

Commissioners of Leonardtown
Town Council Meeting Minutes
June 11, 2007 ~ 4:00 P.M.

Attendees: J. Harry Norris, Mayor
Walter Wise, Vice President
Thomas Collier, Councilmember
Robert Combs, Councilmember
J. Maguire Mattingly, III, Councilmember
Leslie E. Roberts, Councilmember

Also in attendance were: Laschelle Miller, Town Administrator; Rebecca Sothoron, Town Treasurer; Teri Dimsey, Recording Secretary; Jim, Jay, and Colette Warnick, Soap Box Derby; Brian, Roxanne, Taylor, Tommy and Kyle Keating, Soap Box Derby; Chris Hayden, Soap Box Derby; Chelsea Long, Soap Box Derby; Joe and Carole Wible, Resident; Kristin Johnson, Resident; Joan Ritchie, Resident; Margie Williams, Resident; John Wharton, Enterprise. A complete list of attendees is on file at the Leonardtown Town Hall.

Mayor Norris called the regularly scheduled meeting to order at 4:05 p.m. After the recitation of the Pledge of Allegiance, Mayor Norris proceeded to take up the first item of business.

Approval of Minutes:

The meeting minutes for the May 14, 2007 Town Council meeting were presented for approval.

Mayor Norris entertained a motion to approve the May 14, 2007 Town Council meeting minutes; Councilmember Mattingly moved to approve the minutes; seconded by Councilmember Collier; motion passed unanimously.

Mayor Norris noted that the Soap Box Derby winners were in attendance today including the coordinator Mr. Chris Hayden.

Mr. Hayden announced that this was the 10th Annual Soap Box Derby held in Leonardtown. This event receives a tremendous amount of support from the Town, local area sponsors and many volunteers. Mr. Hayden asked the two winners to come forward with their trophies and introduced them to the Council.

This year's winners are James Warnick in the Stock Class, sponsored by Cedar Point Federal Credit Union and Thomas Keating, in the Super Stock Class, sponsored by W.R.A Distributors.

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Mr. Hayden stated that the winners will now go on to compete at the 70th Annual Nationals in Akron, Ohio on July 21st with over 500 kids competing.

Mayor Norris presented the winners with a Certificate of Achievement, along with a bag of gifts from the Town and Town Council. Mayor Norris commented that this event was started by a former councilmember Tub Delahay and has been a great event. Mayor Norris asked the winners to let the Council know how they fared at the Nationals and to bring back photos too.

Police Report – Deputy Gray Maloy

Deputy Maloy stated that he has been on light duty due to being hit from behind in his vehicle and will be on full duty shortly. The month of May was an active month with the most notable activity being a raid in Leonard's Freehold and they did seize some narcotics and made several arrests. This has been an on-going investigation.

The detective in charge of the graffiti incident at Leonardtown Elementary school told him that they are following up on leads and are asking anyone who may have any information to let Deputy Maloy know or call Crime Solvers.

Mayor's Report

Mayor Norris noted that we have several representatives in attendance from the Home Owners Association (HOA) from the Singletree development.

Mayor Norris stated that we are working closely with the HOA as this is the first HOA in the Town. The Town needs to recognize where our responsibilities begin and end and where the HOAs responsibilities begin and end. We have had recent meetings with Academy Hills and want to make sure that the developers follow up in regard to swm to the HOA. The Town is concerned with the streets and roads which we will ultimately take over but the HOA will be taking over the swm and the common areas.

Mayor Norris asked Ms. Miller for a brief overview of the issues for discussion.

Singletree Issues

Stormwater Management Area- For many months the Home Owners Association has been working with the Town, MDE and the developer, Mark Dillow, to make some improvements to the swm pond prior to the HOA taking over the pond. A signed agreement by all parties was reached last fall. The work was completed but some individuals are still not happy. MDE has been on site a number of times. The last two reports are in your packet. The last report, dated May 11, 2007, shows two minor outstanding issues. The first, item #2 on the memo, is being addressed by Mark Grant and Joan Ritchie (HOA President). The second item, #3 on the memo, has a couple of alternatives. Direction from Council would be appreciated so we can put this whole issue to rest. The recommendation is to either put rip rap stone in the bottom of the ditch line (map enclosed) or reroute the sump pumps to the wetlands. The ditch area is maintained by the Town. Putting rip rap would be an added maintenance cost to the Town. Who would be responsible to reroute the sump pump drains would be the question with the other alternative.

Buffer Encroachment- A letter outlining the impacts to buffers on two lots in Singletree is included in your packet. The complaint is from Joan Ritchie, HOA President. Staff has done an extensive investigation of the clearing of the buffer. I have also spoken to both homeowners. They are both planning to replant some trees. However, they are also planning to plant grass. I have enclosed copies of both OPs and their plats that clearly show the buffer and that no clearing can be done. These are not part of the drainage system. They were required by Planning and Zoning to protect the natural tree line on most of the lots. This goes all the way back to Jordan's at Singletree approvals.

Ms. Miller remarked that the first item for discussion is the swm pond. We have been working with the development and MDE, staff and the HOA to try and resolve the outstanding issues before the HOA takes over the swm pond. There is a report in your packets dated May 11 from MDE with a couple of small outstanding issues. The two items highlighted in the memo are additional plantings in the pond and suggestion of rip rap in the ditch line which we were not really in favor of due to maintenance reasons. The Town does not maintain the bottom of the ditch.

Ms. Joan Ritchie, President, Singletree (Jennifer Court) HOA, remarked that Council has before them a report from Greg Kolarik, with MDE, and I also wanted to provide a little background information. When we first took over the HOA we divided the Home Owners Association into three smaller areas. We met with the homeowners in their homes and talked about their concerns and visions for the development. Based on this, the swm system was determined to be the main concern throughout the development. At that time, the pond was holding water at a very measurable depth. There are lots of children in the neighborhood and there is concern that a child could drown in the pond. Unfortunately, this did happen on the Eastern Shore. We originally sought the State's approval to fence the drainage pond, thinking that would solve the issue but we are not allowed to do that. We have searched for the original paperwork and that has been a difficult task. I have been to meetings with Public Works twice, several meetings with MDE and Town personnel at the pond. In September of 2006 the developer, Mr. Dillow, the Town, MDE and I signed off on a list of repairs that needed to be done. Those repairs were supposed to be done in November of 2006 and were not completed. The water flow through the grass channels is the problem. We have a very bad erosion problem. The original design by the engineer was to put check dams in. In the planning stage, John Groeger met with the developer and Town; they could not agree on the design of the check dam, consequently there were no check dams installed. Ms. Ritchie passed out some photos to Council to show the water level when they get two inches of rain or less. It fills the pond and the water runs high enough to create erosion. One particular ditch needs to be stabilized and flows between Jennifer Court and Brandon Court, there is a drainage pipe that exits along the bank, the ditch is constantly wet and grass just washes away due to the speed of the water flow. The developer came through and did some repairs and the curlex rolled up and the seed disappeared with it, so the fix did not work.

Councilmember Mattingly inquired about the pipe in the photo.

Ms. Ritchie responded that the pipe is a drainage pipe from a home.

Mr. Wible noted that when Curtis Homes built the first three or four houses there he ran into a natural spring and the spring went into the basement of the homes so he put in a French drain back behind the first three or four houses to get the water out of the land and dump into the ditch.

Councilmember Mattingly remarked that this is probably aggravating the problem.

Ms. Ritchie agreed that was the case. In addition, the ditch along Joanne Drive will be owned by the new development behind Singletree. Our HOA is asking if his water flows into our drainage pond and not theirs that the developer is asked to stabilize this ditch from the corner back along Joanne Dr. with sod grass, plantings or whatever to stabilize the ditch to minimize the erosion from there. That was not part of this report but it is part of what flows into our pond. We as a HOA are being asked to maintain that pond. If that ditch along Joanne Dr. is not maintained then it will cost us more and cause problems to the health of our pond. We already have three homes at the end of Joanne Dr. which are not part of the plan. They are part of the new association. The drainage from those homes is coming into our ditch. In essence we need that ditch stabilized and we need the Town to ask the developers to secure some type of written agreement from the new association when it is up and running that they will maintain that ditch and inspect it. We inspect our drainage ditch after every rain event of two inches or more or if we get a Nor'easter. I have been working on this for eighteen months and I seem to be going to meetings that are repetitive. The purpose of the grass channel is for water quality. That is why the grass channels need to be healthy. That is why we need wetland plantings in the pond bottom to stabilize the pond bottom and there are various grasses we can use. The one recommended was switch grass which may need to be planted in the fall. As far as the ditch between Jennifer and Brandon, the drainage pipe is where all the water is pouring in, rip rap was one suggestion and Mr. Grant suggested wetland plantings.

Mr. Wible commented that Mr. Grant suggested switch grass and also mentioned having someone remove this, which I do not think is a good idea because I spoke with Stu, Curtis Home's Superintendent, and when he put that pipe in, it is lower than the wetland and may not be feasible to remove. The way that pipe is I do not think it is a problem if you stabilize ditches with wetland plants and the pond bottom that keeps things lush and green to help evaporate the water and slow things down.

Councilmember Mattingly inquired if the pipe should have gone into the pond to begin with.

Ms. Ritchie remarked that it depends on who you talk to. There is a wetlands area behind the model home and the water could have been diverted there but digging it up now how would that help.

Councilmember Wise asked if we were talking about one pond or two ponds?

Ms. Ritchie responded that we are speaking about one pond. The new association building off of Joanne Drive has their own pond. We are discussing the swm pond located at the corner of Moakley and Miss Bessie. We have some additional drainage water going in there because there has been a swale cut in off of Moakley Street, not shown on the plan, we have three extra homes and there have been five swales cut through the berm on Joanne Drive. We have not been able to

get anyone to re-compute and obtain figures on whether the pond is of adequate size. We are beginning to think that it is marginal. What we are asking for is a functional swm pond and one that meets minimum standards according to MDE to pass inspection and Mr. Kolarik has outlined that in his report. The Town needs to go back to Mr. Kolarik and ask for his recommendation or other ideas. We would like to get this done. Summer is here and some of this will have to be put off till September but we need a time line to get this completed. My understanding when I met with the developer was that he would do what needed to be done and I am hoping that he is still in the mindset.

Mayor Norris noted that the report, dated in May, from Mr. Kolarik states there was no representative from Mr. Dillow.

Ms. Ritchie replied they contacted the developer and no one was there.

Ms. Ritchie asked Mr. Wible if they had covered everything and Mr. Wible referred to the head of the pond. Ms. Ritchie stated that the manual calls for either a drainage pond with a fore bay or grass channels with check dams. They did not do the fore bay, the original design was to have grass channels and check dams. There was one check dam installed at some point behind Joanne Drive that was the engineers design and the Town did come out and remove it because it held water that was a breeding ground for mosquitoes. Maybe Mr. Groeger had the right idea with the design he had recommended putting in. If we cannot slow that down then we need those grass channels when they are turned over to us to be in pristine condition so we can be ready to do maintenance on it instead of allowing them to deteriorate over a period of time.

Councilmember Mattingly asked if the responsibility or ownership to correct the problem is Mr. Dillow's, is that correct?

Ms. Ritchie responded that was her understanding that when they first met with all the parties or their representatives involved, it was discussed that the swm pond would have to pass an inspection and since that time, the swm pond has continued to deteriorate.

Mayor Norris stated that it is Mr. Dillow's obligation to get the swm pond in proper working condition until the HOA takes control.

Ms. Ritche stated that she has the MDE report that says exactly what is needed before they will pass it.

Mr. Wible noted that if he does some of the other things I do not think we will push for the check damn. Ms. Ritchie agreed.

Councilmember Roberts stated that the main thing is stabilization.

Councilmember Mattingly reiterated that they were mainly concerned about pond bottom and stream conditions such as the grass channels which are the two outstanding issues.

Mr. Wible suggested that since Mr. Curtis put that pipe in there and tried to correct the problem for those homes, maybe he would be willing to do some of that also.

Mayor Norris stated that the issue is what needs to be done to get Mr. Dillow to get this corrected?

Ms. Ritchie noted that after the initial meeting, there were some repairs done but it seems that only half of them were done and they have never been completed.

Mr. Wible noted that Mr. Dillow did come by in April and made a few minor repairs. Mr. Derby, who attends the meeting as Mr. Dillow's representative is aware of all of the needed repairs. How aware Mr. Dillow is of the project today is not clear.

Ms. Ritchie thanked the Council for their time and attention. She also mentioned that there is another item concerning the buffer zones and she explained that she has spoken with the homeowners and they would like the Town of Leonardtown to give the HOA time to resolve this issue. The Council agreed.

Mayor Norris asked Ms. Sothoron to present the Treasurer's Report.

Treasurer's Report – Rebecca Sothoron

Ms. Sothoron noted that she will place a copy of the May financial information in Council's mailbox. During the month, \$25,000 was transferred to the checking account to pay for operating expenses. During May we received two County payments on the Wharf project of over a million dollars.

Ms. Sothoron stated that Ordinance #130 is back for approval. The budget was brought before the Council, workshops were held and we have not received any comments on the recommended budget. We brought Ordinance #130 to the table for introduction last month and it is back on the table today for approval. To review, the tax rate is the same at .15 cents per \$100 of assessed valuation. When combined, the water and sewer components of the utility bill will increase for the residential account by 1.8% but when looking at those individually, the water rate will decrease by 19% and the sewer rate will increase by 15%. The trash component is to be determined; we just had the bid opening last week so it will take some number crunching to know what the rates are going to be.

Mayor Norris entertained a motion to adopt Ordinance #130.

Councilmember Roberts moved to adopt Ordinance #130 - FY08 Budget and Setting Tax Rate; Councilmember Wise seconded, no further discussion, motion passed unanimously.

Ms. Sothoron remarked that the next item is to award the Audit Contract. I spoke with Mary Ann Wamsley last week. For the current year we spent \$9,300 for the audit and they are proposing a fee of \$9,850 for the Town Audit. There was some question of what other Towns pay, we did some research and found that North Beach budgeted \$15,000, La Plata \$32,000,

Chesapeake Beach \$26,000 and the Villages of Chevy Chase which has similar population to us budgeted \$15,000.

Councilmember Roberts moved to award the audit contract to Murray and Wamsley for the FY07 Financial Statement Audit; Councilmember Mattingly seconded, no further discussion, motion passed unanimously.

Planner's Report – Laschelle Miller

Ms. Miller remarked that a copy of the In-House Permits report and the April Planning and Zoning meeting minutes are included for Council's review.

Planning and Zoning Meeting – Monday, May 21, 2007

- Relax Inn, discussion only, to tear down the existing building and build a three story hotel.
- Leonard's Grant received Phase I Final Site Plan Approval.
- Breton Market Place Office Buildings received Condo Plat Approval.

Upcoming Planning and Zoning Meeting – June 18, 2007

- Relax Inn for Site Approval
- Clark's Rest Revised Concept Plan and possible Phase I Final Site Approval.

Town Administrator's Report – Laschelle Miller

MDE Grant for Manhole Rehabilitation- In your packet is a memo outlining the process followed to rehabilitate 3 manholes on the Town Run interceptor. MDE has awarded the Town a grant in the amount of \$25,000, of which \$14,400 was for this project. The balance is for cleaning and TVing sewer lines. The Town has also budgeted funds toward this project if needed in FY2008. The recommended alternative is Option 4 in the memo. This is a proprietary method therefore there is only one price included for the process. The memo outlines the reason for this recommendation as warranty, life expectancy and structural integrity.

Action needed: To award the project to Terre Hill Composites in the amount of \$11,395 for rehabilitation of 3 manholes. Staff is working closely with MDE in this process.

Councilmember Collier moved to accept option #4 award the project to Terre Hill Composites in the amount of \$11,395 to rehabilitate the 3 manholes; Councilmember Roberts seconded, no further discussion, motion passed unanimously.

Award Waste Disposal Contract - Rebecca has worked very hard over the last several months to update the Trash Hauling contract. The bid opening was held on June 6, 2007. Three bids were received as shown on the attached Bid Tally Sheet. Staff is currently in the process of calling references on the low bidder, Goode Company. A presentation and recommendation will be made at the meeting.

Ms. Sothoron stated that after publishing the notice in the paper as required, and making some calls, there were eight interested parties who received copies of the bid documents. We did have three bidders, Goode Trash Removal, Landover, MD, Calvert Trash Systems, Calvert County and Waste Management our current contractor. Goode Trash Removal was the lowest bidder and met all the requirements with the exception of one item. That item was not provided by all bidders so technically we have waived that bid item as part of the evaluation process. A recap of the bid opening is included in Council's packets.

Ms. Sothoron commented that pricing may become confusing for our residents. The current prices we are paying for waste management are being subsidized by some Town reserve money. We are not passing on the fuel surcharge to our residents. We cannot continue to do that. There is no fuel surcharge on this contract, so the base price is going up to cover that fuel which is a large component of their operating expense. The rates to our residents will go up even though it appears they are the low bidder and we should save our residents money. Ultimately, the rates are going to go up 13% higher than the current base rate but only 4½% higher when the fuel surcharge is added. So when I take into account currently what we are paying Waste Management per residential unit, add the fuel surcharge and then compare it to the new bid, it is only 4½% different. But the new rate to the resident will go up a full 13%.

Councilmember Roberts noted that the Waste Management bid would have had a 35% increase.

Ms. Sothoron stated that in looking at the commercial rates, they will be slightly lower from Goode Trash Removal than what we are currently paying Waste Management. If there are savings to be made for commercial I will pass those along but until I sit down and try to recover all the administrative costs that is per unit price I cannot really say how that will come out.

Ms. Sothoron remarked that the staff recommendation is to award a five year contract to Goode Trash Removal with an option at the end of five years for a two year extension.

Mayor Norris entertained a motion to award the contract to Goode Trash Removal.

Councilmember Roberts moved to approve the bid and award the Waste Disposal Contract to Goode Trash Removal; Councilmember Mattingly seconded, no further discussion, motion passed unanimously.

Banner City Program- In 2006 MML instituted a new program to recognize cities/towns that show outstanding commitment to MML programs. These cities/towns will be recognized annually at the convention. This first year only 14 cities/towns will receive the recognition. I am pleased to announce that Leonardtown will be among them. Thanks to the entire Council and staff for their efforts.

Appointment of Rt. 245 Rezoning Committee- As part of the appeals process for the Brinsfield Funeral Home case, a recommendation was made to form a committee to explore a comprehensive rezoning of the Rt. 245 area. I have asked Mike Paone of the Maryland Dept. of

Planning if he would serve on the committee for guidance. We have talked about one Town Council member and one Planning and Zoning member serving as well.

Councilmember Roberts volunteered to serve on the committee.

Council Reports:

Events – Councilmember Mattingly:

Upcoming Events of Interest/Meeting Reminders:

<u>Date</u>	<u>Time</u>	<u>Meeting</u>
Monday, June 11	5:30 PM	Chamber of Commerce Annual Meeting @ St. Mary’s College
Wednesday, June 13	8:30 AM	LBA Meeting @ Tea Room at the Antique Center
Thursday, June 14	6:00 PM	Flag Day @ Governmental Center
Friday, June 15	7:00 PM	2007 River Concert Series begins @ St. Mary’s College (Friday evenings)
Wednesday, June 27	7:30 AM	Governmental Affairs Committee @ SMC Airport Conference Room
Wednesday, June 27	5:30 PM	Business After Hours @ Sotterly Plantation
Saturday, June 23	4-8 PM	Downtown Tunes
Sunday, June 24 - Wednesday, June 27		MML Convention @ Ocean City
Wednesday, July 4		Independence Day Holiday – Office closed
Wednesday, July 4	5-10 PM	Freedom Fest 2007 @ County Fairgrounds

Upcoming Events of Interest/Meeting Reminders:

<u>Date</u>	<u>Time</u>	<u>Meeting</u>
Saturday, July 14	4-10 PM	Potomac Jazz & Seafood Festival @ St. Clement’s Island Museum
Wednesday, July 11 & 18	12 Noon	Lunch-time Concerts on the Square

Saturday, July 28	4-7 PM	Downtown Tunes
Saturday, August 11	4-9 PM	Beach Party on the Square
August 9 - August 11		Li'l Margaret's Bluegrass & Music Festival @ Goddard Farm
Saturday, August 25	4-8 PM	Downtown Tunes

Grounds – Councilmember Combs: No report

Streets and Roads – Councilmember Wise: No report

Capital Projects – Councilmember Collier:

Councilmember Collier reported that the waterfront is on schedule, finishing up on the bulkhead and concrete which should be completed in September.

MML/SMMA – Councilmember Roberts:

Councilmember Roberts reported that the MML Convention starts on Sunday, June 24 through Wednesday, June 27. Attending will be Councilmembers Wise, Combs, Mayor Norris, Ms. Miller, Ms. Dimsey to man the Main Street booth and myself.

Councilmember Roberts remarked that she had a Certificate of Appreciation from MML for Ms. Miller, thanking her for her participation on the Communications Committee.

Councilmember Roberts stated that after she stepped down as President of SMMA she will now serve as Vice President for District Four with MML.

Adjournment:

Councilmember Mattingly moved to adjourn the meeting. Councilmember Collier seconded the motion, which passed unanimously. The meeting adjourned at 5:15 p. m.

Respectfully Submitted:

Teri Dimsey, Recording Secretary

Approved:

J. Harry Norris, III, Mayor

Walter Wise, Vice President

Thomas R. Collier, Councilmember

Robert C. Combs, Councilmember

J. Maguire Mattingly, III, Councilmember

Leslie E. Roberts, Councilmember