

MINUTES
COMMISSIONERS OF POOLESVILLE
June 3, 2019

Call to Order:

Commissioner Klobukowski called the meeting to order at 7:30 PM. Commissioners Radigan, and Dickerson were in attendance as well as Town Attorney Jay Gullo, Town Engineer John Strong and Town Manager Wade Yost.

PLEDGE OF ALLEGIANCE:

Commissioner Dickerson lead the pledge.

ANNOUNCEMENTS:

Commissioner Radigan introduced the “Plenty” Magazine a free publication showcasing stories and places in the area.

Commissioner Dickerson announced that Kahlil Green, a Poolesville graduate had been elected as the first black Student Body President at Yale University.

Commissioner Klobukowski reported the following:

1. Earlier today, Link Hoewing, Rebecca Munster, and I met with Poolesville High School Principal Deena Levine to discuss the list of proposed improvements to the existing building, their basis versus the Key Facility Indicators, how those fit into the capital improvement process, and what impact that may have on our Fair Access Initiative.
2. In the June/July issue of Montgomery Magazine there were two article which pertain to our area. One was on the Resource Recovery Facility, otherwise known as the incinerator and the other was on “Girl Power” 2019 Contest Winners. This year’s theme was: If you had a superpower, how would you use that power to help girls and women?” The winner of the high school category was Carmie Hsiao, who is a PHS graduating senior.

OPEN FORUM:

None

APPROVAL OF MINUTES:

Commissioner Dickerson motioned to approve the minutes of May 20, 2019. Seconded by Commissioner Radigan. Motion carried 3-0.

Commissioner Brown joined the meeting

NEW BUSINESS:

5G Small Cell Amendments

Town Attorney Gullo discussed the proposed amendments that were drafted in response to public hearing testimony. The amendments add submission requirements for power range and equipment compliance with FCC regulations. He also discussed the specific request to include exposure limits for the “General Public”. He raised concerns that including such language is vague when used in the context of the ordinance. The purpose is to define a distance from the fixed small cell spot. The “general public” is not a term we use in municipal government because there are more definitive terms – such as public ROW; street; sidewalk; property line; dwelling unit structure, etc. – which will allow for proper interpretation going forward.

The interpretation for the “general public” is people. So, what if there are no people on the sidewalk, street, etc. – just because there could be, they aren’t there all the time – thus the vagueness. When we have statutes that have vague and unmeasurable terms, we always open ourselves up to a claim that the decision made is arbitrary and capricious.

While there could be arguments to the contrary, we should not make ourselves vulnerable to such a claim from the industry – it would undo all the protections we have put in place.

He also discussed the FCC order that ordinances could not be written that would make it impossible to locate antennas in the right of way nor use potential health effects. The FCC would remain the overall regulator and investigate complaints/compliance for the 5g antennas.

The Commissioners discussed further and then tasked staff to prepare the proposed amendments into a resolution format to be presented at the July 1 meeting and a possible Public Hearing would be set for August 5.

Summer Meeting Schedule

Commissioner Klobukowski opened the discussion and the Commissioners agreed to meet on July 1, August 5, and September 9 & 23.

OLD BUSINESS:

WIFI Tower Lease

Town Attorney Gullo presented the Telalgia lease for the placement of 6 WIFI antennas on the water tank.

After a short discussion, Commissioner Dickerson motioned to approve the Lease. Seconded by Commissioner Radigan. Motion carried 4-0.

TOWN MANAGER’S REPORT:

Town Manager Yost reported:

1. County Recreation Team - Would like to come to the June 17th meeting to discuss creating tot and youth sports clinics for this fall
2. County Investment Fund - Want to give an update on some of the revenue streams prior to the end of the year close-out that will be presented late July or early August. Our Investment account balance is currently \$3.9M as far as revenue from interest, last year we earned around \$22,500 and currently we are well over \$66,000.
3. Income taxes – Although both County and State budget analyst had concerns over dropping income tax revenue, the Town is on par to meet our projections. We have received over \$1,000,000 to date and typically receive a June payment over \$300,000.
4. Water and Sewer Revenue - Revenue is about where we had projected during the budget process, which will result in a deficit about \$22,000.

APPROVED AS AMENDED

6/17/19

5. Well 11- Construction moving along, should be complete August/September
6. Paving - Beall Street is scheduled to be paved this week
7. Ash Trees - Infected Ash trees in Seneca Chase and Hunter's Run are being removed. This is part of a 3-year ongoing effort of treating and removing once a 50% die off has occurred. The Emerald Ash Bore has infected the trees and the last remaining ones are being removed. The trees will be replaced this fall in accordance with the tree streetscape plan.
8. WWTP Lagoon - If you recall during the Budget process, we spoke of a potential leak in the lagoon embankment. After a series of investigations including borings and die testing, we conclude that the embankment is not compromised and the excessive groundwater we were experiencing was following the perimeter drainage system and electrical conduits on the side of the embankment.

Commissioner Cook joined the meeting

COMMITTEE REPORTS:

PLANNING COMMISSION – Commissioner Radigan reported on the last meeting the Westerly Grove sign was approved.

PARKS BOARD – June meeting cancelled.

EVENTS COMMITTEE – Commissioner Dickerson reported that Springfest had a post event meeting a determined that the \$40 price would remain in effect; however, a \$35 charge online prior to the event would be available and a per pint charge would also be available.

SCHOOL LIASON – No Report

FAIR ACCESS – Commissioner Brown provided an update on developing organizational strategies and had reached out to Councilmember Albornoz.

ADJOURNMENT

A motion was made to adjourn by Commissioner Dickerson, seconded by Commissioner Brown.
Motion passed 5-0.