

**COMMISSIONERS OF POOLESVILLE
MEETING OF APRIL 2, 2012**

PRESENT: JIM BROWN, CHUCK STUMP, BRICE HALBROOK AND EDDIE KUHLMAN. ALSO PRESENT WAS TOWN MANAGER, WADE YOST, AND TOWN ATTORNEY, JAY GULLO.

Public Hearing

Mr. Kuhlman: Good evening ladies and gentlemen, tonight we have two public hearings. The first will be on proposed Ordinance 190, the purpose of this public hearing is for the Commissioners of Poolesville to receive public comment to amend Section 9C of the Poolesville Code to modify the procedures used by the Sign Review Board. The file for tonight's public hearing contains the following exhibits: Ordinance 190, notice of public hearing and copies of the March 21 and March 28 Poolesville Gazette, containing the notice of public hearing. Copies of the proposed Ordinance 190 have been available at Town Hall and on the Town's website at www.ci.poolesville.md.us, written testimony will be accepted at Town Hall and at the hearing or before the record closes. Is there anybody that wishes to testify on Ordinance 190? Seeing no hands we will close that public hearing, the record will remain open until this Friday close of business 4:00. Our second public hearing will be on proposed Ordinance No. 191, the purpose of this public hearing is for the Commissioners of Poolesville to receive public comment to amend Section 10 of the Poolesville Code to allow the appointment of an alternate member to the Board of Zoning Appeals and modifies provisions related to stays and expenses in Board of Zoning Appeal cases. The file for this public hearing contains the following exhibits: proposed Ordinance No. 191, notice of public hearing, and again copies of the March 21 and 28 Poolesville Gazette containing the notice of public hearing. Any person wishing to now testify or ask questions of the Commissioners about proposed Ordinance 191, may do so after giving their name and address, anybody wishing to speak? Seeing no hands we will close that public hearing, and again the time period for public written comment will be closed this Friday at the end of business day.

Call to Order

Mr. Kuhlman: All right we will call the Commissioners Meeting of April 2, 2012 to order. And the first order of business will be the Pledge of Allegiance, please rise.

Pledge of Allegiance

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

Mr. Kuhlman: All right thank you. And for the record all Commissioners are present this evening except Mr. Klobukowski who is out sick and we are also blessed with the attendance of our Town Manager, Mr. Yost and our Town Attorney, Mr. Gullo.

Announcements

Mr. Kuhlman: Any announcements? All right our next meeting Ms. Nancy Floreen of the Montgomery County Council will be here, she has requested some time to

address us, that will be at the beginning of the next meeting. And also after our last meeting on March 19 we had an Executive Session, all Commissioners were present as well as Town Manager, Mr. Yost, to interview a candidate for the Planning Commission and the Commissioners felt that the candidate was worthy of appointment, so is there a motion of appointment of Rebecca Kinney to the Planning Commission for a term expiring on 4/1/15.

Mr. Halbrook: So moved.

Mr. Kuhlman: Is there a second?

Mr. Brown: Second.

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

All: Aye.

Mr. Kuhlman: Motion carries unanimously. Any further announcements? We had a tour of the high school a week ago Rande with the President of the Montgomery County Council, Roger Berliner, he had a nice time and he sat down about 5 students in the conference room and talked to them and all of them were involved in the Magnet Program, one type or another, they talked to him about the school and its shortcomings, and so forth and so on, and then had a meeting with the school staff and myself and asked what we expected, what we would like him to do, and school staff was pretty silent, so I spoke up and said we want a new school, and gave the reasons why and everything and he listened and had a discussion and said you know, there is a policy that has been put in at the Council level where the Council doesn't get into altering the ---, like we were able to do for the middle school and basically we will have to stand in line and wait our turn with the rest of everybody else. Delegate Aruna Miller is still working in Annapolis to try and increase funding and to specify some extra funding for Poolesville, I don't know whether she is going to have any success or not, and she is also trying to set up a tour, I got an email from her today, that she has talked to Dr. Starr today, and he has agreed to come up and tour the school. So we will see when that happens. All right any other announcements? Hearing none we will move on to the approval of the minutes of March 19 including the Executive Session minutes.

Approval of Minutes

Mr. Kuhlman: Is there a motion for approval?

Mr. Brown: So moved.

Mr. Kuhlman: Is there a second?

Mr. Halbrook: Second.

Mr. Kuhlman: All in favor?

All: Aye.

Mr. Kuhlman: Motion carries unanimously.

Citizen's Comments on Agenda Items

Mr. Kuhlman: All right citizen's comments, anybody have anything in general? All right then questions on new business, Town Manager's Contract, his contract expires next month I think it is, Wade?

Mr. Yost: July.

Mr. Kuhlman: And we have modified one paragraph in his contract to take care of severance pay, the severance pay was originally established for two weeks, and we have extended it out to three months. Is there anybody that has a comment on that? All right also tonight we will be discussing the Titus Trash Contract, which comes up July 1 and what we think might be the best thing to do there, whether to just deal with Buck or put out a request for proposals to see what the rest of the industry has to say, any comments there? All right seeing none we will go back to the agenda and the Town Manager's Contract.

New Business

Mr. Kuhlman: You guys have all seen it and no one has issued any complaints or concerns with it, so is there any discussions or questions or comments? Hearing none, entertain a motion for approval of Wade's new contract.

Mr. Halbrook: I move we approve Wade's new contract.

Mr. Kuhlman: Is there a second?

Mr. Stump: Second.

Mr. Kuhlman: All in favor?

All: Aye.

Mr. Kuhlman: Motion carries unanimously. Congratulations you are indentured again for 5 years.

Mr. Yost: Pleasure to be here.

Mr. Kuhlman: Titus Trash Contract. Wade do you have anything to say before we get started on this?

Mr. Yost: I put some stuff in your package, just a follow up on the complaints we have received over the years, pretty typical, and I had to, a couple times do written reprimands as well as forcing the action I needed to make sure the job was done correctly, so complaints do come in, for the most part most of them were addressed, not always, so whether we go with a new contract or stay with Buck we need to sit down and go over some of the parameters of the contract, which says you will have uniform shirts, time of business, a whole host of things that we need to discuss.

Mr. Kuhlman: All right so we have two options, we can either re-up with Buck, Titus Trash, for another 5 year period, or we could put out an RFP and see what other proposals we might be able to get or competition in bidding, anybody have anything they would like to say on that?

Mr. Stump: Why a 5 year term?

Mr. Kuhlman: That is what it has been Chuck, I mean there is no legal requirement or anything, but it has always been a 5-year deal with him.

Mr. Brown: I have a question for you, and it is more for Wade. Has there been amongst all the letters back and forth, feedback given to Titus about their service, have they committed offenses that would make it so that we could terminate their contract, have they had cause?

Mr. Yost: We would have to go through a process to get to that point, but no they really haven't, it is right on the edge and they come back into line, whether we should fine them or whatever needs to happen, they do come into compliance.

Mr. Brown: And they have been responsive to all of your...

Mr. Yost: For the most part.

Mr. Brown: Is there a reason beyond, I know we talk about a 5-year contract, it makes a lot of sense for a contractor to have a long as term a contract for them as possible, but does it make sense for us and is it something that we could, in this changing world of recycling, and services provided, is this something that, say 2 or 3 years the Town really wanted to embrace a different style of trash service and recycling, is this something that we could break into with them and potentially change the terms of how we do business.

Mr. Yost: I would think so, they are right in line with every other trash or recycling company that deals with Montgomery County, if you wanted to go outside of Montgomery County, Frederick where they have totally different things, there may be some different equipment changes that need to take place. But with everything that happens in Montgomery County yes he is.

Mr. Halbrook: These guys are in Dickerson right, close by, have you done any research on what cost wise what others would charge, like somebody from Frederick, it seems like with gas prices it might be...

Mr. Yost: I have, we did a cost comparison just looking at other municipalities and what they are paying, until we actually do an RFP we won't have what it takes for them, some companies that are small would have to purchase new trucks in order to keep up with the demand that we are going to have, and that is why a 5-year contract, I think initially when Buck wanted it in the contract, you know there was like 5 or 6 --- in town at one time so he had to buy 5 or 6 trucks to be able to take over. Same thing it would be for any small trash company like the last time we went out to bid we didn't have any large guys, Waste Management, BFI, none of those guys even responded to the bid because they can't compete with the lower prices of the smaller guys, so until we actually put out a RFP out and know what the smaller guys are going to bid.

Mr. Stump: When was the last time that we did competitively bid it?

Mr. Yost: 5 years ago.

Mr. Kuhlman: Well we have had Titus since 1992 I believe it was that we instituted the trash. The first time we put it out on bid, and I think we rebid it on the 10th anniversary didn't we, Link do you remember, yeah, but we just gave an automatic renewal in 07 I believe and then we gave an automatic renewal 5 years ago, we have only rebid it once I think.

Mr. Yost: I've written an RFP on it so it has been since my...

Mr. Brown: It was bid last time around.

Mr. Yost: That is what I thought too.

Mr. Kuhlman: Was it? Ok. Well I kind of favor putting out an RFP myself this time. There have been some shortcomings in the service, Wade and I have met with Buck, Wade has met with him, it is kind of irritating that it is the same old stuff all the time, granted this isn't rocket science and you are not going to get the upper echelon that want to be trash men, but one of the bigger reasons that I'd like to rebid it myself is, after attending that Green meeting, it would be interesting putting in the contract that we look at single stream recycling, and we talked about this once before with Buck, and it was precluded from us, we couldn't do it because Montgomery County is not set up to do single stream recycling.

Mr. Halbrook: Explain what that is again.

Mr. Kuhlman: Everything goes in one can, paper, plastic, whatever. But Frederick County is set up and the reason why we didn't go with Frederick County before, if I remember correctly, is because we lost the rebate that Montgomery County gives us for doing the recycling, which isn't a whole lot of money is it?

Mr. Yost: Off the top of my head I don't know.

Mr. Kuhlman: Yeah and Waste Management is into single stream recycling big and they have their own processing facilities now so I can't see where it would hurt to put out an RFP and see what everybody has to say. I think you found a new service or way to get into other haulers or more haulers this time.

Mr. Yost: When we did the comparison, what other municipalities are paying there are several smaller haulers out there, that probably need to see where we are advertising last time, but we will contact them directly now.

Mr. Kuhlman: I have nothing against Titus getting the new contract but I personally would like to see us put it out and see what we get back in.

Mr. Yost: So you want a comparative bid on the recycling streams?

Mr. Kuhlman: Yeah. So does anybody have any...

Mr. Halbrook: Well the main thing here with the recycling though if you are just dumping everything in one bin, it is just a convenience thing for the customer, is that what it is, because we divide paper and...

Mr. Kuhlman: Well you would have one less truck on the road because Titus now...

Mr. Halbrook: So they have two trucks.

Mr. Kuhlman: They have one that gets the paper and then another truck comes back to get the rest of it, and then you have your trash truck 2 days a week going through town. If it is single stream you would only have one truck going through town on the day of recycling and we heard from some residents at the green meeting, they would like to be able to get the totes on wheels for the recycling and if it is single stream than everything is going into one of those instead of having to keep your cardboard and paper separate. And I personally think it might be a convenience for the residents in a single stream.

Mr. Halbrook: This might be a stupid question, but why do we have 2 days a week, is that just the way it has always been done.

Mr. Kuhlman: What trash?

Mr. Halbrook: Why do we pick up twice a week, do all the municipalities do that?

Mr. Gullo: Some do but some have once a week pickup, the ones that did two twice a week, a lot of them are shifting to once a week because you can't offset the cost.

Mr. Kuhlman: Wade and I talked about that quite extensively and back when my three kids were living at home I couldn't make it once a week. Now that it is just Dori and I, I only put my can out maybe once every other week.

Mr. Halbrook: My neighborhood, Friday's almost no one puts a can out.

Mr. Yost: People are recycling more and more also.

Mr. Halbrook: Right.

Mr. Stump: Maybe you should ask for those options and see what the packet is.

Mr. Kuhlman: If we are doing the RFP we could ask for a price on one pickup, one recycle. And if it is a dramatic difference and we hear from the public we may want to go with once a week, but I think there are quite a few people in town that won't be happy.

Mr. Brown: But potentially if you single stream and switch to one day a week, that might be too radical for our town but that might be the best way to offset it because it has been proven if you single stream people actually recycle more, so it might be enough to offset it.

Mr. Halbrook: I'd have no problems but of course our kids are gone now, well the two oldest ones, so we don't have as much trash, but we could easily get by on once a week.

Mr. Brown: We've debated that many times. I think our President has gone both ways on it a couple times too. Six months out of the year I could use one day pickup, the other six months I need twice a week.

Mr. Kuhlman: All right so I get the feeling the consensus is, we will put out a RFP, we will request the recycling and also an option of single stream recycling and we will have to figure out something to do about recycling containers.

Mr. Yost: I will write that into it also, they can give us what options they have.

Mr. Halbrook: They have to provide them?

Mr. Yost: Well there is going to be initial cost most likely.

Mr. Kuhlman: And we'd like 2 options on the trash, once a week and twice a week. And emphasis on the bid on uniforms and stuff like that, no shirtless people wondering the streets.

Mr. Yost: Hours of operation, the whole 9 yards, I have all that.

Mr. Kuhlman: Ok anything further on that one? Hearing none, there is no old business, Committee Reports, Planning Commission?

Committee Reports

Mr. Stump: We still haven't had a meeting. Do we have any idea when?

Mr. Yost: On the 11th.

Mr. Stump: It's the first time in awhile, we will have a pretty full agenda.

Mr. Kuhlman: All right Parks Board, Mr. Brown.

Mr. Brown: We were supposed to meet this Wednesday and due to a lack of agenda we are not going to meet, and you got my report from the last Parks Board Meeting at the last Commissioners Meeting.

Mr. Kuhlman: All right CEDC, Brice.

Mr. Halbrook: We had a meeting last week on the 28 and went over a lot of things. We had an election of Officers, Marci Calantonio, she was unanimously selected as the Chair of the Committee for this coming year. My notes are skimpy on the rest of it, I know that Helen Gunther is going to be the Vice Chair. Then we went over a number of other things, Rande Davis made a great presentation on his Historic Medley initiative and we talked a lot about things that we could do to promote that. And a lot of good ideas back and forth about opening up the Town Hall, Town Bank, for events, it is going to be a museum, the John Poole House is going to be utilized more to the public and it is just a push for that and the Seneca School House and it is again the idea of finding identity for the Town and this is sort of part of it. Rande is doing a good job pushing that forward. In addition to that, there is an initiative that he has put forward to raise funds for this and having the town's people share the dream by joining the HMD for a fee individually and as a family, so hopefully he will get some traction on that as well to fund some of these initiatives going forward. The other things that we went over, there is a Farmers' Market going to be on the

29th of June, the 13 of July, the 27 of July, they are going to try to incorporate a sock hop on the 27 of July along with the Farmers' Market, and with bringing the old cars in, and then on August 31 a Health and Wellness Demonstration by Leni Berry, she is going to take that over, so that was a part of it, went over the summer movies, we had a selection of movies for the summer, Hugo, Mission Impossible, Cars 2 were the three movies. And then the Big Flea is coming up on the 21st of April, along with and Jan Schultz is spearheading that, and anybody for 10 bucks you can bring your own table to town and sell all your junk and they say get there early because people buy everything, the 21st of April. And then May 19 is SpringFest, they do need volunteers for carding and for people to pour beer at SpringFest, and I think that is about it. The next meeting is the 25th.

Mr. Kuhlman: Thank you Sir. Mr. Town Manager.

Town Manager's Report

Mr. Yost: I hope everybody had the opportunity to read the Monocle last week.

Mr. Kuhlman: What I want to know is how much did you pay Rande?

Mr. Brown: That was like a big sloppy kiss.

Mr. Yost: I'll be signing autographs after the meeting. Ok the I&I cleanout project is just about complete, they have about 5 or 6 more to go and one of the deeper ones that are 12 to 15 foot deep, so within a couple weeks the cleanout budget should close out and we will have those contractors out of here.

Mr. Brown: How many total did we do?

Mr. Yost: 76. The awning has been installed on the bandshell but it does have a punch-out list that I made, have to give to the contractor before he gets his final payment. But it is up.

Mr. Brown: Yeah it looks good.

Mr. Yost: Stevens Park that tot lot is finally complete with a few items that I had to give them to come back with a punch list for that one also. But at least it is done and that was \$100,000.00 park and we received a \$70,000.00 grant for, so that is really nice. 7, 9, and 10, the wells right on schedule, mid to late May we should have start up on those just in time for summer, so that is good. The swale retrofit project on 107 by Seneca Chase and down by Hersperger, they have been waiting for their prefab structures to come in that have been ordered, so within a couple weeks they should be totally mobilized and be able to knock that out, and they will be done within a couple weeks once it gets started, so it is already marked out, Miss Utility and they have stockpiles of topsoil and stuff down at the wastewater plant, so that should roll pretty quick also, you will see them out there in a couple weeks.

Montgomery County Homeland Security Emergency Response Planning, they are gearing up, the last time we have done this was in 2007, so I will start attending these meetings, actually Wednesday is our first one, it is going to be a series of meetings to redo the whole plan and everybody that wants to be a part of the County's plan has to have a representative from their municipality, so of course that is me. The solar RFP is complete and actually I sent it over to the Maryland Energy Administration for them to look at to make sure that it met any requirements that they might have for the grant funds to come in, the minority business or the buy American, we have all those qualities that I put in there, so they are happy with it and I am trying to get a meeting together with them hopefully Eddie and I can go

there or they can come here, we don't know yet, and see what kind of money they have to work with and help us out on this project.

Mr. Kuhlman: All right anything else Sir?

Mr. Yost: No.

Citizen Forum

Mr. Kuhlman: All right any comments from the audience? Mr. Roit.

Mr. Roit: Bob Roit, 17301 Dowden Way. In regard to the trash contract, not mentioned was the yard waste issue and I would hope that that would be included in there as part of the recycling efforts. I have already made several trips down to Shady Grove already this spring.

Mr. Kuhlman: Duly noted. Anything further? Seeing no hands I entertain a motion to adjourn to a work session on the budget.

Adjournment

Mr. Stump: So moved.

Mr. Kuhlman: Is there a second?

Mr. Brown: Second.

Mr. Kuhlman: All in favor?

All: Aye.