue in Poolesville. I am in support of John's efforts to install the windmill if all safety precautions are taken through engineering and so forth. I have been a teacher at the High School I taught in the Global Ecology Program at Poolesville for 5 years and now I teach Environmental Education for Montgomery County Public Schools so I embrace most opportunities that are promoting other forms of energy. Several people may have seen or hopefully many people saw the Washington Post this past weekend some recent statistics about the amount of fuels that have been saved recently 10% we have saved in this country in the last 2 years on oil and 9% on coal and the major reason seems to be people being more conservative in their use of energy but also quite a bit the new forms of energy that are coming online primarily wind energy and those are from the large wind energy farms in the western states where it is much windier such as Wyoming. Di Vinci had his day when he could design things, Gates had his day, Ford and Edison all had their days in order to try out the new inventions and John I think should have his day maybe one day we will all be speaking of Speelman when we talk to our future...

Mr. Hoewing: He didn't invent the wind generator.

Mr. Kraegel: But by being a teacher and also a learner because you can't separate one from the other every field trip is a good field trip and whether you just walk from the high school looking over there and the high school does have solar panels on it, Merrit when they did the switch actually gave a bank of solar --- that are installed on top of the high school that produces electricity for the high school and that has been several years now.

Mr. Kuhlman: Thank you very much Sir. Yes Sir.

Mr. Pallett: My name is David Pallett I live at 19348 Hempstone Avenue in Poolesville and I have lived here since 1972 so I think my credentials as a resident are well established. I have a PhD in engineering acoustics and for some time I was the head of the --- Engineering Division at what was then the National Bureau of Standards and is now NIST, I am retired. I would just like to make a comment on the noise measurements it is likely that the noise from this system will be greatly a variable in time on days when there is no wind you can't expect to hear much of anything but on days when there is wind there will be noise, it is likely to be what is characterized as impulsive noise and you have heard something like it possibly when you, you've heard a helicopter over pass.

Now I think that John's idea is a very say progressive one but it is a thoughtful attempt to investigate the feasibility of wind turbine energy in Poolesville for that I commend him. And the only thing that I would really like to call attention to is the noise measurements 2 c decibels is almost nothing if you don't do any consideration of how much wind there is on that particular day and for that matter if you don't specify the time counts associated with the measurement equipment there is an impulsive noise measurement, there is an A winded noise measurement, there is B and C waiting that are frequency readings and there is a time constant either fast or slow, none of these things are specified when it says sound levels shall not exceed 60 decibels measured from the property line well this needs to be clarified and made a little bit more specific in particular the issue of whether or not there is wind on that day or not or whether the wind is extraordinary or ordinary so there is a great deal to be learned from the measurement of the noise and it is almost meaningless to say that sound levels shouldn't exceed 60 decibels. That is all I really wanted to call attention to.

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

Mr. Prebelic: Hi Mark Prebelic 17000 Tom Fox Avenue. Thank you all for letting me speak, I just want to mention that I have had solar panels on my house since 2001 I was one of the first --- in Maryland to install solar panels and the thing I don't like about this Ordinance is saying that they shouldn't be visible from the road because I think that is actually the opposite of what you want. I think you'd want them to be visible from the road so that people can see them and actually show a lot of interest in them because I've had people see my panels driving down Hughes Road coming into Town and stop and ask me about them and there is a lot of interest in them so I think it is actually something that would be a benefit to the Town and not a detriment and also I would like to thank John for having the guts to go through this process. I am a big supporter of green energy as you can probably tell from my t-shirt tonight so I totally support him being able to put up a wind turbine on his property thank you.

Mr. Kuhlman: Thank you very much. Anybody else yes Sir. Your hand was up first.

Mr. Oyer: Good evening Jeff Oyer 6 Haller Court Poolesville Maryland. I would like to reiterate I guess my support of John's business, John has been a, I am basically a back door neighbor to him and I have done a lot of business with John and I do appreciate everything he does for the community and that is sort of what drew me to Poolesville is the small businesses and those that give the services that they do give, so from that standpoint I am very supportive of John. As far as the turbine being put up I am trying not to be one of those "not in my backyard" just like no one wants a jail or anything in their backyard, but it is literally in my backyard, my fence butts up to his property and the gas station so I am not necessarily the looks of it I don't think I don't necessarily have an opinion I would like to see some drawings someone had mentioned earlier if there is some way we could get a look of what it is going to look like from different spots around town, I'm not trying to get away from being green or anything like that I am clearly in support of that also but I do notice that most of the people who are testifying are people that aren't anywhere near not shouldn't say near but obviously I am very close to where this is at so my concern would be from my standpoint and probably speaking potentially but maybe from the rest of the neighbors in Elizabeth's Delight they clearly think that the noise issue and I really haven't done a lot of research and this is new to me but I would just ask the Commissioners to make sure that they do everything they can as far as the

research is done to make sure that the noise issue is addressed to a certain level that is bearable to the residents that back up obviously to the CBD businesses you are inside during the day, businesses open up in the morning, businesses close and go home at night, residents are there they are out in the evenings they are outside they spend a lot of time, I spend a lot of time in my backyard I just want to make sure it is not going to be disruptive to our development, our community and out neighborhood from a noise standpoint as far as being able to enjoy ourselves without living with the noise so that is my thing.

Mr. Kuhlman: Thank you Sir.

Mr. Brown: Thanks Jeff.

Mr. Shorts: Good evening my name is Tim Shorts I live at 17113 Tom Fox Avenue, I have lived there since 1992. I would like to speak in support of this opportunity to investigate or to propose alternate energy sources for our town. Indeed for this type of opportunity it is growing grass roots across the country, our dependency on foreign oil is certainly in the news these days not trying to make a macro into a micro but we are at micro scale here in Poolesville and for a business owner to take it upon himself to look into alternate fuel for our Town in view of the high school with the environmental program at the high school I think it is a tremendous opportunity for the individuals of the school and it also sets an example for Poolesville to be green thinking, looking more toward the future being innovative looking at growth conscious conservative ways to preserve our community out here in the future I see this as a very positive opportunity so I am speaking in favor of the opportunity to put up a wind energy system here in Poolesville, thank you.

Mr. Kuhlman: All right thank you Tim. Anybody else, yes Sir.

Mr. Roit: Bob Roit 17301 Dowden Way Poolesville. I have been sitting here listening to all the comments being made and it strikes me that the Poolesville Commissioners are becoming a micro cod of the Federal Government and when the Town bought rain barrels to aid in conservation that was alright but somebody wants to invest their own money that is not alright and I just think it is wrong to throw an Ordinance up every time something comes up. We have several more Ordinances that you are going to discuss that were previously publicly heard, you had 3 tonight, and again all we have done in the past in Town is pass Ordinances as a cost to the Town with the Ordinance both in printing and enforcement but yet we never enforce the Ordinances we put in the Town so lets call a kings --- and lets try something new and not try to add an Ordinance every time somebody wants to do something.

Mr. Kuhlman: All right thank you Mr. Roit. You had your hand up Sir.

Mr. Fernandez: My name is Carlos Fernandez I live in Dickerson and I own Potomac Wind Energy, we have been in business since 2006 and we have sold and installed over 100 of these units throughout this area and the country and Canada. The reason I am speaking is to make myself available to any of you who have any technical questions about these particular type of turbines specifically the one that John wants to put up on his backyard. We have installed only 3 turbines with permits in Montgomery County all 3 of them are residential areas and I haven't heard any complaints from any of the neighbors as a matter of fact the neighbors like them, they actually come and talk to the customers and see how can they get one. So I just wanted to mention the issue about noise, anybody wants to come look at them Dickerson will have 4 of these of the ones

that John wants to put up on our property, we have them there and other wind turbines so people can actually look at them see them smell them hear them do whatever they want to do with them but that way they have an impression of what they are about to see in the backyard and what the neighbors would like to see, we are working with potential customer also to bring the neighbors to look at them so I am available to you any time day or night 24/7 if you have any questions.

Mr. Hoewing: So you are saying Montgomery County allows these wind generators in 1/3 acre zoning.

Mr. Fernandez: Yes there is no restriction on...

Mr. Hoewing: How high a mast do they allow?

Mr. Fernandez: 50 feet.

Mr. Hoewing: That is what I thought so I read a lot on this and I am telling you there is only a few towns that allow it Islip is one and the business district that is a different issue, I am just thinking residential now and in Islip where they have it they allow a 45 foot and most of the people that got them say it is not high enough because of the tree canopies, you've got to have it higher than the tree canopy.

Mr. Fernandez: It depends on the location, there may be locations that are definitely not good for wind.

Mr. Hoewing: And I did go there is one on Cattail Road by the way too.

Mr. Fernandez: Right we put that one up.

Mr. Hoewing: Did you do that one?

Mr. Fernandez: Yes Sir.

Mr. Hoewing: It is not loud but it is certainly not a whistler I will put it that way.

Mr. Klobukowski: There is one in Barnesville.

Mr. Fernandez: We put that one up also the one in Barnesville and Cattail Road.

Mr. Klobukowski: But those are on properties that are much larger than 1/3 acre and the neighbors do not abut the property.

Mr. Fernandez: But the question he had was does Montgomery County allow them regardless of size of property and the answer was yes.

Mr. Hoewing: Has anybody built them in the 1/3 zoning?

Mr. Fernandez: The properties that we have looked at that customers want us to look at usually those small lots have very tall trees and we strongly recommend not to get involved with wind, it doesn't make any sense for them to spend thousands of dollars on something that is not going to work so we don't recommend it.

Mr. Kuhlman: Thank you very much Sir.

Mr. Fernandez: You are welcome. Thank you.

Mr. Kuhlman: Anybody else yes Sir.

Mr. Helm: Hi my name is Adam Helm I live on Spurrier Avenue and basically everybody has already said pretty much what I would say but I just want to voice my opinion that I am concerned that this is a very vague document that once it is passed its definitely going to be providing guidance for us for years to come and this is not a very forward thinking document so I think that by itself should be addressed. I also think that we have a great Global Ecology program in this Town and we are getting lots of new students coming in here and this is an opportunity for them to actually study this even if we decide ok we are going to give it a year and see how it goes and we have insurances that it could go up and it could come down, this is a great opportunity for the school, it is

a great opportunity to find out whether this Town is prepared to do something like this, so I support this opportunity to give it a chance to actually learn and then make a decision about an Ordinance like this in the future because right now it doesn't seem like we have enough information to say yes or no.

Mr. Kuhlman: All right thank you Sir, anybody else?

Mr. Hoewing: Just another comment too it would be useful for those of you who offered thoughts about it being vague instead of just offering comments that don't really get specific if you could be specific and send us something in writing that would help a lot.

Mr. Kuhlman: Anybody that hasn't had a chance to speak. All right thank you we are going to close this Public Hearing because we have got a full agenda yet to complete tonight. The record will be held open until Friday close of business at 4:00 and thank you all very much.

Announcements

Mr. Hoewing: All right I would like to thank everybody for myself and the Commissioners for a wonderful Poolesville Day. There are quite a list of people to thank we could start with the Poolesville Day Committee Co-Chaired by Brice and his wife Michelle Halbrook with Bridget Burke as Co-Chairs, Theresa Yost, Ray Hoewing, Rande Davis, Tom and Gail Lee, Richard and Diane Rose, Cathy and Mike Bupp, Faith and Skip Etheridge, Gina Beck, Mike Shapiro, Phymeon Lyles, Victor Lundberg, Gustavo Gilardi, myself I was on the Committee. Also I would like to thank Rinnie Magaha, Dave and Megan MacKenzie for the Livestock Display, Jim and Gabi Brown for the car show, Butch Zachrel for the Skatepark, Smith-Litho for the printing of the postcards, Monocacy Monocle for the marketing and the articles, Kelly Burke of Kelcom for the video and the taping of the event, Hilary Schwab and Berry Thompson for the photos, Montgomery County Rec. Department for the main stage and local businesses for the use of electricity for the bands which was Total Automotive & Diesel, Hearthside Antiques, House of Poolesville, Frank Jamison and a special thanks I think from the Commissioners to our Town Manager, Wade Yost and the rest of the Town Staff Preston King, John Smith, Rick Davidson, Matthew and Craig Warfield, and Cathy Bupp. I think everybody did an outstanding job and I know we say it every year but I think we outdid last year. Anyone else have any comments on Poolesville Day.

Mr. Klobukowski: We really did outdo last year because no one left until the very end and that was very heartening to see. I would also like to thank the Boy Scouts and their parents who policed Poolesville Fisher Avenue on Sunday morning picking up all the trash, and there was a little trash left behind, but I think everybody had a good time, I think it was a good opportunity for everybody to get out and meet their neighbors and I know I had a lot of good food especially that sausage sandwich from 3rd Alarm BBQ with extra heartburn I thought that was great.

Mr. Kuhlman: All right a week ago yesterday Sunday I had a chance to have Senator Garagiola come to my home for a meeting, we discussed a few things as it pertains to the Town of Poolesville just general relationship between the Town and the State House in Annapolis what he foresaw as far as a few Bills go and then Commissioner Hoewing was available to join us and Link if you want to report on the budget conversation please.

Mr. Hoewing: Yeah it was actually a very good discussion. Rob as you know is very tied into the Senate the Finance Committee so he knows what is going on in the budget and as you know they cut 700 million dollars already they are going to cut some more

now and basically his message to us was that not only is it going to be tough obviously after the next year which stimulus money has helped to some extent fill the gaps. They also are looking at the revenue structure for the government, the State recognizes that existing income taxes, the gas taxes, the kind of traditional revenue sources are going to be stressed going forward no matter what happens because the economy is not going to recover very quickly and the estimates are that unemployment may stay in double digits for some time and if it does obviously revenue is like income taxes and gasoline taxes which believe it or not have been almost flat the last couple years, hard to believe but they have been because people have been cutting back on driving so much that there is actually a committee that is looking at revenue and how we change that or come up with better ways to do what they are doing so it was a good message in terms of here because for us and our own planning I just think we need to get be wise ourselves and understand that things are not going to be the same going forward as they have been, we were fortunate in the last few years to get grants for various things and it is just going to be tougher to rely on resources like that. He also had comments about how the revenue structure in the State looks for the standpoint of the counties and the towns too and obviously he knows that they have to get input from the cities and the counties and what they are doing but the fact is that ultimately they have got to make decisions, so this committee is going to be very important for us going forward I think, so stayed and again for our budget purposes I think we need to be very even more careful than we have been. I think we have done a good job managing our resources but it is going to be tougher going forward.

Mr. Kuhlman: Ok also the Maryland Municipal League we had our County Chapter Meeting this past Thursday night, which I attended. A couple of interesting things came out of it, starting January 1 there will be a new law that goes into effect that will affect our Planning Commission and Board of Zoning Appeals and they will be required to take an online training course beginning in January and they will have to have that completed and the test passed by July 1st. That goes along with an item that Commissioner Hoewing is working on about formalizing some training here also for various boards. We also got notice at that meeting of an electrical grant, that is the paper I can't find.

Mr. Yost: You emailed it to me.

Mr. Kuhlman: Yeah we didn't get copies of that?

Mr. Yost: I didn't print that one out.

Mr. Kuhlman: Ok I found out Thursday night we will be receiving \$32,000.00 or \$33,000.00 eligible grant money for reduction in our electric bill and also we are entitled to a free energy audit at all Town owned facilities, which I think we will be taking that offer up. And also part of the conversation I had with Senator Garagiola and also Delegate Feldman called the other day is the speed camera bill, Mike Knapp has been in touch with me, Delegate Feldman has volunteered to put in a Bill for us this year in Annapolis that would amend the State law to make it mandatory that if cameras are within any municipality within Montgomery County they get part of the revenue. So I guess before we leave tonight we need to make sure that we agree to ask him to put that Bill in, he has until October 4th to put in the request to have that Bill drafted.

Mr. Klobukowski: Did he say what percentage?

Mr. Kuhlman: Oh yeah he and several other Delegates...

Mr. Klobukowski: No, no what percentage 10% of the revenue, 5%, 2%.

Mr. Kuhlman: Didn't say. Interesting as the press has played out we have submitted letters to Montgomery County Council trying to get a little bit of the money to build sidewalks and on Saturday we had quite a few elected officials around here on Poolesville Day and had a conversation with Nancy Floreen for a few minutes about it and she said oh yeah I think you should have some money but no we won't turn it over to you, we will come up here and build the sidewalks for you and won't give you a check. So anyway any other announcements?

Mr. Hoewing: I'll take it.

Ms. Gruber: Yeah if they will build the sidewalks bring them in.

Mr. Klobukowski: As long as they build them the where we want them and the way we want them which is probably not what they want to do. Last Thursday night the 17th of September I attended the Potomac Wind Energy presentation that was given at the Upper Montgomery County Volunteer Fire Department between 7 and 8:30 PM by Dr. Fernandez and learned very, very informative concerning pay back, swept area, different types of the wind generators that they have and he brought up some interesting points about tree canopy and etc., placement so that is something that probably needs to be considered as well in the Ordinance or possibly could be a problem, because if one person wants to put in a wind generator and there is some trees obstructing him I wouldn't hope he would think his neighbor is going to cut them down if they are shading his house in order for him to provide wind generation, so we have to consider that, there are a lot of little things I think that need to be addressed. Anyway it was very informative and I have a presentation, which I will email out to all the Commissioners tomorrow.

Approval of Minutes

Mr. Kuhlman: Thank you. Any other announcements? All right hearing none we will move on to approval of the minutes of September the 8th, is there a motion for approval?

Mr. Klobukowski: So moved.

Mr. Kuhlman: Is there a second?

Ms. Gruber: Second.

Mr. Kuhlman: All in favor?

All: Aye.

Mr. Kuhlman: Motion is approved unanimously.

Open Forum & Citizen's Comments on Agenda Items

Mr. Kuhlman: Open forum anybody anything in general. All right comments on the agenda items, we will be discussing Ordinance 171, 172, 173, 174, and 175, which public hearings were held back on the 8th, any comments there.

Old Business

Mr. Kuhlman: All right seeing no hands we will go back into the agenda. I would suggest under the old business we handle Ordinance 172, 173 and then 175 and then we get to 171 and 174 because I think they are going to illicit more conversation than the other three, is there any problem with that? Ok Ordinance 172 will permit the sale of Christmas trees for non-profits in the R 1/3, R 1/2, and R 3/4 zone starting on December 1st and ending on December 25th, is there any comments or questions on that Ordinance?

Mr. Yost: We are going to have just one minor edit to that where it says non permitted use right there we are going to move the R 1/3, R 1/2, and R 3/4 up to that and then the note would only say allowable for non-profits with at least 20 onsite paved parking spaces not areas.

Mr. Kuhlman: Right.

Mr. Yost: So we are just changing it around.

Mr. Klobukowski: Where is that going to go again the R 1/3, R 1/2 and R 3/4.

Mr. Yost: Right after as a permitted use in these zones.

Mr. Klobukowski: Ok.

Mr. Kuhlman: All right is there any motion?

Mr. Klobukowski: So moved.

Mr. Kuhlman: For approval?

Mr. Klobukowski: For approval.

Mr. Kuhlman: Second?

Ms. Gruber: Second.

Mr. Kuhlman: Any questions or comments. Hearing none I will call for question on the motion, all in favor?

All: Aye.

Mr. Kuhlman: Motion carries unanimously. Ordinance No. 173 would change the sideline setbacks in rear yards for accessory buildings and structures from 10 feet to 5 feet and that would be in the 1/3, 1/2 and 3/4 acre zones, any comments from Staff?

Mr. Yost: No.

Mr. Kuhlman: Any questions or comments from the Commissioners?

Mr. Klobukowski: How many I have a comment, how many residents does this effect in Town, how many residences does this effect in Town?

Mr. Hoewing: None if they don't apply for a building.

Mr. Yost: Right as soon as they apply for a building permit 1, 649 potentially.

Mr. Klobukowski: All right I thought it was just the, because reviewing the minutes we talked about properties with oblong shapes, etc., etc., so I thought we were...

Mr. Yost: Well that was the reasoning behind it but it would apply to everybody.

Mr. Kuhlman: Ok any further questions or comments. Hearing none is there a motion for approval?

Mr. Hoewing: So moved.

Mr. Klobukowski: Second.

Mr. Kuhlman: All in favor?

All: Aye.

Mr. Kuhlman: Ordinance 173 passes unanimously. Ordinance 175 would require that whenever there is a request for a Special Exception or Variance the Planning Commission shall review the application at its next available meeting and forward any recommendations to the Board of Zoning Appeals including but limited to whether the application meets the requirements of Section 3 and 10, is there any comments or questions, hearing none is there a motion for approval?

Mr. Wright: I think the language in the Bill as the Ordinance is proposed says "but limited" and should say but not limited, is that the same on your copy?

Mr. Kuhlman: But limited to.

Mr. Yost: I think it used to be limited to because 3 and 10, 10 is an advertisement that requires us to notify contiguous property owners that there is a review for special exception so I think it needs to say you have to comply with that.

Mr. Wright: Well instead of saying including but limited to, just say limited to where the application meets the requirements because that phrasing is typically including but not

limited in legal documents and somebody reading that might think that is a typo, so I would just rather say...

Mr. Kuhlman: Didn't you draft this?

Mr. Wright: Yeah.

Mr. Kuhlman: Ok well why didn't you make it...

Mr. Hoewing: That is why he is telling us (inaudible) very commendable.

Mr. Wright: If the intent is that it be limited to whether the application meets these requirements than lets just say limited to.

Mr. Kuhlman: So how do you want it to read Councilor?

Mr. Wright: Forward any recommendations to the Board of Zoning Appeals limited to whether the application meets the requirements of Sections 3 and 10.

Mr. Kuhlman: So strike including but...

Mr. Barnes: Excuse me I don't know what you are talking about.

Mr. Kuhlman: Sit down Mr. Barnes please, thank you.

Mr. Hoewing: We can amend things, that is what the purpose of this is, an amendment it can happen.

Mr. Kuhlman: All right your recommendation again Alan was strikes the words including but.

Mr. Wright: Including and but.

Mr. Kuhlman: Ok.

Mr. Klobukowski: And so it would read not limited or there is no not in there just limited to whether the application meets the requirements of 3 and 10.

Mr. Hoewing: What does the difference mean then in terms of its impact, nothing?

Mr. Wright: Well if you say including but not limited it leaves it open to comment on...

Mr. Hoewing: Anything beyond 3 and 10.

Mr. Wright: Yeah anything that they choose, hopefully relevant.

Mr. Hoewing: And that was the intent it wasn't supposed to be anything.

Mr. Wright: Right.

Mr. Hoewing: It looks like Wade has got a question.

Mr. Yost: No I am just trying to understand the difference in what he is proposing.

Mr. Klobukowski: I think we should possibly table this until the next meeting and make sure we all understand it and maybe Alan if you want make sure we got the wording right and the intent is right. I mean we are scratching our heads here thinking well we believe this and we say that and we think this, it could be that or we don't want this word and what does that word mean, I think we need a degree of certainty and in grabbing books and looking at them now is the wrong thing to do.

Mr. Barnes: (Inaudible).

Mr. Hoewing: The legislative process does allow amendments without having to have another public meeting, another public hearing, that is the purpose of having...

Mr. Klobukowski: We are not asking for another public hearing.

Mr. Hoewing: Well essentially I was just referring to what Mr. Barnes was saying, I mean we can make amendments that don't have to get publicized that is fine and if you are proposing something else I'm...

Mr. Klobukowski: No I am proposing that we clearly understand what this really means and what it really impacts and are there any intended consequences and sitting here going through the books now trying to figure out what this really means without some proper

reflection even though this seems like a very mundane topic is probably not the right thing to do.

Mr. Kuhlman: It may not be but lets find out if it is Jerry, Section 3 and 10 what page are you on Alan in the book?

Mr. Hoewing: I am trying to find it myself.

Mr. Wright: In types of zones...

Mr. Kuhlman: What page are you on Alan?

Mr. Wright: Page 3.

Mr. Yost: Appendix B page 3.

Mr. Wright: Section 3 with regards to Special Exceptions is the one that requires that the Board of Zoning Appeals find by preponderance of the evidence of record that; and then this 1, 2, 3: 1) the proposed use does not adversely affect the general plan of the physical development of the Town as embodied in this Chapter and in any Master Plan or portion thereof adopted by the Town of Poolesville; 2) the proposed use will not affect adversely the health and safety of the residents or workers in the area and will not be detrimental to the use or development of adjacent properties or the general neighborhood; and 3) the standards set forth for each particular use for which a special exception may be granted have been met. And 10 has some additional requirements and findings...

Mr. Kuhlman: 10 is on page 48 and 49.

Mr. Wright: Yeah on 49 in D, 10-D the Board of Appeals shall have the following powers, 2) Special Exceptions to hear and decide the request for Special Exceptions etc., the Board shall grant requests for Special Exceptions when --- of the Board says Special Exceptions shall be in harmony with the general purpose and intent of this Ordinance and will not affect adversely the use and development of the general neighborhood. The Board must also find from a preponderance of the evidence of record that for the public convenience and service a need exists for the proposed use due to an insufficient number of similar uses presently available to serve the population in the Town; and then the use of the location proposed will not result in a multiplicity or saturation of similar uses in the Town.

Mr. Yost: So then it should say but not limited to, including but not limited to those things.

Mr. Hoewing: So this is not different than what we actually talked about.

Mr. Yost: Not at all it just should say but not limited to.

Mr. Klobukowski: So the word including and the word but should remain in and the word not should be added between inserted between but and limited.

Mr. Yost: Yes.

Mr. Kuhlman: Yeah. Ok so is everybody in agreement to install the word not after but and before limited?

Mr. Hoewing: Uh huh.

Mr. Kuhlman: Lori?

Ms. Gruber: Yeah.

Mr. Kuhlman: Jim?

Mr. Brown: Yes.

Mr. Kuhlman: Jerry?

Mr. Klobukowski: Yes.

Mr. Kuhlman: Ok any further questions or comments on the proposed Ordinance 175.

Mr. Barnes: Yes I do.

Mr. Kuhlman: No chance right now Sir please sit down, sit down, thank you.

Mr. Barnes: You are not going to address the public comments?

Mr. Kuhlman: Not at this time Mr. Barnes you are out of order take a seat please thank you. All right is there any motion on Ordinance 175?

Mr. Barnes: I'll --- the section passed.

Mr. Kuhlman: Mr. Barnes please you are out of order.

Mr. Barnes: You are out of order.

Mr. Kuhlman: Sorry was there a motion on Ordinance 175? All right for a lack of motion the Ordinance dies. All right we will go on to Ordinance 171 the Anti-Blight, we had 3 speakers on this Ordinance Mr. Roit was concerned that it didn't cover enough, Mr. Goldberg was concerned about the inventory of businesses and landscape and Mr. Pearce echoed his concerns. Is there any discussion yes.

Mr. Yost: Alan and I were talking today about the commercial aspect of it and on page 4 at the very top there we are looking at paragraph number 6.

Mr. Kuhlman: What page Alan I am sorry.

Mr. Wright: Page 4 of the Ordinance at the top.

Mr. Kuhlman: Ok.

Mr. Yost: And it speaks to "in a state of disrepair and dysfunction unless the item is" and what did we have there Alan...

Mr. Wright: Well we wanted to add in order to meet the objection that some business owners had raised about inventory that might be stored on the premises to add unless the item this is the added language "the item is equipment or inventory of a legally operating business or" and then continuing the existing language "the item is awaiting removal or being repaired or renovated etc." the added language which the item is equipment or inventory of the legally operating use as a suggestion.

Mr. Kuhlman: All right any comments on that?

Mr. Hoewing: So refresh my memory again was that because was that the comments that was made about like an old tractor that is sitting there that is being used to move things or a stack of wood...

Mr. Yost: It could be that or a stack of wood, a pile of ladders or whatever if it is inventory or its part of the business.

Mr. Wright: The beginning of that item well Section A this is the standards for which a use or a structure may be declared by the Town Officer to be a public nuisance and 6 is if it is a location for storage or accumulation of construction materials or equipment not in active use on the premises within a 30 day period and that would be this would operate as a qualifying statement for that.

Mr. Brown: So say it again sorry about that what do are we doing?

Mr. Kuhlman: Looking at page 3 number 6 as an added recommendation to cover the comments received on the public hearing.

Mr. Brown: Right.

Mr. Kuhlman: Alan answer me this, that is in a state of disrepair or dysfunction unless the item is awaiting removal.

Mr. Wright: Yeah I think actually that would be better placed immediately after location for storage or accumulation of construction materials or equipment not in active use on

the premises within a 30 day period unless the item is equipment or inventory of a legally operating business.

Mr. Kuhlman: Well what I am concerned about is I know many, many, many months ago I don't know how many I talked to one business owner that has multiple dozens of paint cans sitting all over the top of the property by a dumpster and you can tell they are not for sale and is that make us have the power to make him get rid of those finally or can he sit there and say they are awaiting removal. I mean that is kind of indefinite awaiting removal.

Mr. Wright: Well under the awaiting removal provision it includes and the repair, renovation, or removal is completed within 30 days.

Mr. Klobukowski: But if it is a can of paint and you don't know what day it was put down there what 30 days do you claim, 30 days from the time that the Code Enforcement Officer tells him that you have...

Mr. Kuhlman: And shame on any cans that are added in between, the clock don't start over does it.

Mr. Klobukowski: Yeah for every can. I know that we did have a complaint against a business who I will not mention that some people felt because it stored its stock outside but by the nature of the business that it had no storage at that time as I recall, they subsequently built storage which moved it inside so I know some of this stuff, it is one thing to move stuff outside but I have also seen construction companies that have tons of equipment and some of it is pristine and some of it looks like it went through all two World Wars, the Korean War, Vietnam and Iraq and Afghanistan as well and so I guess I want to assure that we and I think with Poolesville Concrete way back when if it was a business but they were in the CBD and we made them put screening up that screening fence in there and they were located next to where the gas station can't think of the name of it now next to Reva Hoewing's store.

Mr. Kuhlman: Poolesville Discount Tire.

Mr. Klobukowski: Yeah so is there something where we would make them do that.

Mr. Hoewing: This is going to operate for businesses anyway I guess Wade we have a Code Enforcement Officer not saying he would periodically be looking at what is going on in the businesses, but I assume he is not going to go around to every house.

Mr. Yost: No it is a complaint basis only. When we first drafted this the initial thought process was for residential but a large amount of businesses that would fall in this category that need to be tuned up every now and then.

Mr. Hoewing: But in terms of actually when you get a complaint you do have somebody that will go in and check it out and see if it is a violation, so Bob Roit's complaint about unenforceable requirements.

Mr. Yost: Well it could say actively used equipment or inventory by leaving out --- of business something of that nature is that where you are going Eddie?

Mr. Wright: Well I have to tell you this, from my experience with Code Enforcement this is an area of the law that is subject to a lot of disagreements and difficulty of enforcement just inherently so you are not going to really get around eliminate all the ambiguities in solid waste, one man's trash is another man's treasure and we find that time and again.

Mr. Kuhlman: All right are there any further questions or comments on Ordinance 171?

Mr. Klobukowski: Yeah I have to agree one thing one comment I think it was Mr. Barnes I think it might have been Mr. Roit as well to me reasonably and materially are ambiguous terms, if you have a 9 pane window and one of those panes is broken and you put you can still say the window is reasonably watertight, it either is watertight or it isn't watertight and this area I do know a little bit about having been on a ship, being watertight is a good thing I know that much and the same thing with other things where you have airflow through a home or whatever you don't want to have holes so I think bottom line is we ought to make it not reasonably its watertight and weather tight period, no materially either they may be terms of art in law but the majority of people like me understand straightforward language and I think this leaves us induces in our area of interpretation which could be again one man's opinion.

Mr. Wright: I don't have a problem with removing from a legal standpoint removing reasonably I think you ought to ask for a motion on both of these points just to make sure we know what you are voting on.

Mr. Klobukowski: I make a motion that we remove the word reasonably on page 4 paragraph 9A the second line where it reads "must be reasonably weather tight to just read must be weather tight" on paragraph 9B the second line where it says "reasonably weather tight to just weather tight watertight" and on page 5 paragraph 9D second line where it says "structure must be reasonably free of erosion or to change to structure must be free of erosion or gullying" and I can't remember where I saw the word materially, I probably have it marked down here somewhere unless that was another Ordinance.

Mr. Yost: That might be a different Ordinance Jerry.

Mr. Brown: Did you make a motion?

Mr. Klobukowski: Yes.

Mr. Brown: I second that.

Mr. Kuhlman: All right we have a motion and a second to strike those 3 by my count 3 places right Jerry?

Mr. Klobukowski: Yes.

Mr. Kuhlman: Ok. All in favor of that?

All: Aye.

Mr. Kuhlman: All right that motion carries unanimously that the word reasonably be struck from those 3 locations.

Mr. Klobukowski: I have another typographical error or grammatical error on page 7 paragraph D line 6 on line 5 we strike out I believe or are we adding the word neither or is that a strikeout?

Mr. Wright: Oh that eliminates that word.

Mr. Klobukowski: Than the very next line where it says "other enforcement action by the Town nor the requirement" that should be or shouldn't it?

Mr. Wright: You got me I think nor is ok but...

Mr. Klobukowski: I mean neither nor either or but in terms of legal art does it mean something that we need the nor there as opposed to the or?

Mr. Wright: No.

Mr. Hoewing: You make any grammatical change then putting or instead of nor usually if you use a negative as in neither you would put nor, if you use either it would be or, so what you have got is correct I think.

Mr. Klobukowski: But he is removing the word neither?

Mr. Hoewing: Oh you are.

Mr. Klobukowski: Yeah it says the paragraph shall now read with addition of a word and deletion of a word “such appeal shall not stay abatement or other enforcement actions by the Town and right now it says nor the requirement to vacate the premises. Shouldn’t that be such appeal shall not stay abatement or other enforcement action by the Town or the requirement to vacate the premises.

Mr. Brown: Yes it is that should be or.

Mr. Hoewing: I guess they are both negatives but that is all right it could either be nor I think.

Mr. Klobukowski: I make a motion we change the words on line 6 paragraph D after the word town from nor to or.

Mr. Brown: I second.

Mr. Kuhlman: Or just strike the letter N from the word.

Mr. Hoewing: Whatever.

Mr. Brown: You could do that too.

Mr. Kuhlman: All right Alan you have no problem with that.

Mr. Wright: No.

Mr. Kuhlman: All right all in favor?

All: Aye.

Mr. Kuhlman: Ok any other comments? Hearing none is there a motion for approval of Ordinance 171?

Mr. Brown: Hang on Alan are you still making a change on that?

Mr. Wright: There was no action on the insertion of the phrase unless the item is equipment etc., so that is not in.

Mr. Brown: Page 4 first paragraph.

Mr. Wright: Just a suggestion that was addressed to some of the comments that were made about inventory and this was a suggestion to clarify that it doesn’t include inventory or equipment that is stored by a business on the lot.

Mr. Klobukowski: I know some places they will have a storage lot where they will take their equipment to when it is not in use and then before staging they will remove it so does that factor in here at all, would we expect them to have some sort of construction equipment in their yard more than one day.

Mr. Yost: Well there is a company on Elgin Road that uses that for a storage facility for scaffolding and other things and the Planning Commission recommended as one of the things we talked about earlier, one of the extra recommendations was to put a fence up so it blocked it all but you can’t see it but there is fences in there, ladders in there, scaffolding stuff is stored there all the time.

Mr. Klobukowski: So I think when this was written we were more interested in the residential aspect then we were the what ya call it the business aspect the commercial aspect and the unintended consequences that Steve Goldberg was trying to point out was what are you going to impact if there is no if the Code Enforcement Officer doesn’t use any sort of discretion when he’s applying the law and so should this be saying residential areas because if it is in the CBD and like you pointed out the one business and then as I pointed out Poolesville Concrete when they used to be near they were required to put a fence up with a chain link fence with the slats going in so it would obscure the or what

am I trying to say you know what I am trying to say with respect to the view from the street so is that are we should we just come out and say residential.

Mr. Yost: (Inaudible) to me would be an overzealous Code Enforcement Officer and someone actually trying to push something on a business that has the right to legally have the equipment so I don't know if there is even an issue here.

Mr. Kuhlman: I think you would want this to cover residential and commercial. I agree with Jerry there is some...

Mr. Klobukowski: I mean I don't want to impact a business owner who is just bringing equipment in and he keeps it there and moves it out but the guy I have seen people where they have a skid loader or a backhoe in the thing sitting there and the tractor is sitting there and it never moves off the lot, it never moved.

Mr. Kuhlman: Yeah I could think of 3 businesses right now where that could impact them. A skid loader or a forklift or something sits for more than 30 days even though it might be used once every 6 months it's an integral part of the business.

Mr. Klobukowski: Now if they have a garage and they put it in the garage I don't think anyone is going to fall for that it's out of sight.

Mr. Kuhlman: Out of sight out of mind. Although I think a reasonable person would see not in active use I mean if it has got flat tires and has been sitting there forever it is not in use.

Mr. Klobukowski: Alan have you compared this particular paragraph to any other municipality's ordinances.

Mr. Yost: That is where we got it from.

Mr. Klobukowski: Oh you did ok. Do you know if it would pass mustard through the Court?

Mr. Yost: I'm not sure exactly whether this came from Rockville or Montgomery County it was a local jurisdiction.

Mr. Klobukowski: Ok.

Mr. Wright: Don't know that it was challenged ever but I think this would not be an issue as long as a Code Enforcement Officer didn't try to clear a lot of legitimate inventory it would never come up.

Mr. Klobukowski: All right.

Mr. Kuhlman: I agree. All right any further questions or comments? Hearing none is there a motion for approval of Ordinance No. 171.

Mr. Brown: I would like to make a motion for approval of Ordinance 171 with the changes already discussed.

Mr. Kuhlman: And voted on.

Mr. Brown: And voted on.

Mr. Kuhlman: Is there a second to the motion.

Mr. Hoewing: Second.

Mr. Kuhlman: All right all in favor?

All: Aye.

Mr. Kuhlman: All right it carries unanimously. Ordinance 174, which would prohibit any special exception that materially, increases the number of vehicles on a shared driveway. We heard from Mr. Barnes and Karen Williams on this in support of this.

Mr. Barnes: Did you see our written comments also?

Mr. Kuhlman: Yes Sir.

Mr. Wright: Mr. Klobukowski this is where your materially is.

Mr. Klobukowski: Yeah.

Mr. Wright: And I have had some discussion with Wade and from a legal point of view as well as maybe a practical point of view I don't think it is necessary to say materially.

Mr. Kuhlman: What this Ordinance?

Mr. Yost: No the word materially.

Mr. Wright: The word materially in this Ordinance any special exception use that materially increases the number of vehicles, I mean if you want to just say increases the number of vehicles I can't think of any special exception use that would be affected one way or the other.

Mr. Hoewing: So you are saying we don't need the term materially.

Mr. Wright: I was trying to make sure we didn't prejudice some use that was going to have such a minor increase in vehicles that we wouldn't want to necessarily exclude them but in discussing it I can't think of any.

Mr. Hoewing: There is one right around the corner from us that is obviously not a shared driveway but they have a home daycare center and there are literally 14 or 18 probably 18 cars now they are only there for a few minutes and in fact the approval they got was just for temporary drop off, pickup kids but there are a lot of cars much more than 5.

Mr. Wright: But on a shared driveway that would clearly be materially increasing so that would not, we are just talking about the word materially that daycare center as a special exception would...

Mr. Hoewing: Not be possible.

Mr. Wright: Not be possible under this amendment.

Mr. Hoewing: So you are saying it should just say increases?

Mr. Wright: I'm responding to Jerry's question about it, I think he is right, it is really not necessary to say materially, it does add an element of ambiguity to the amendment.

Mr. Hoewing: I thought materially was a legal term or there is some understanding of what it means.

Mr. Wright: In evidence.

Mr. Hoewing: But not in this context.

Mr. Wright: Right no.

Mr. Klobukowski: I would like to acknowledge that in Mr. Barnes letter he proposes there be a maximum 5 visits per week however if you are running something like a daycare and you have 18 people a day that would override that particular ability to run that business.

Mr. Hoewing: Yeah she just couldn't do it on a shared driveway it would be too intrusive because you'd have too many cars and if that person is trying to go in and out themselves it would be ridiculous so I don't think you could do that in that kind of a situation.

Mr. Yost: No I agree.

Mr. Klobukowski: I would like to hear what Mr. Barnes has to say.

Mr. Kuhlman: Just a minute Jerry.

Mr. Klobukowski: Just to make sure.

Mr. Kuhlman: Just a minute Sir please sit down thank you. Well before we hear from Mr. Barnes I would like to offer how I think it should read. Provided that on any residentially zoned property having a shared driveway no special exception use shall be permitted.

Mr. Hoewing: What if they allow them just to park cars on the street, not increasing any traffic at all and people have to have home business potential opportunities I would think. I agree they should not park in the driveway and they shouldn't have a lot of traffic in the driveway but if you are telling them to park on the street and they have to walk in, you have to walk 250 feet to a mall from the mall these days so that is not a big handicap for people.

Mr. Kuhlman: I understand what you are saying Link and as a home based business owner I am really torn on a lot of these but I don't think that I would have opened up my business had I shared a driveway with somebody and anybody can say what they want, our job is to interpret the law not interject our personal feelings into these decisions and right now the law is clear the law of the Town is clear that what happened on Selby Avenue is allowed. I will give my personal opinion I don't think we should let it happen again even if you say park on the street, what are you going to do if somebody has a large meeting which may never happen.

Mr. Hoewing: Well lets say they have a large meeting which is going to happen anyway with a school night they always do you have tons of people walking in. I used to have meetings at my house every Thursday night and there were a lot of people 10 to 15 cars on the street its not like we are doing that.

Mr. Klobukowski: We are talking shared driveways.

Mr. Hoewing: But the point Jerry is the impact it is the same impact as that.

Mr. Kuhlman: I know I mean years ago not to dig up bad subjects but during the annexation time period we had committee meetings at people's homes and even had windows broken out of cars and notes pinned on it "don't park in front of my house" you know it was a bad time everywhere around and some people are not very sympathetic to their neighbors I mean if my neighbor has a party once a year or twice a year I should be able to be a little tolerant of a bunch of cars strange cars parked in front of my home.

Mr. Brown: Legally parked in front of your home.

Mr. Kuhlman: Yes legally parked. But for whatever it is worth I offer that, that I think it should read that if it is a shared driveway no special exception being granted.

Mr. Hoewing: How many shared driveways do we have?

Mr. Klobukowski: Pardon me?

Mr. Hoewing: How many shared driveways in the Town do we have?

Mr. Klobukowski: Not very many.

Mr. Hoewing: 8 or 10, is it 10?

Mr. Yost: More than that.

Mr. Hoewing: Really?

Mr. Yost: Absolutely.

Mr. Kuhlman: Yeah.

Mr. Brown: Yeah definitely.

Mr. Hoewing: You might have 40 houses then that will be affected by this?

Mr. Yost: I would say 40 is probably a pretty good number.

Mr. Klobukowski: But at the same time how many hours and how much money does it cost us with Alan.

Mr. Hoewing: But I guess if this was the Ordinance they are going to go and buy the house and they should theoretically understand that this is a house if you want to have a business in it you can't do it.

Mr. Kuhlman: I mean I understand I still contend the Town has no obligation to enforce the Covenants that is a private issue between property owners.

Mr. Klobukowski: But we are not talking Covenants here, here we are talking I agree with Eddie I think if you just make it unambiguous we say no that's it.

Mr. Hoewing: So your proposal would be to just say they are not allowed at all.

Mr. Kuhlman: I am suggesting it because as the President of the Commission I make it a practice not to make motions so I just put that out for discussion if somebody agrees with it they can make the motion but I have never felt it is the Chair's business to make a motion.

Mr. Klobukowski: Well I will make a motion that on the paragraph D second line the word any is replaced by the word no and so that sentence then reads "provided then on any residentially zoned property having a shared driveway no special exception use increases the number of vehicles using the driveway is permitted" there is a few more words I modified.

Mr. Hoewing: I think you actually want if you are going to take Eddie's approach you don't have anything about shared vehicles you could say no special exceptions are allowed.

Ms. Gruber: No special exception on a shared driveway the end.

Mr. Klobukowski: Right ok you want to repeat that Lori?

Ms. Gruber: Prohibits any special exception on a shared driveway, period the end.

Mr. Klobukowski: So moved thank you Lori.

Mr. Kuhlman: Is there a second?

Mr. Hoewing: Second.

Mr. Kuhlman: All right any discussion on that issue.

Mr. Brown: My only discussion is it does pain me that we are basically not allowing a special exception that would allow people to park legally on the street.

Mr. Klobukowski: That is not what I am saying.

Mr. Hoewing: No they can park on the street Jim they just can't have a business that would cause that to happen that is all. So if they came in and said I want to have a computer repair business at home I'm going to have 10 cars per day coming to my house and they are going to park in the street we would say no, why because people are going to walk down there so it would have the same kind of impact is I guess Eddie's point.

Mr. Brown: But I also say too there is a situation there is a way for us to deal with that I mean a special exception has to be issued for that and it has to be dealt with at that time, I am not saying I am sympathetic to the idea I just think that we are sitting and we are going to be talking about potentially eliminating the use of people that can have a legitimate home based business that could have very little traffic and it would generate very small amount of people parking on the street.

Mr. Klobukowski: But the way I read it is just we are talking about use of the driveway we are not saying anything about...

Mr. Brown: No that was struck.

Mr. Klobukowski: No.

Mr. Brown: No special exception use on any residentially zoned property having a shared driveway no special exception use shall be permitted that is how we left the last one.

Mr. Klobukowski: Ok.

Mr. Brown: So I could be ok with that but I feel like that is something that needs to be fleshed out and I think we are just striking out...

Mr. Kuhlman: Well I think Jim you raised some concern because you have as Wade pointed out in answer to Link's question you have quite a numerous number of homes on shared driveways and I hope non of these homeowners were considering applying for a special exception as part of a home based business.

Mr. Yost: Or take a look at the Use Chart and say what are you going to prohibit then. There is a lot but what is it, its accessory apartments, its bed and breakfast, I am just looking right down the chart, guest houses...

Mr. Hoewing: Daycare Centers.

Mr. Klobukowski: Ok I messed up I was focusing strictly on shared use of the shared driveway.

Mr. Brown: And I am perfectly ok with in terms of that if there is a, that they should not be able to use the driveway I have no problem with that a shared driveway should not be able to be used for a special exception I am very good with that.

Mr. Hoewing: So parking which is what I first proposed on the street and you can still give them a special exception if they had to walk down into the house, now see normally in a special exception what the process would be is you don't just say any business even if it has 60 cars parked on the street can be approved. In the case of the Daycare Center they had to tell them how many cars would be coming and they would only be there for 5 minutes drop off and pickup are the requirements they put in so its not a lot of cars.

Mr. Brown: Are you guys discussing that we have a legal issue with this?

Mr. Wright: Well I am just noting that with shared driveways typically the reason you have a shared driveway is that properties are behind somebody else's property and the driveway is a pipestem that goes back to the property so people coming would have to walk down the driveway or have some kind of access through somebody else's property typically that is the kind of setup it is I mean you wouldn't just have a lot for the special exception property that has frontage on the street so you could make a walkway back because you are behind somebody else's property.

Mr. Hoewing: You'd have to walk on the driveway I am sure.

Mr. Wright: You could use the driveway as long as you are not driving on it.

Mr. Hoewing: And you can't park in the driveway or those kind of things, which are intrusive obviously or can be. So which way are you going to go?

Mr. Brown: Are you talking to me?

Mr. Hoewing: Yeah I mean essentially we have to vote on the motion that Jerry...

Mr. Klobukowski: I'll withdraw my motion. We will clear it up from the beginning.

Ms. Gruber: Lori may want a proposal though.

Mr. Kuhlman: She said the motion Jerry made it.

Ms. Gruber: No I was actually re-wording Jerry's motion for him.

Mr. Kuhlman: All right at the present moment we have...

Mr. Klobukowski: Wait a moment what does Lori say?

Mr. Kuhlman: We have no motion on the floor whatsoever.

Mr. Brown: No motion withdrawn.

Mr. Kuhlman: So Mr. Brown you have got us back to this point what is your idea?

Mr. Hoewing: Were you coming from that they should be able to use, they should be able to get a special exception as long as they are not using the driveway as part of the special exception is that where you are coming from?

Mr. Brown: They should be eligible for special exception as long as they are not allowed to use the driveway for vehicle use. If there is a way to spell that out accurately that would be my motion.

Mr. Hoewing: Ok I think that's, lets leave it.

Mr. Klobukowski: I'll agree with that.

Mr. Brown: Without question I am trying to eliminate another Barnes situation but I do not want to especially with the amount of homes that we currently have on shared driveways we are basically saying if you have an idea to do anything out of your house by the way you can't.

Mr. Hoewing: I mean some businesses to be honest with you, you couldn't do a Daycare based on those real long pipestems there is no way that is a limitation that you have.

Mr. Brown: That's right that could not be approved to have kids walking up and down from the street all the way down the driveway. Is there a way that that could be presented. All right I will put on my lawyer hat.

Ms. Gruber: So we are trying to allow special exception on a shared driveway while prohibiting increased traffic on this driveway.

Mr. Kuhlman: No use of the driveway by vehicular traffic.

Mr. Brown: I mean I think you could probably get away with "no special exception use can be granted that increases the number of vehicles using the driveway".

Mr. Klobukowski: The shared driveway or the driveway?

Mr. Brown: Well no the driveway because I don't want it to be misunderstood which one, if you have a split I don't want it to be the one driveway versus the other is usable. So no special exception use can be granted that increases the number of vehicles using the driveway. No that doesn't sound right because it still permits people its got to be I mean I need help here come on its 9:30 I got up at 5:00.

Mr. Hoewing: I did too.

Mr. Klobukowski: Me three.

Mr. Hoewing: Why don't you just say instead of increases the number of vehicles just say that allows the use of the driveway as part of the special exception, that way you can't do anything in the driveway at all and if you are going to have any cars involved they have to be parked on the street.

Mr. Brown: No special exception use...

Mr. Hoewing: May be granted on shared driveways allowing the use of the driveway or something words to that affect.

Mr. Klobukowski: Why don't we defer this to Alan and...

Mr. Hoewing: Yeah we have formal amendments made by Alan.

Mr. Brown: Yeah can you help out there?

Mr. Wright: I don't know what you are trying to do at this point. We've got language that says I like it better saying no special exception use that increases the number of vehicles using the driveway shall be permitted.

Mr. Yost: Well that sounded right there too.

Mr. Brown: Ok.

Mr. Wright: Because (inaudible) increasing the use of the driveway by vehicles and if there is some way they can do it without having people drive in and out you are ok with it? Is that what you are looking for?

Mr. Klobukowski: In other words pedestrian traffic would be ok vehicles would not.

Mr. Brown: I mean we keep going back to in other words it should be there is no special exception use...

Mr. Wright: No special exception use that increases the number of vehicles using the driveway.

Mr. Yost: Shall not be permitted. Right any special exception...

Mr. Wright: I don't see any need in that for in other words.

Mr. Brown: I could live with that I just want it to be somewhat stronger that says that...

Mr. Wright: You could put a by golly at the end.

Mr. Brown: I'd go with that. No I defer to you on that Alan that does cover it, it just feels like it is missing one little some element.

Mr. Hoewing: Well you could say something like in the case of shared driveways no special exception may be granted that allows the use of the driveway to grant the special exception.

Mr. Klobukowski: You were ok there till the very end.

Mr. Brown: Right till the very end you had it. I was there.

Mr. Hoewing: Or that involves the use of the driveway for the special exception.

Mr. Kuhlman: Use of customers.

Mr. Brown: Well it doesn't have to be customers.

Mr. Kuhlman: Why?

Mr. Hoewing: Cars on it. What you are trying to do is say something that doesn't just say, you think they may get around it somehow, I don't know how, by somehow saying I know I had 15 cars but...

Mr. Brown: Well no you could have a situation where somebody had 2 cars and then they get rid of 1, which allows another car to come in and out of their driveway whenever they want to.

Mr. Hoewing: But that is about the worst you could see though I mean unless somebody had 15 cars to start off with.

Mr. Brown: Well I've got 15 cars.

Mr. Hoewing: Yeah but they are not being used right.

Mr. Wright: I see the point...

Mr. Brown: You know what I am saying?

Mr. Wright: Yeah suddenly the light went on.

Mr. Brown: I just don't want ripple room in it.

Mr. Wright: Yeah suddenly say well I want my special exception so I'm going to get rid of my cars. The same customers will be coming the number of trips that I...

Mr. Brown: Right there is no materially increase in cars if you do that.

Mr. Wright: Right ok.

Mr. Brown: I appreciate you bringing this Alan.

Mr. Kuhlman: Does anybody have a motion they want to put forward?

Mr. Brown: Alan you are good with understanding what we are trying to come up with here?

Mr. Wright: Yeah.

Mr. Kuhlman: It is referred back to Staff.

Mr. Brown: Ok I am fine with that. Thank you sorry.

Mr. Klobukowski: I apologize to the Commission for making it more confusing than it should have been.

Mr. Brown: Well I wish I had a better legal mind or else I would just come up with it but I can't.

Mr. Hoewing: If I had the language in front of me it would be pretty easy to draft if I did.

Committee Reports

Mr. Kuhlman: All right moving on Committee Reports Planning Commission.

Mr. Barnes: (Inaudible).

Mr. Kuhlman: Mr. Barnes this is not the opportunity for you to speak. You had the opportunity before we went into the discussion on the Ordinances, you will have an opportunity under Citizen's Forum again Sir thank you. Planning Commission.

Mr. Hoewing: They did not have a meeting last week it was cancelled.

Mr. Kuhlman: Ok Parks Board.

Mr. Brown: I've got 3 pages of notes I need to go over.

Mr. Kuhlman: Too bad.

Mr. Brown: No I need everybody to stay for the full hour at least. Basically we actually went to Halmos Park and we reviewed Halmos 1 and its future needs. We came up with a good number of recommendations none of which will cost that much money and we've actually put those recommendations to Wade already or he recorded them at the time or rather Preston did. Were you there?

Mr. Yost: No.

Mr. Brown: Wade there was some controversy because everybody had a different set of Park Rules for some reason so we are asking that you send us the most updated word file, some pulled it off the internet, some pulled it off had previous, luckily I had the most up to date copy so if you could make sure that the Parks Board gets that I would greatly appreciate it. I am sure this is their fault not yours. John Strong made a very nice presentation about the sidewalk recommended what needs to take place in order to have sidewalks built along Fisher Avenue, it was a very positive report. There was some commentary about what kind of streetlights would be used if any were built along Fisher Avenue as well as what it would take to get the infrastructure in place and that is it.

Mr. Hoewing: Just a comment for the record to use the words John Strong and nice report its an oxymoron.

Mr. Brown: I didn't say short report.

Mr. Kuhlman: CEDC.

Ms. Gruber: Meets next week.

Mr. Kuhlman: All right Town Manager, hold up.

Mr. Klobukowski: I have just one question on with respect to the you said the lights along Fisher Avenue I am not sure because I thought the Commissioners had already selected those lights along Fisher.

Mr. Brown: It was just a general commentary go ahead John.

Mr. Strong: It was a discussion on how to install and conduit as the sidewalk was being installed.

Mr. Klobukowski: Oh ok thank you.

Town Manager's Report

Mr. Kuhlman: Town Manager.

Mr. Yost: Want to update you on the MTBE results that the State took of different wells around the filling stations in Town as well as well 2 and well 5, results come back no elevated levels non-detectable in almost all of them. Mr. Roberts was still the highest one of all so it seems to be very localized contamination, really not much concern for us so we are going ahead with the Elgin and Schraf well testing and we hope to begin that next week.

Mr. Kuhlman: The pump down testing.

Mr. Yost: The pump down testing on both of those wells.

Mr. Brown: Wade is the pump down test still staying to the same requirements that we were discussing before, where we thought it was a all pump down at the same time.

Mr. Yost: Yes what we are going to do the Elgin and Schraf well both will be running and then discharge those there will be a fire hose 1000 foot away from the wellhead and there will be no drainage in the streams. We also have to run well 3, well 2, well 5 and well 4 continuously for those 60 days also. And we have several monitoring points around some private wells and our well also.

Mr. Klobukowski: I apologize you said well 2, 4, and 5 have to be run continuously.

Mr. Yost: And 3.

Mr. Klobukowski: And 3, 2, 3, 4, and 5.

Mr. Yost: And of course 7 is still running, we are still doing the uranium removal pilot test and it is very successful at removing it but the --- is not worn out yet we are still 23, 24 parts per million on the entry coming out at zero so it is full removal. We are waiting for a breakthrough we are hoping by the end of September that would be a 90-day window but still...

Mr. Klobukowski: Well the longer it goes the better it is. The level of number 1 is low because the medium hasn't gone to 100% capacity in absorption.

Mr. Yost: So it's a good thing. We are hoping to get under construction before winter so we will see what happens with that. I have been looking at some LED lights from Cooper Lighting they match the exact ones we did for streetscape that we have in the parking lot here also for the Whalen Commons lights, we are getting ready to have the band shell RFP go out next week and as far as that project we want to get the lights up at the same time and do all the construction at once. So we asked a really good price as long as there is money in the budget for it I need to work out the details as far as the wiring to make sure we have adequate funds in place and at the same time I am getting prices to bring back to you to perhaps change these lights in the parking lot to LED also the same company the Cooper Lighting Company.

Mr. Hoewing: What is the life of those lights is it a long period of time?

Mr. Yost: These are 50,000 hours.

Mr. Hoewing: 50,000.

Mr. Yost: Different vendors had different spans of life a lot of them because of the heat dissipation out of the lights is how they characterize how long it is going to last. But these are some of the top of the line ones that they have. And we have chosen the light and Cooper is one that makes that style of light also.

Mr. Klobukowski: Is this a U.S. company?

Mr. Yost: Yes.

Mr. Klobukowski: And we are certain because I mean I spoke with and I think Eddie did too and maybe Link and I don't know if Lori you did with the light people about the location of the controller versus the light versus heat dissipation and all that so you feel that these guys are the optimum at this time.

Mr. Yost: Cooper is one of the largest and best manufacturers in the country definitely. So just in their knowledge and what they do they are definitely the best or one of the best.

Mr. Klobukowski: Is that Cooper Industries then is that the same company ok.

Mr. Yost: And like Eddie was saying there are some grant monies out there and the papers don't really say how to apply for the grants let me do a little research and find out how I can apply for some of those funds and see if I can do it for a new project, I know I can definitely do it for a retrofit, it would be nice if we could get some money for that fund too. Like John said he gave a concept on the Fisher Avenue sidewalks to the Parks Board that now has gone to State Highway for their review to make sure how we are building it is going to be acceptable and then we will bring it back to you guys to work out the details and have you look at it again also. And the Skatepark design meeting is for Wednesday night and that basically is to get the kids out and get them involved get them excited about the project, I don't think it is really going to change anything that we have seen in the concept plan might be a few tweaks in the details and interested in what the opposite side would be.

Mr. Hoewing: I volunteered at the Skatepark thing on Saturday and they had some opinions about the drawings so you may get some input on that.

Mr. Brown: Really what was the problem?

Mr. Hoewing: It's not a bowl, the half bowl is that what it is called...

Mr. Yost: Oh they want...

Mr. Hoewing: Well some do and some don't, its actually split that was interesting.

Mr. Kuhlman: All right you and I talked earlier last week Wade about House Bill 640 for the foreclosures, are we going to draft legislation for that?

Mr. Yost: Yep I need to get that going.

Mr. Kuhlman: For the other Commissioners if we enact an Ordinance than the banks or the financial institutions that are foreclosing on any house in Poolesville have to notify us by law that they are doing it.

Mr. Yost: And that is important to us for code enforcement reasons or we want to make sure we know the property is going to be vacated and who to contact if there is a problem with it.

Mr. Klobukowski: Is this a standard law with set wording and everything.

Mr. Kuhlman: It was House Bill 640 it passed last session, it gives us the right to adopt an Ordinance requiring them to notify us.

Mr. Klobukowski: An Ordinance ok but they didn't give us the words for the Ordinance.

Mr. Wright: The wording you can take from the statute and it is pretty clear what you have to say.

Mr. Klobukowski: Ok.

Mr. Kuhlman: Also did you find out about this debt management policy thing that is being mandated by the State.

Mr. Yost: Bobbie wasn't in today and I was out Friday for personal issues so we just missed each other and didn't get to talk about it yet.

Mr. Kuhlman: All right anything else. Any questions of the Town Manager?

Citizen's Forum

Mr. Kuhlman: Citizen's forum anybody wishing to say anything, Mr. Barnes now is your time.

Mr. Barnes: My name is Don Barnes I live at 19735 Selby Avenue. I would like to thank the Commissioners for their hardy discussion on the proposed Ordinances it was very good and enlightening and I feel very comfortable that the citizens views and comments were taken into consideration and I appreciate that it was very nice. One of the topics that has come up a number of times that I find confusing and that is on Daycares and maybe Mr. Wright can clear up some of at least my confusion, as I understand a State law is that if you want to put a Daycare in your home its pretty much you can do it and a Homeowner Association and ACC can't stop that from happening that it is a State law that you can put a Daycare in your home. It seems like some of the discussions its kind of put bounds on what we can do in Town, it is not clear to me...

Mr. Yost: You are right there is a Daycare and then a Family Care Center there is 3 different levels and it speaks to how many people are allowed so if they are having a regular Daycare like 5 or 6 or 7 kids whatever that is allowed correct once you get over a threshold of 10 or 12 then it triggers a special exception and it's a different category.

Mr. Barnes: Ok I just wasn't real clear. And back to the Ordinance and the Mevissen issue I thought it was really good one of the things I think was maybe not touched on and that is trespass and like in our case where the property line is down the middle of the driveway when someone comes on our property on our side of the driveway which we own that is trespass, we don't want people coming on our property and right now we are being trespassed on so I think when you consider the special exceptions that you need to consider that you might be inviting someone to trespass on someone else's property.

Mr. Hoewing: I thought pipestems were not going to be, that can't be true.

Mr. Wright: Pipestems have an easement for the neighbor so their invitee's can use the driveway.

Mr. Barnes: You may be right Alan but that is for us to enforce through maybe a Covenant's enforcement.

Mr. Wright: Well I don't know what your Covenant's might say about it but as far as the right to use the driveway I mean if I have a pipestem driveway a shared driveway and want to invite somebody to come to my house they are free to come down the driveway even though half of it may be yours.

Mr. Barnes: In our case it is for residential purposes not for retail or business. And a second issue would be the taking of our property or someone's property that we should be exercising imminent domain, thanks.

Mr. Kuhlman: All right thank you Sir. Anybody else yes Ma'am.

Ms. Breiner: I just wanted to thank you for the opportunity to finish my earlier comments. I didn't appreciate there was a timeframe I will be better prepared next time. As I was waiting for my turn again I was reading through the minutes of the last meeting and wanted to offer and provide to Mr. Yost a contact who is an expert in geothermal and in particular the system that I spoke to earlier so you can get some more information about that and talk to him. The other thing I would like to reference you is the handouts that I gave you earlier the last one is sort of not particularly related to the Ordinance itself but it provides a way or blueprint to prioritize steps and develop an action plan for the Town government to work towards energy efficiency and --- things in there in the

operation of practice of the government so I just offer that for information. And the last piece as I will read is sort of a general statement. I just wanted to say that 4 or 5 years ago as for most people including myself energy efficiency and alternative energy was the last thing I thought I would be spending much time thinking about let alone considering and I never envisioned sitting in this seat in January I would have never envisioned that, would have never envisioned running for Town Commissioner the overall --- has brought these issues to the forefront and that is this community and as this community responds we must look ahead 4 or 5 years and much more consider where we are headed and plan accordingly start to address the challenges our children, we our children and our grandchildren will face on a local, national, and global scale. It starts at home, it starts in our community lets greet the challenge and run with it. I appreciate your time this evening for listening to me and other citizens from Poolesville regarding these issues and have a good night.

Mr. Kuhlman: Thank you. Anybody else? All right seeing no hands and before we entertain a motion for adjournment on the Alternative Energy Ordinance my suggestion would be if you all agree is for Wade to check with the Planning Commission and see if they are going to, how busy their agenda is for the next meeting and if it is a light agenda I would like to establish a work session with them so we can hear from them what was their thought process, their ideas, their reasoning for the recommendations that they came forward with. So that meeting is scheduled when Link?

Mr. Hoewing: When is the next one scheduled, they haven't reset it.

Mr. Yost: No it would be our next regular meeting.

Mr. Kuhlman: All right so Wade if you would check with Mr. Coakley and find out and let us know as quickly as possible about a work session with them on that night at the conclusion of their meeting.

Adjournment

Mr. Kuhlman: All right if there is nothing else 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 all.