



# Commissioners of Leonardtown

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J. HARRY NORRIS  
Mayor

LASCHELLE E. MILLER  
Town Administrator

## **Commissioners of Leonardtown** **Town Council Meeting Minutes** **December 10, 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; DeAnn Adler, Plans Reviewer; Jackie Post, Fiscal Clerk; Teri Dimsey, Recording Secretary; Sherry / Nina Calvert, County Seat Restaurant; Dan Burris, LBA; Nancy Bupp/David Deaderick, Residents; Deputy Cindy Allen, Sheriff's Office. A complete list of attendees is on file at the Leonardtown Town Hall.

Mayor Norris called the regularly scheduled meeting to order at 4:03 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 November 13, 2007 Town Council meeting were presented for approval.

**Ms. Miller noted that a correction was made to include the list of attendees which was not on the draft minutes provided to you.**

**Mayor Norris entertained a motion to approve the November 13, 2007 Town Council meeting minutes; Councilmember Mattingly moved to approve the minutes as corrected; seconded by Councilmember Roberts; motion passed unanimously.**

### **Treasurer's Report – Rebecca Sothoron**

Ms. Sothoron stated that at the table today is the November financial information. During the month I transferred \$90,000 to the checking account to cover our accounts payable. We are 42% through the budget year. The tax sale process is underway and we are working with the County Treasurer. We do have ten accounts that remain unpaid from July 2006. A draft budget calendar was given to Council and an error was found and today you received a corrected copy. The date of the January meeting was incorrect. The budget calendar will be on the January 14 meeting agenda.

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**COUNCIL:** WALTER WISE, *Vice President*      THOMAS R. COLLIER  
ROBERT C. COMBS      LESLIE E. ROBERTS      J. MAGUIRE MATTINGLY, III

On today's agenda is Budget Amendment BJ01-08-Buildings & Grounds. An additional appropriation is required to complete landscaping projects on all Town parking lots. Most of these were budgeted in 2007 but not completed before the end of June 2007 so I propose that we use surplus funds from 2007 to accomplish all the work.

Mayor Norris entertained a motion.

**Councilmember Roberts moved to approve Budget Amendment BJ01-08-Buildings & Grounds; Councilmember Collier seconded, no further discussion, motion passed unanimously.**

#### **Planner's Report – DeAnn Adler**

##### **Planning and Zoning Meeting – November 20, 2007**

The Planning and Zoning meeting was cancelled due to several board members being unable to attend.

##### **Upcoming Planning and Zoning Meeting – December 13, 2007**

- **Case # 86-07 Branden and Stacey Farthing** – Request for a BOA hearing for a deck to be built 5' past the building restriction line in the back yard of their home in Academy Hills.
- **Case # 45-05 Ellenborough Ridge Office Building** – Request for revised concept approval at the Academy Hills commercial parcel. A public hearing has been scheduled for next month's Town Council meeting for this project.
- **Case # 92-07 Dr. Luke Office Building Expansion** – Request for approval of plans to expand an existing medical office on Point Lookout Road.

#### **Town Administrator's Report – Laschelle Miller**

**County Seat Request for Liquor License Letter of Support-** County Seat is under new management and they are now serving dinner on Thursday, Friday and Saturday evenings. They would like to obtain a liquor license for on site sales only to offer this additional service to their customers. They are requesting a letter of support.

Ms. Calvert came forward and explained to the Council that she is expanding her breakfast, lunch and dinner menu and would like to provide patrons with a beer or glass of wine. The liquor would be used mainly for frozen drinks such as a daiquiri.

**Councilmember Collier moved to forward a letter of support to the Alcohol and Beverage Board for a on-site only liquor license, seconded by Councilmember Wise, no further discussion, motion passed unanimously.**

**Bupp/Deaderick Sewer Issue-** At the October 8, 2007 meeting the Town Council approved an offer to cost share installation of a grinder pump at 25370 Point Lookout Road (see attached offer letter dated October 10, 2007. Ms. Bupp and Mr. Deaderick are also here in the audience today.

Mr. Deaderick came forward and provided the Council members with a DVD copy of the video made of the line on September 14 by the plumber, Charles Downs. Mr. Deaderick also presented a copy of documentation of a drawing of the clean out installed 1999 among other documentation details of previous clean-outs and an email from the previous owner. He stated that he would like to get this problem resolved and not just patch it.

Mayor Norris commented that the staff has reviewed the tapes and documentation and discussed with Council and the offer made by Council was based on the documentation and other offers with the similar type of problem.

Mr. Deaderick remarked that the action taken on October 8, 2007 did not reflect what is on the video. The letter from Ms. Miller stated that part of the problem was on our property and part of the Town's property and there is not a problem on our property it is clear that until it meets the effluent at about two feet into our property and going on fifty feet well into the line. In addition the video shows that before it gets to the main that the part of that pipe is extremely corroded. The plumbers who have examined the lines had said it is the Town's problem.

Mayor Norris stated that the Council members will certainly take a look at the DVD Mr. Deaderick provided.

Ms. Miller noted that we have a statement from Mr. Downs, who did the video, that shows there are problems on both the resident and Town property, which is why we made the proposal, and based on the recommendation from our consultant, Delahay Construction as well.

Ms. Bupp asked if Ms. Miller could explain what the problem is on our property.

Ms. Miller read the statement from Mr. Downs "there is a dip in the line both between the two clean-outs and then also once you pass the Town's clean-out under the road.

Ms. Bupp noted that the two clean-outs is what the Town put in several years ago.

Ms. Miller stated that her understanding from Delahay Construction who did the work was that it was installed at that time to try and help out with the problems they were having and it evidently has been damaged as there is indication of damage.

Mr. Grant explained that there are many services lines throughout the Town that have dips. This problem is exacerbated by the fact that the service line enters at the basement level so there is very little gradient leaving the house before it leaves the dip. Elsewhere we have enough gradient that the flow is fast enough so it pushes through the dip so solids do not settle as much.

Ms. Bupp remarked that the sewage was coming up through a hole in the basement so the first recommendation was that we fill that hole which we did. I explained to Mr. Johnson there was a toilet in the basement and the next time it would come up through the toilet which is exactly what happened so we capped off the toilet and have not had any problems since then. Mr. Johnson has been jet-rodding the line every two weeks.

Mr. Grant noted that Mr. Johnson and he felt that now that the line is coming off of the first floor and not the basement there is a little more gravity push to the flow.

Ms. Miller stated that Mr. Johnson did do some research on a special type of toilet that would push the flow in the pump if they wanted to use the facilities downstairs and is an alternative that is less costly.

Mr. Deaderick stated that they believe it is the failure of the infrastructure under the street that is the source of the problem that needs to be repaired. Any other solution, other than a permanent solution, is a red-flag trying to sell that property. If there is a grinder pump there and a 220 volt electrical box tied into the house we have to explain that this is the way that the Town is attempting to fix this. We believe that if a grinder pump is installed, the Town should pay for it, we should not have to pay for it.

Mayor Norris responded that the Council's offer was based on offers we have made in previous situations, although not exactly the same they were similar type problems.

Ms. Bupp inquired about the previous offers that were made to those people, could you give us an example. Was the problem on part of their property too? We do not feel that the problem is on our property in this case but it is the Town's problem.

Mr. Grant remarked that yes, it was the failure of the service line and the grinder pump was the most logical solution.

The Council thanked Mr. Deaderick and Ms. Bupp for coming in to explain their point of view.

**Bowles Farm Snow Removal Contract Renewal-** Bowles Farm was awarded the snow removal contract in July 2003 for a two-year term with two two-year options. The last two year option is this year. Attached is a letter stating that they will maintain the same price of \$80 per hour for this two-year option? They are requesting a 5% fuel surcharge if gas prices remain high. This contract would run thru July 31, 2009.

Member Wise and Combs inquired as to how the 5% fuel surcharge would be applied.

Ms. Sothoron described how Waste Management applied their surcharge.

Council members discussed how the fuel surcharge would be applied and Ms. Miller remarked that she would discuss this with Bowles Farm and bring back to Council.

**Councilmember Roberts moved to extend the Snow Removal contract with Bowles Farm. Staff will come back to Council at a later date with recommendations in regard to the fuel surcharge; Councilmember Wise seconded, no further discussion, motion passed unanimously.**

**State Highway Administration MOU for Streetscape-** The streetscape project will go out to bid the middle of December. The work will begin spring of 2008. Attached is a copy of the 2005 Road Transfer Agreement. This new MOU is to spell out the Town and SHA responsibilities prior to the Town Council Minutes December 10, 2007

beginning of the project. The main points are the reimbursement of the Town by SHA for the parking lot improvements on Washington St. and the coverage of the streetlights cost sharing. The final bid cost will determine how many lights the Town chooses to pay for. The estimates right now are well over the \$77,000 that the Council approved at the November 20, 2006 Town Council meeting. The MOU gives us the option of deleting lights or making changes after the bid prices come in.

**Councilmember Roberts moved to approve the SHA Memorandum of Understanding for the Streetscape; seconded by Councilmember Wise, no further discussion, motion passed unanimously.**

**Conflicts of Water Lines in Streetscape-** When the Town was unable to move forward with the streetscape water and sewer project earlier this year we discussed that there will be a number of areas that will need to be replaced due to a conflict with the streetscape project design. Staff recommendation is to use Delahay Construction under our Maintenance contract to achieve the best prices. Delahay has familiarity with our system and we can modify the scope as we go along versus a scope of work awarded from a general bid for tighter control of the project. The estimate for the attached conflict list is \$98,000 for labor and materials.

**Councilmember Collier moved to approve using Delahay Construction under the Maintenance Contract for the Streetscape project needs; Councilmember Wise seconded, no further discussion, motion passed unanimously.**

**RFP for Parking Lot Design-** As part of the streetscape MOU above, the Town will be improving the public parking lot beside Hair Company on Washington St. as mitigation for the Critical Areas impacts of the streetscape project. SHA will be paying for the improvements. A Request for Proposals for the design work was publicly advertised and no bids were received.

Ms. Miller noted that we did not receive any bids and Mr. Grant made some phone calls after which we just received three bids today.

Mr. Grant remarked that the bids we received are:

|                                |          |  |
|--------------------------------|----------|--|
| Sabra and Wang Assoc.          | \$48,900 | Very expensive                               |
| Michael Baker, Jr. Engineering | \$38,300 | No site visit, final fee would be determined |
| Bay Land Consulting            | \$40,600 | Good job with previous two parking lots      |

**Councilmember Roberts moved to award the Parking Lot Design bid to Bay Land Consultants, seconded by Councilmember Mattingly, no further discussion, motion passed unanimously.**

**Wharf Parking/Traffic Flow RFP-** As a result of the Council's request at the November 13, 2007 meeting, an RFP for a parking and traffic flow study was sent out to five firms. A copy of the RFP is attached. Several proposals were received.

Ms. Miller stated that we just received two bids and has not had an opportunity to review and are asking that this be tabled until a special meeting is held or on the January agenda.

Mayor Norris remarked that he has asked Councilmember Collier to review and has not had an opportunity to discuss it and agreed it should be tabled until all have reviewed.

Councilmember Collier stated that he would like the Mayor to direct the staff to notify all holders of permits and approvals that have expired and provide them with the procedures on how to re-apply. I would also like staff to provide a list of those permits and approvals so that we can better plan for the future, to include concept plan approvals. I would like to do this with the consensus of the Council.

Council Members discussed the types of permits Member Collier was referring too. Council came to a consensus and agreed that Mayor Norris would work with staff to determine the criteria and compile the permit information and provide to the Council Members during a special workshop. Councilmember Combs excused himself due to a conflict of interest.

**Police Report – Deputy Cindy Allen**

Deputy Allen introduced herself and said she began working for the Town on December 1, 2007. She has been out and about introducing herself to the local businesses and will be attending the upcoming Leonardtown Business Association meeting. She read the report prepared by the previous Deputy. She will be preparing the next report which will be in a different format and more detailed.

Deputy Allen remarked that her hours will be flexible from 9 am to 5 pm or 10 am to 6 pm and if an event is going on a Saturday or Sunday she will work that but then be off a day during the week. She will keep staff apprised of her schedule. Any questions or concerns please let her know.

Deputy Allen commented that she did receive the customer complaint of the junk vehicles and did investigate. The junk vehicles are not on the road but are on personal property. Town Code does not address junk vehicles.

Mayor Norris suggested that a letter be sent first to ask them to address this issue and if they do not, then we will look at another alternative.

Deputy Allen stated that she also visited Leonard's Freehold and made some suggestions regarding flood lights and the trash situation.

Mayor Norris remarked that Sheriff Cameron has been quick to let me know when any events occur that the Town should be aware of and the Council Members are informed so that they can field any calls or questions they get from concerned residents.

Mayor Norris announced that the Town offices will follow the County holiday schedule and will be closed on Monday, Christmas Eve and again on Monday, New Years Eve.

**Council Reports:**

**Events – Councilmember Mattingly:**

**Upcoming Events of Interest/Meeting Reminders:**

| <b><u>Date</u></b> | <b><u>Time</u></b> | <b><u>Meeting/Event</u></b>  |
|--------------------|--------------------|--|
| Monday, Dec. 10    | 6 PM-9 PM          | Town Christmas Party Open House<br>@ Café des Artistes                                       |
| Tuesday, Dec. 11   | 9 AM               | Chamber Tourism Committee Meeting<br>@ SM Airport Conference Room                            |
| Wednesday, Dec. 12 | 5:30 PM            | LBA Meeting/Christmas Open House<br>@ Burris' Olde Towne Insurance                           |
| Wednesday, Dec. 12 | 12 Noon-3 PM       | Health Connections Van in Town Square  |
| Thursday, Dec. 13  | 5 PM               | Loker & Proffitt Building Holiday<br>Party/Oyster Scalding -- in the street                  |
| Saturday, Dec. 15  | 11 AM-1 PM         | Santa & Mrs. Claus on the Town Square  |
| Wednesday, Dec. 19 | 5:30 PM            | Chamber Business After Hours hosted<br>By CSM and Community Bank @<br>CSM Leonardtown campus |

**Grounds – Councilmember Combs:** No report

**Streets and Roads – Councilmember Wise:** No report

**Capital Projects – Councilmember Collier:** No report

**MML/SMMA – Councilmember Roberts:**

Councilmember Roberts reported that she attended the MML Legislative dinner with Ms. Miller and Ms. Dimsey, hosted by the Town of Chesapeake Beach. The two legislative topics of discussion were: one, looking for additional income for municipalities and two was the use of speed cameras. Senator Miller was in attendance and he spoke of how difficult it is to acquire additional taxes at this particular time. The next meeting will be held in March, hosted by the Town of La Plata.

Councilmember Mattingly remarked that he would like to acknowledge the staff for coordinating and participating in the Christmas on the Square it was a very very nice event.

Councilmember Combs inquired about the banners and noted that he received a request to place more banners throughout the streets.

Ms. Miller stated that she will add this to the list of budget items for 2008.

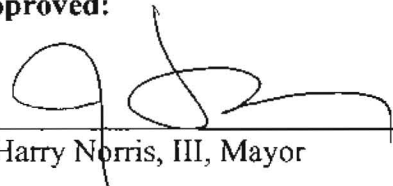
**Adjournment:**

**Councilmember Mattingly moved to adjourn the meeting. Councilmember Collier seconded the motion, which passed unanimously. The meeting adjourned at 5:10 p. m.**

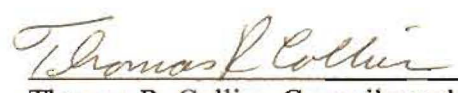
Respectfully Submitted:

  
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