

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
Governmental Center
November 9, 1999**

Present: Commissioner President Julie B. Randall
Commissioner Joseph F. Anderson
Commissioner Shelby P. Guazzo
Commissioner Thomas A. Mattingly, Sr.
Commissioner Daniel H. Raley
Mortimer L. Smedley, County Administrator
George Forrest, Deputy County Administrator
Judith A. Spalding, Recorder

CALL TO ORDER

The meeting was called to order at 10:00 a.m.

ADDITIONS/DELETIONS TO AGENDA

Commissioner Anderson moved, seconded by Commissioner Mattingly, to accept the agenda as presented. Motion carried.

APPROVAL OF CHECK REGISTER

Commissioner Raley moved, seconded by Commissioner Anderson, to authorize Commissioner President Randall to sign the Check Register. Motion carried.

APPROVAL OF MINUTES

Commissioner Guazzo moved, seconded by Commissioner Mattingly, to approve the minutes of the Commissioners' meeting of Tuesday, November 2, 1999, as corrected. Motion carried.

COUNTY ADMINISTRATOR

Present: Mortimer L. Smedley, County Administrator

- **DRAFT AGENDAS** for November 16, 1999 and November 23, 1999

1. **ORDINANCE NO 99-18
- FY2000 SUPPLEMENTAL APPROPRIATION**
DECD – (\$63,445) Transition planning from JTPA and PIC to WIA and LWIB
(Follow up to 10/26/99 Public Hearing)

Commissioner Guazzo moved, seconded by Commissioner Anderson, to approve and sign Ordinance No. 99-18. Motion carried.

2. **GRANT DOCUMENTS**

- a. **Southern Maryland Workforce Development Board
Grant Application**
(\$500,000 Federal Funding from Department of Labor; no County funds)

Commissioner Anderson briefed the Commissioners on the referenced application and stated that the grant will provide operating and organizational funds to establish the Workforce Development Board. The grant, which is in the process of being written and will be completed by the end of the week, is due to the Department of Labor by Monday. Once completed the County Attorney and Finance Department will review the grant. St. Mary's County is fiscally and administratively responsible for the workforce development monies in its service delivery area.

The Commissioners expressed concern that the full grant document has not yet been submitted and agreed to review the Request for Proposal to get a better understanding of the grant and that the Board would make a decision later in the meeting.

Later in the meeting after review of the RFP, Commissioner Anderson moved, seconded by Commissioner Raley, to approve and authorize Commissioner Randall to sign the Grant Application when completed and submitted to the Commissioners' Office. Motion carried.

b. Office of Central Services

Also present: Jim Haley, Manager, Office of Central Services
George Jarboe, Transportation Division

- (1) Rural Transit Assistance Operating Grant Agreement
(Federal - \$63,804; State - \$60,961; Local - \$41,588)
- (2) Statewide Special Transportation Assistance Program Grant Agreement
(State - \$90,026; Local - \$30,000)

(Discussion included partnering with non-profit organizations to provide transportation under 5310 funding, transportation routes, medical transportation)

Commissioner Mattingly moved, seconded by Commissioner Raley, to approve and authorize Commissioner Randall to sign the Grant Agreements as presented. Motion carried.

Update on Fire at Airport

While Mr. Haley was present on the Transportation grants, Commissioner Mattingly inquired about the fire at Aircraft Refinishing Technology at St. Mary's County Airport. Mr. Haley reported that the sprinkler system went off and the fire was limited to the office area. There were no injuries.

3. ALCOHOLIC BEVERAGE BOARD

Request For Additional Attorney's Fees

Also present: Al Lacer, County Attorney
Pat Insley, Administrator to Alcoholic Beverage Board

As a follow up to previous discussion the Commissioners discussed the Alcoholic Beverage Board's request for additional compensation to for its Attorney.

Areas of discussion included the amount requested (\$3,176.25 for January through October, 1999 for unanticipated court appearances); court cases as a result of the Sheriff's Department's sting operation; that the ABB needs to include costs over and above the current \$5,000 contract in next year's budget request; whether to consider using billable hours, but with a cap; and the importance of ensuring procedures for keeping alcohol away from underage youth.

Commissioner Mattingly moved, seconded by Commissioner Anderson, to authorize compensation to the Alcoholic Beverage Board attorney in the amount of \$3,176.25. Motion failed two to three with Commissioners Anderson, Guazzo and Raley voting against.

Commissioner Raley moved, seconded by Commissioner Anderson, to provide funding to the attorney to the Alcohol Beverage Board for expenses from July 1, 1999 (the beginning of the fiscal year), seconded by Commissioner Anderson.

Commissioner Guazzo requested that the motion be amended to include requesting the Alcoholic Beverage Board and its attorney to work with the County Attorney to formulate a new contract, effective January 1, 2000, to cover the remainder of the fiscal year.

Vote on the amended main motion was three to two with Commissioners Randall and Mattingly voting against. (Commissioner Randall stated she voted against the motion because she believed that the Commissioners should be supporting the request of the ABB.)

**4. STATUS REPORT
ON AUDIO/VISUAL EQUIPMENT AND CHANNEL 12**

(Deferred until later in the meeting.)

Later in the meeting the County Administrator updated the Commissioners on the equipment for televising meetings in Room 14. A number of items of equipment have been ordered including mixers; timer event manager; Sony interfaces devices; VTR's (video tape recorders); and video camera. In response to an inquiry from Commissioner Randall, regarding what needed to be done to do live broadcasts of meetings at the Carter State Office Building meeting room, Mr. Smedley advised that a line would have to be installed from the Carter Building to the Governmental Center.

Because of the staff time to make copies of video tapes and the costs in terms of productivity, the Commissioners requested Mr. Smedley to develop a recommendation for a charge for copying the tapes.

5. MILL RUN PLAZA PUBLIC HEARING PROCEDURES

Also present: Al Lacer, County Attorney

County Attorney Lacer reviewed the procedures for this evening's public hearing on the Mill Run Plaza waste facilities (including giving out cards for questions and comments; time limitations for speakers—three minutes for individuals and five minutes for group representatives; applicant's presentation (45 minutes); and closing of hearing with a ten-day comment period.

**DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT
DEVELOPMENT DIVISION'S PROGRAMS AND ACTIVITIES**

Present: Martin Fairclough, Director, DECD
Dennis Nicholson, Director, Housing Authority
Sue Wilkinson, Deputy Director
Donna Sasscer, Agricultural/Seafood Specialist
Nancy Hutson, Community Development Program Manager
Jean Goodman, Tourism Coordinator
Rodney Giles, Business Development Specialist
AnnMarie Abell, Project Officer, Senior Executive Management Development Program, (on loan for one year from NAST)

The referenced representatives of DECD appeared before the Board to present an update on the development division's programs and activities (strategic plan). The report included the Vision and Mission statements of DECD; DECD's goals (strengthening the internal and external image of St. Mary's County as a quality community; creating entrepreneurial environment for diversification and business expansion; upgrading work force skills to meet employers' needs and expand family self sufficiency; supporting (re)vitalization of county neighborhoods and the local economy; building capacity within the department).

The report included presentation by senior staff members on Economic Development (program management, publications, special projects); Agriculture/Seafood Focus (new markets, agricultural land preservation, tobacco settlement, education); Tourism (expansion of markets access to information and products); Community Development Corporation (loan programs, business resource center, enhancement of job skills); career development

assistance; housing issues, role of Housing Authority; and the Commissioners request for DECD and Economic Development Commission to review the draft Unified Land Development Code.

PUBLIC HEARINGS

(Electrical Code and Plumbing Gas Code)

(All Commissioners were present. DPZ staff present were Harry Knight, Code Coordinator; Patrick Murphy, Assistant County Attorney; and Peggy Childs, Recording Secretary)

1999 National Electric Code

Legal Ad published in The Enterprise on 10/20/99 & 10/27/99.

Mr. Knight and Mr. Murphy presented for review an Ordinance rescinding Ordinance 98-01 and adopting the 1999 National Electric Code as the St. Mary's County Electrical Code. The 1999 Code is the latest and most widely used electrical code in the world. Proposed amendments are provisions recognizing the Board of Electrical Examiners as the interpretive authority with jurisdiction over the Code in St. Mary's, and exempting Optical Fiber Cable and Raceways; Radio and Television Equipment, and Community Antenna Television and Radio Distribution Systems (Cable TV) from inspection. Also proposed is an amendment to relocate the section on Electrical Permits from Chapter 247 in the County Code to Chapter 217-2 in the County Code.

Not advertised, and so it cannot be considered in this public hearing, is a request by the Electrical Board to incorporate into the 1999 Code the portion of the County Code which pertains to homeowners' permits for the wiring of their own homes. The Electrical Board has requested that the word "permit" be changed to "license" to reflect the administration of the St. Mary's County Board of Electrical Examiners. The electrical code states that no permits are required for electrical work; however, the rules of the Board of Electrical Examiners are that a "license" must be issued. This must be advertised and addressed at a later date. St. Mary's is the only county in the state that allows a homeowner to take an exam to do electrical wiring in his own home, and this will not change, it will simply be a "license" rather than a "permit" if the amendment is approved.

Commissioner Randall opened the hearing to public comment; there were no comments. The public hearing was closed but the record will remain open for 10 days for written comment, with the Commissioners' decision scheduled at a subsequent meeting.

Consolidation of SMCo Plumbing & Natural Gas Codes

Legal Ad published in The Enterprise on 10/20/99 & 10/27/99

This proposed Ordinance will adopt the State Plumbing Code of 10/20/97 as the County Plumbing Code, with the list of local amendments contained on Pages 5 & 6 of the Ordinance. The Ordinance will also enact the regulation of propane and natural gas, and require permits and inspections for propane installation. The propane industry attended a meeting in this regard on 5/20/99 and there has been no opposition. St. Mary's is just catching up to other counties, including Charles and Calvert, which already issue permits for propane work. The Ordinance will also eliminate the requirement for a natural gas license. What will be required is a Maryland Master Plumber's License or a Maryland Propane Installers Certificate. However, there are eight (8) individuals who have applied and been issued a renewal of their gas-fitters license, which will not expire until June 1, 2001. Staff recommends that they be allowed to retain their license until that date.

Commissioner Randall opened the hearing to public comment. There were no comments. Commissioner Randall closed the public hearing, stating that the record will remain open for 10 days for written comment, with decision scheduled at a subsequent meeting.

**SOUTHERN MARYLAND REGIONAL TOURISM COMMITTEE
FISCAL YEAR 1999 ANNUAL REPORT**

Present: Jean Goodman, Tourism Coordinator, St. Mary's County
Kathy Kazimer, Chair
Other members of the Regional Tourism Committee

The referenced representatives of the Southern Maryland Regional Tourism Committee appeared before the Board to present the group's Fiscal Year 1999 Annual Report. The report included the establishment and purpose of the committee (to develop regional programs to attract visitors to the tri-counties); its mission (to work cooperatively in increasing tourism revenues and to unify the local tourism industry); accomplishments (including development of an advertising campaign, creation of a regional website, the submittal of the heritage recognition status, and activities to promote good public relations).

Areas of discussion included goals and objective for 1998/99 and for Fiscal Year 2000; advertisements and promotions, and the Commissioners requested information whether the goal for increased revenue by 7% was met.

COUNTY ATTORNEY

Present: Al Lacer, County Attorney

Colton Funds

Subrecipient Agreement with St. Mary's Home for the Elderly III, Inc.

Mr. Lacer presented the Subrecipient Agreement between Board of County Commissioners for St. Mary's County (Recipient) and St. Mary's Home for Elderly III (Subrecipient) regarding the administration of the Colton Endowment Funds (\$800,000) in accordance with the Grant Agreement with the Maryland Department of Aging.

A supplemental appropriation public hearing and Ordinance will be required for receipt of the \$800,000.

Commissioner Guazzo moved, seconded by Commissioner Anderson, to approve and sign the Subrecipient Agreement as presented. Motion carried.

Scheduling of Public Hearing
Road Special Taxing Districts

Mr. Lacer required authority to proceed with the scheduling of a public hearing for three special taxing district ordinances: Mallard Creek (construction has been completed; however, a tax has not been levied); Rosebank Village (the tax is currently being levied); and Clover Dale Acres (construction has been completed but tax has not been levied). Amounts to be levied are: Mallard Creek - \$41,481.20; Rosebank Village - \$61,677; Clover Dale Acres - \$71,785.

After discussion the Commissioners gave consensus for County Attorney Lacer to proceed with scheduling the public hearing.

INFORMATION RELEASE
DEBT AFFORDABILITY STUDY

Commissioner Randall noted that the Debt Affordability presentation has been changed from November 16 to November 23, 2:00 p.m., in Room 14 of the Governmental Center. Steve Welkos, Director of Finance and Sam Ketterman, will present the report on the study from H. C. Wainwright.

COUNTY COMMISSIONERS' TIME

League of Women Voters – Sustainable Development Workshop

Commissioner Anderson advised that he and Commissioner Guazzo attended the League of Women Voters workshop on sustainable development which was attended by representatives of counties in Virginia that are experiencing similar growth issues as St. Mary's County. A copy of the tape is available for any of the other Commissioners to view.

Budget Related Issues

Sustainable Community Development - Commissioner Anderson advised that he had spoken with some individuals regarding the possibility of getting a grant for continued planning efforts in the area of sustainable community development. Commissioner Anderson recommended that DPZ staff prepare an estimate of the costs to do this effort should the County be successful in getting the grant.

Strategic Planning – Commissioner Anderson suggested that staff obtain costs regarding the development of the County's strategic planning for this budget year and for future budgets.

Requests for Updates

Commissioner Anderson requested updates on the following be schedule on future Commissioners' agendas: Courthouse; Emergency Communications Building; Impact Fee Study Group; Procurement Advisory Group; Millennium Commission. He further suggested that Director of Planning and Zoning Jon Grimm come before the Board after the Unified Land Development Code work sessions to brief the public on the progress.

Piney Point Community Park

Commissioner Anderson expressed appreciation to a number of individuals who worked with Recreation and Parks to beautify parks in the County. A number of volunteers recently worked on fixing up the entrance to Piney Point Landing entrance. Commissioner Anderson requested a letter of appreciation to the volunteers who worked on this project.

Workforce Development Board

Commissioner Anderson informed the Commissioners of the Workforce Development Board meeting on Friday, November 12, 4 p.m., Higher Education Center in California. At 5 p.m. Lt. Governor Kathleen Kennedy Townsend will be addressing the group, and a reception will follow.

EXECUTIVE SESSIONS

Commissioner Anderson moved, seconded by Commissioner Raley, to meet in Executive Session to discuss matters of Litigation and Personnel, as provided for in Article 24, Section 4-210(a)8 and 4-210(a)1, respectively. Motion carried.

Litigation

Present: Commissioner President Julie B. Randall
Commissioner Joseph F. Anderson
Commissioner Shelby P. Guazzo
Commissioner Thomas A. Mattingly, Sr.
Commissioner Daniel H. Raley
Mortimer L. Smedley, County Administrator
George Forrest, Deputy County Administrator
Al Lacer, County Attorney
Patrick Murphy, Assistant County Attorney
John Breeds, LGIT
Judith A. Spalding, Recorder

Authority: Article 24, Section 4-210(a)8

Time Held: 4:10 p.m. – 4:38 p.m.

Action Taken: Legal staff briefed the Commissioners on a particular legal issue and agreed to keep the Board apprised of the situation.

Personnel

Present: Commissioner President Julie B. Randall
Commissioner Joseph F. Anderson
Commissioner Shelby P. Guazzo
Commissioner Thomas A. Mattingly, Sr.
Commissioner Daniel H. Raley
Mortimer L. Smedley, County Administrator
George Forrest, Deputy County Administrator
Judith A. Spalding, Recorder

Authority: Article 24, Section 4-210(a)1

Time Held: 4:40 p.m. – 5:00 p.m.

Action Taken: The Commissioners discussed appointments and gave direction to staff.

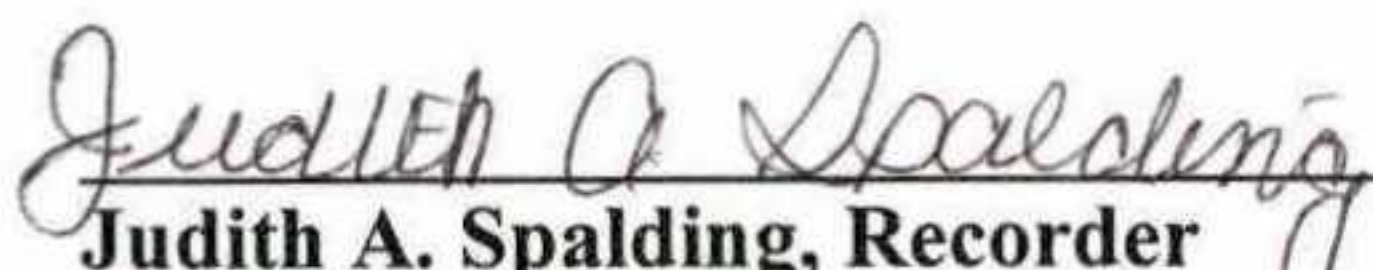
**PUBLIC HEARING
PROPOSED SOLID WASTE MANAGEMENT PLAN AMENDMENT
MILL RUN PLAZA & COMMERCIAL PARK WASTE FACILITIES**

Attached

ADJOURNMENT

The meeting adjourned at 9:40 p.m.

**Minutes Approved by the
Board of County Commissioners on 11/16/99**


Judith A. Spalding, Recorder

**MINUTES OF THE BOARD OF COUNTY COMMISSIONERS
PUBLIC HEARING
MILL RUN PLAZA AND COMMERCIAL PARK
PROPOSED SOLID WASTE PLAN AMENDMENT
CDSP #98-2464
NOVEMBER 9, 1999**

Present: Commissioner President Julie B. Randall
Commissioner Joseph F. Anderson
Commissioner Shelby P. Guazzo
Commissioner Thomas A. Mattingly, Sr.
Commissioner Daniel H. Raley

Staff: Mortimer L. Smedley, County Administrator
George Forrest, Asst. County Administrator
Alfred A. Lacer, County Attorney
Patrick B. Murphy, Asst. County Attorney
George A. Erichsen, Director of Public Works
John G. Groeger, Deputy Director, Dept. of Public Works
Jack Curran, Solid Waste Manager
Jeff Jackman, Planning & Zoning
Melanie Johnston, Recording Secretary

CALL TO ORDER

The Public Hearing was called to order at 6:36 p.m.

INTRODUCTIONS

Commissioner President Randall introduced the Board of County Commissioners, Delegate Wood, the School Board Vice Chairman, John Parlett, Ken Hastings representing the Solid Waste Advisory Committee (SWAC), the consultant, Mr. Tim Bratton of GBB, and staff.

NOTICE OF PUBLIC HEARING

Mr. Erichsen read the Notice of Public Hearing as published in The Enterprise on October 22, October 29 and November 5, 1999.

HEARING GROUND RULES

Mr. Lacer presented the ground rules for the Public Hearing. Mr. Lacer advised that if the Public Hearing could not be concluded by 9:00 p.m., it would be continued the following week. Mr. Lacer stated that citizens could submit written comments up to ten days after the conclusion of the Public Hearing, and those comments will be made part of the public record and reviewed prior to a decision by the Board.

PRESENTATION OF DOCUMENTS- DEPARTMENT OF PUBLIC WORKS

Mr. Erichsen presented a listing of comments received from citizens between March 2, 1998 and October 29, 1999 and the Certification of Publication of the Notice of Public Hearing in the Enterprise.

APPLICANT'S PRESENTATION

Ms. Karen Abrams, attorney for the applicant, presented the Certified Receipts of the notices that were sent to all adjoining property owners notifying them of the Public Hearing. Ms. Abrams stated that the purpose of the Hearing is to provide the Commissioners with information concerning Waste Management's request to amend the St. Mary's County

Comprehensive Solid Waste Plan, which would allow Potomac Management and Waste Management to proceed with the application to re-zone the property known as Mill Run Plaza as a PUD with both commercial and industrial components, and not to deal with rezoning or site plan issues that will come during the rezoning request or during the site plan approval process.

Ms. Abrams stated that the Solid Waste Plan is site specific, i.e., in order to place any type of waste facility anywhere in the County, the Plan must be amended to provide for the facility at the specific location. Ms. Abrams outlined the procedures Waste Management had followed to comply with the amendment process to date. The process requires that Planning and Zoning certify the land use as being consistent with the County's Comprehensive Plan, however Ms. Abrams stated that when she reviewed the Comprehensive Plan, she could not find reference to solid waste within the Comprehensive Plan. Ms. Abrams stated that, legally, the application now before the Board would have to be considered based upon the current Zoning Ordinance, not the pending Comprehensive Land Use Plan. Ms. Abrams stated that she feels they are in compliance with the existing Zoning Ordinance, and the Department of Public Works has certified that the amendment is consistent with the Solid Waste Management Plan.

Ms. Abrams stated issue is whether the County has a need for the proposed facility and if this site is appropriate for the facility. Ms. Abrams stated that the issue of whether or not the proposed facility is in the exclusion zone has been raised. Ms. Abrams explained that the exclusion zone in the Solid Waste Plan was created from a desk-top assessment rather than a land survey, but when you look to site a solid waste facility, you need to look at its compatibility with the physical site itself, i.e., topography, geology, etc. Ms. Abrams said that she has determined that the site does have the acceptable topography, it's in the upland area, there would be no impact to aquifers and drinking water and no wetlands impacted. Ms. Abrams stated that they do not believe they are in the exclusion zone and believe that the exclusion zone is really concerned with landfills because those are the uses that have the environmental impact. Ms. Abrams explained that the proposed site is an enclosed site where nothing will reach the soils.

Mr. Bill Mattingly presented the "Proposed Solid Waste Management Facility" report prepared by Waste Management for the record. He explained why he felt that the proposed facility was in compliance with the Solid Waste Management Plan because it provides a program of solid waste collection, processing and disposal that meets the needs of St. Mary's County for at least ten years. He explained that the County is currently using the Appeal Transfer Station in Calvert County, with the waste taken to Appeal being transferred to King George, VA. He explained that Appeal is at capacity and exceeds capacity on some days. Mr. Mattingly understands that St. Mary's County has communicated with Charles County and they have given St. Mary's a contingency plan to bring the 16,000 tons of solid waste generated at the convenience centers annually to them for a short-term period in the event we cannot take it to Calvert. Mr. Mattingly pointed out that St. Mary's generates 65,000 tons of solid waste yearly when you include the commercial and residential waste not taken to the convenience centers. Mr. Mattingly explained that the King George facility is permitted to the year of 2030 with a 20-year expansion possibility.

Mr. Mattingly outlined the different activities for the proposed facility, i.e., the transfer station, material recovery facility (MRF), administrative offices, maintenance shop, repair shop and scale house to be located in Charlotte Hall on Route 5, north of Route 6. The facility will exceed the 200' required buffer, as the transfer station is located 1300' from Route 5 and 380' from the property line. Only 12 acres of the 30 are buildable property, the rest being sloped and heavily wooded, leaving no room for expansion. Initial capacity would be in the area of 450 tons; full capacity would be 1,000 tons a day, with the primary service area being Southern Maryland, and a very small percentage of Prince George's (less than 20 tons per year). The proposed opening date is the summer of 2001.

Mr. Mattingly explained that the facility will be totally enclosed with concrete floors with drains, and no liquid content will be able to leave the building as it will be drained into tanks underground and taken to the appropriate location and treated, with the floors cleaned every evening. The MRF will enhance recycling opportunities.

Mr. Mattingly explained that they have met with SWAC, and the Community Coalition to encourage public participation in solid waste policy making. The proposed facility meets the requirement of the Solid Waste Plan to diminish reliance on landfills. Mr. Mattingly stated that they are making an offer to St. Mary's County at no cost to the County. In addition, Charlotte Hall is identified as a Town Center, and the Plan states that only development districts and Town Centers will be available for major new industrial or commercial development.

Waste Management currently employs 34 people; the new facility will employ approximately 100, which will generate 60 more jobs in the County. Commissioner Randall asked if 100 employees would be required at initial capacity or at the full capacity. Mr. Mattingly responded that it employ 100 people at full capacity.

Mr. Mattingly stated that the proposed facility is located in the center of the three counties and satisfies the road frontage and is in compliance with the recommended buffer zone requirements. In addition, St. Mary's County generates at least 65,000 tons per year of municipal solid waste that does not have a long-term disposal destination, the landfill is closed to commercial haulers, and the contingency plan with Charles County only addresses the 16,000 tons of waste generated at the convenience centers. In addition, there are documented environmental problems at the landfill and there are large costs associated with capping the existing cells. St. Mary's County has issued two RFP's for a transfer station, with a third being considered, which indicates a need for such a facility.

Mr. Mattingly reviewed the alternatives for disposal of solid waste, i.e., 1) Do nothing; 2) use Charles County Landfill, however, it is not available for long-term disposal; 3) Self-haul to alternate location; 4) the County could construct a transfer station, which will require the County to get into bonding issues; 5) the County could construct a MRF; or 6) the County could expand the St. Andrews Landfill at a cost of \$9,000,000 plus operational and closure costs. Mr. Mattingly stated that the landfill needs capping at a cost of approximately \$7.5 million.

Mr. Mattingly discussed the benefits to the County of the proposed facility, as follows: The facility solves the County's disposal needs for the next 30 years, will be constructed at no cost to the County, will provide tax revenue of approximately \$150,800, sixty new jobs, flexibility in disposal options, substantially reduced traffic (300,000 less truck miles per year), and increased recycling benefits. St. Mary's County is now recycling 18% of its waste and Mr. Mattingly believes he can bring recycling up to 35% by creating an educational program and through public and private partnerships.

Mr. Mattingly explained the permitting and enforcement requirements, ranging from the local approvals to the U.S. Army Corp of Engineers, with enforcement reviewed regularly by local and State inspectors. Mr. Mattingly referred to a trip the Board had taken to Ocean City to see a similar facility and indicated that the proposed facility will be very similar.

In conclusion, Mr. Mattingly asked that the proposed amendment to the Solid Waste Plan be approved.

COMMISSIONER QUESTIONS

Commissioner Raley asked how far the proposed facility would be from Lettie Dent School. Mr. Mattingly stated that he did not know, but did not feel the proposed facility would have any impact on the school because of the terrain. Commissioner Raley stated that the Ocean City facility loads waste onto closed trucks and when those trucks leave the facility, you could not tell they were carrying solid waste. Commissioner Raley asked if Waste Management's trucks would be enclosed. Mr. Mattingly responded that his company loads waste over the top unlike Ocean City where it is dumped on a floor and loaded through the back and compacted. Mr. Mattingly stated that the Ocean City facility is discontinuing using their existing system and will begin top loading. Commissioner Raley asked what would be done with loads that come in at the end of the day if there is not enough waste for a full load. Mr. Mattingly stated it would be loaded onto a trailer, covered and parked in the enclosed transfer station. Commissioner Raley asked what would be done with the collected leachate. Mr. Mattingly replied that they would contract with a tanker truck and the leachate would be taken to a treatment plant such as the one in Lexington Park. Commissioner Raley stated he does not believe Pine Hill will take leachate. Mr. Mattingly said the leachate will be taken to a permitted facility. Commissioner Raley asked if there would be any other benefits derived other than what Mr. Mattingly had already explained. Mr. Mattingly stated that they could provide a host fee or some other sort of incentive and would entertain those notions, whether it be a host fee or per ton fee, but does not want to discuss that in an open forum. Commissioner Raley asked Mr. Mattingly to expand on how the facility will increase the recycling percentages. Mr. Mattingly stated that they would take the pre-sorted material from Prince George's to the site and would like to pull out more recyclables from the solid waste stream. Commissioner Raley asked if it was his contention that the proposed facility is not in the exclusion zone and that even if it was in the exclusion zone, that zone only pertains to landfills, not transfer stations. Mr. Mattingly stated that they felt that the exclusion zone was designed for siting of landfills and that their engineers does not feel they are in the exclusion zone.

Commissioner Guazzo asked if all liquid from the entire site will go into a collection facility. Mr. Mattingly stated that that is correct. Commissioner Guazzo asked if there would be any sorting or separation of the content as it flows into

these tanks. Mr. Mattingly responded affirmatively. Commissioner Guazzo asked if the leftover liquid will be taken elsewhere for disposal. Mr. Mattingly responded that it would. Commissioner Guazzo asked how much liquid would be generated from 100 tons per day. Mr. Mattingly stated there is very little liquid at the end of a day on the floor, as most of it is absorbed. Commissioner Guazzo asked how much water would be used. Mr. Mattingly responded that they would use whatever amount is necessary to keep the facility clean, however, they do not have the number of gallons, but will address that in the written comments.

Commissioner Anderson asked if this request for an amendment to the Solid Waste Plan is site specific. Mr. Mattingly responded that it is. Commissioner Mattingly asked if they had considered using gray water instead of impacting the water table. Mr. Mattingly responded that they had not had time to research gray water, but if they could use gray water, it would make sense. Commissioner Mattingly asked if Waste Management intends to sell the residential routes and only operate the transfer station. Mr. Mattingly stated that they do not have any intention to change their current operation.

Commissioner Randall asked Mr. Mattingly to explain the reduction of 300,000 miles per year in traffic. Mr. Mattingly explained that at this time, vehicles are coming from Budd's Creek or Charlotte Hall and going to Calvert County, which is 25 miles one way or 50 miles round trip. The proposed facility is less than three miles inside St. Mary's County, thereby reducing the round trips by 44 miles. If you multiply those 44 miles times 5 and a half days a week, then by 52 weeks a year, truck traffic is reduced by well over 300,000 miles, which doesn't include the collection vehicles that come from up north and go to Calvert and back. The route Waste Management has designated is north on Route 5 to Billingsly Road to Route 301, then down to Virginia. Mr. Mattingly added that they do not want the trucks on Route 236 because of the lack of shoulders and the Amish community, and they do not want the trucks to use Route 6 because of the bottleneck in La Plata.

Commissioner Randall stated it appears that initially the facility will be roughly twice the size the County needs, so in order for Waste Management to fully utilize their facility, there will be solid waste coming from other Counties, which could bring additional traffic. Mr. Mattingly explained that the trucks using the facility will just be from St. Mary's, Charles and Calvert, and a little bit from Prince George's, and that those trucks are already using our roadways to get to the Calvert facility and back. Commissioner Randall stated that if three-fourths of the facility would be used to dispose of other County's solid waste, the host fees could be considerable. Mr. Mattingly responded that although the facility may be permitted for 1,000 tons/day, that does not mean that Waste Management will be trying to secure contracts to bring in 1,000 tons a day. Commissioner Randall asked what the capacity is at Appeal. Mr. Mattingly responded 500 tons/day. Commissioner Mattingly asked if the Southern areas of the County would still go to Calvert. Mr. Mattingly said he assumes that the trash from the convenience centers in Ridge and California would continue to go to Calvert, as would his trucks from Hollywood. Commissioner Mattingly asked if the tipping fees at both facilities would be in line. Mr. Mattingly responded that Calvert controls their gate rate and is currently at \$39/ton; Waste Management wants to be competitive in Charlotte Hall, but he could not state what the rate would be at this time, as it would depend on negotiations with the County for the host fee.

Commissioner Guazzo asked why the facility needs to stay open until 11:00 p.m. Mr. Mattingly responded that is so the maintenance facility can work on the trucks. Commissioner Guazzo asked during what hours there would be no trucks entering or leaving. Mr. Mattingly responded it would be at the end of the transfer station day, when all the vehicles are in, traditionally, 6:00. Commissioner Raley asked Ms. Abrams if the amendment was approved, if the facility would still have to go through the PUD process. Ms. Abrams responded that was correct. Commissioner Raley asked if approval of this amendment would in any way require the Board to approve the PUD, or do both issues stand alone? Ms. Abrams replied that each issue stands completely alone, and the approval of the amendment gives Waste Management the opportunity to pursue the rezoning application. Ms. Abrams said that she supposed if the Board approved the amendment and then denied the PUD, the Plan may have to be amended again to remove the approval for that site. Commissioner Mattingly asked if the amendment to the solid waste plan is project specific or if it stays with the property. Ms. Abrams responded she understands that the approval would stay with the property. Commissioner Anderson asked if it is conceivable that the PUD could fail. Ms. Abrahms responded that the requirements for approving a PUD rezoning are more stringent than an average rezoning, so if a PUD rezoning didn't succeed, she is not sure anything else would.

PUBLIC COMMENT

The floor was opened for public comment at 8:04 p.m.

Ken Hastings, Chairman, SWAC, Mechanicsville, MD: Stated the highlights of the SWAC report, i.e., the actual application contained only one page, a simplified site plan that does not describe the site. SWAC was unable to determine if the site met the siting criteria as the plan provided did not show boundaries. SWAC found that there was no commercial entrance onto a public highway and the proposed location is not in a central location. The leachate disposal issue is a major point of contention for the SWAC because answers to questions have not been consistent, with tonight being the first time there has been a commitment to wash water runoff. The collateral activities such as painting are poorly defined other activities on the site pose environmental concerns. Waste will be stored overnight at the facility. With regards to demonstrated need, the County is looking to the future by putting out RFP's, but that does not reflect a need. The proposed amendment is supposed to include specific language to amend the solid waste plan. He counted 18 places where text would need to be amended in the Plan; only two paragraphs are being provided by Waste Management. The site is located in the exclusion zone listed in the Solid Waste Plan and the Plan states that no solid waste facilities should be located in that zone.

Norman Haller, Mechanicsville: Concerned about possibility of tonnage increasing over 1,000 tons/day, the fact that only 25% of the trash will be from St. Mary's, the amount of trucks coming and going, the amount of time the doors would be used and open, storage of waste at the facility, the buffer or lack thereof, questioned how recycling will increase. Mr. Haller was concerned that having a waste facility there might run other businesses out of the area due to odors, etc., feels the facility will burden tax base by increased road maintenance costs, decreasing property values, loss of current business in the area and traffic accidents. Concerned about environmental issues such as damage to Kilpeck Creek, leakage from trucks and the proximity to Lettie Dent School and the Fifth District Park.

Wayne Suite, Mechanicsville: Concerned about who would pay for the additional needed traffic lights, felt that the money that went to the Library Waring and property should have been spent on the landfill.

Lisa Erichsen, Mechancisville: Stated she is an employee of Waste Management, speaking as a citizen. Feels the additional revenue from the facility could be put towards education, but if the County builds their own facility, the cost will be incurred by the taxpayers. Calvert could refuse to take our trash, so a decision needs to be made now. Having knowledge of the waste industry, she feels the concerns being brought forth are not an issue.

Kathy Washabaugh, Mechanicsivlle: Stated she is not opposed to the transfer station project and asked how long the County can continue to use the Calvert facility. Stated that if Waste Management chooses to fund the facility versus the taxpayers, the transfer station should be approved.

Daphne McGuire, Mechanicsville: Stated she is a member of the Community Preservation Coalition and part of the team that helped develop the Solid Waste Plan. There is a statement in the Plan that requires all solid waste facilities to have a commercial entrance onto a major collector highway. Said that this facility has access through a shopping center, not onto a major collector. Stated that solid waste facilities are to be located in areas where impact would be minimal and Charlotte Hall does not fall into that category. Urged Commissioners to deny the amendment.

Mary Broadhurst, California: Requested her comments and submission be entered into the record. Stated that the description of the proposed facility included activities not permitted at transfer stations or MRF's as defined in COMAR, in that the removal of recyclable materials from the mixed waste stream requires a processing facility permit. Stated that the applicant has promised increased recycling, but transfer stations do not alter the waste stream and do not promote increased recycling, however, if they are removing recyclables from the waste stream as a processing facility, that could influence the recycling numbers. Stated that Mr. Mattingly supervised the operations for St. Mary's Disposal and they were conducting unpermitted solid waste activities at that site, which continued when Waste Managemet took over. She has visited the Montgomery County Transfer Station/MRF and said the doors have to be open to accommodate vehicles, front-end loaders dump the waste into a hole and there is a tractor trailer under there that catches the waste, with lots of liquid that then turns to leachate. COMAR requires that the drains from the floor be connected to a sewer system or permitted treatment facility, and there is a question of whether holding tanks are permitted. Ms. Broadhurst urged the Commissioners to deny the amendment.

Walter Graves, Mechanicsville: Asked how Waste Management could make the trucks take Billingsly Road when the other routes are closer; concerned about leakage from the trucks, how the trucks will turn around within the facility, the proximity of the facility to the park.

Larry Pinto, Mechanicsville: Stated that he is a board member of the Community Preservation Coalition. Mr. Pinto stated that he felt that the procedures followed were in violation of the procedures mandated by the Solid Waste Plan and favored Waste Management. He added that the proposed facility would have a horrible impact on Charlotte Hall due to noise, traffic, odors, etc. In addition, Mr. Pinto read that the County is proposing a senior center complex in the area and does not feel that would fit in with a commercial trash operation.

Melva Abell, California: Stated she is a member of the Community Preservation Coalition. She was concerned about enforcement, given the past track record of St. Mary's Disposal and Waste Management at their present site. Ms. Abell presented "Reports of Observations" from the MDE (10/97 - 06/99) regarding illegal processing of waste at the St. Andrews Church Road site, and in July, 1999, a report regarding runoff water going onto neighboring property. Ms. Abell stated she did not feel Waste Management would comply with any regulations and fears there will be no way to enforce permitted activities at the proposed facility.

Robert Lewis, Park Hall: Agrees with everyone who spoke in opposition to the amendment. Asked that the Commissioners make solid waste a community issue, not a private issue. Stated that solid waste is a product that may have implications of public health, safety, community welfare and morale. Asked the Commissioners to build a landfill.

Bill Smith, Mechanicsville: Stated he is in support of the transfer facility and questions why St. Mary's takes trash to Calvert County when we could take care of own right here in the County. Felt that money spent for a landfill would be better spent for education.

Jim Norris, Country Lakes: Stated that he is an employee of Waste Management and manages the St. Andrews site and, because he is in the trash business and has studied the proposal, he sees good things, such as no cost to the County, revenues generated and jobs for County residents. Stated that he felt this is the right thing for this County.

Mark Pettie, Wicomico Shores: Thinks the proposed facility is great in that we need a long-term solution, his taxes will not pay for it and the money we would spend on solid waste could be put into the schools.

Ben Burroughs, Mechanicsville: Owns 20 acres that adjoins the proposed facility and other properties in the area. He has a place for 240 commuters to park, cooperates with Public Works in letting them dump blue chip dust on his property at no charge. Mr. Burroughs says that they don't need the odor or the traffic and although St. Mary's has a need for this, but St. Mary's does not need to take care of Charles, Calvert and Prince George's County. Mr. Burroughs asked that the Commissioners not allow a transfer station right next to him that will hurt what he has worked all his life to accomplish.

Marion Chesley, Mechanicsville: Has 14 acres with a home adjacent to the proposed facility. Concerned about the effect on property values. She stated that the proposed use of the property has changed with each meeting. Ms. Chesley stated that there is already a high level of traffic sharing the road with the Amish and the Veterans. Also concerned about environmental impact on the stream and the wetlands wildlife. In addition, there does not appear to be a need or market for more retail or office space in the area given the large amount of unoccupied office and retail space that exists now. If a facility such as this is constructed, it should be located in an existing industrial zone or placed in a remote area. Asked that a task force be established to look at alternative sites.

William Chesley: Stated he is the son of Marion Chesley and has been in real estate for 30 years. He said that any fees received from this facility would not cover road repair costs, etc. He stated that in the Sandy Springs area there is a similar facility and no commercial development along the routes that lead to and from the area have happened over the last 15 years, and residential development, if any, has been in the very low price range and difficult to market. He allowed that property values in the area will deteriorate and the proposed facility will create an economic disaster.

Patricia Poffenbarger: The facility is proposed to be located on her grandfather's farm where there is a meadow and a stream that leads to the Patuxent River. Her back door is 3 - 4/10 of a mile from the entrance on Route 5. She asked why St. Mary's County needs Waste Management to satisfy their need for disposal and why the County needs to import from other counties. Questioned the travel route in that Route 6 and 236 are quicker and not restricted. Is concerned about

trucks having to make a U-turn at Route 5 and 6, with the pedestrian, Amish and Veteran's Home traffic going to the Farmers Market. She feels the site location is unsafe.

Erik Jansson, President, Potomac River Association: Asked why the County would import trash. Stated that the applicant has said they will use Calvert for trash from Lexington Park, south, so the total amount of St. Mary's waste may be less than 25%. Asked how the County would control the trucks going through Amish country. Concerned about how the County can control a private facility on a private pad. Concerned about road maintenance costs and trucks going through a fragile area.

Doris Zimmerman, President, Community Preservation Coalition: Presented a letter for the record (attached) from Diana D. Donahue, who is representing the Coalition on this issue. Ms. Zimmerman read portions of the letter into the record, concluding with asking the Commissioner to deny the proposed amendment.

Lisa Durst: Member of the Preservation Coalition and concerned citizen. Feels we need to be conservative with our land, and base zoning changes on need, location and alternatives. Stated that the applicant has failed to demonstrate need and feels there is no need for the facility because: 1) Most of the County's waste is already going to King George; 2) Closure of the County's landfill was not noticed much by the citizens because most of the waste disposal services were not affected; 3) The applicant has advertised the facility as being free to St. Mary's County, however, the citizens will still pay for the services by not being able to control or manage the facility along with the costs associated with impact on the environment, increased traffic and road maintenance; 4) St. Mary's generates only 16,000 tons of waste; 5) The proposed facility meets the needs of Waste Management's business more than it does a County need in that the facility is not centrally located and is much larger than what is needed; 6) If the County decides it needs a transfer station, she proposes that the County open its own facility, possibly at the landfill.

Peggy Ciampo, Charlotte Hall: Stated Route 5 and Route 6 are very congested, with a great number of accidents and three schools within a mile. The addition of turning vehicles cannot reduce traffic. Concerned about the effect on the water table in that since the Food Lion went in, 25 new wells have been dug in Country Lakes. Asked the Board to deny the amendment.

Sheila Collicott, Mechanicsville: Stated she is a member of the Community Preservation Coalition and is concerned about the hours of operation and the effect those hours would have on the quality of life. Concerned that trucks arriving between 4 and 5:00 p.m. will not be able to get to the landfill in time, so the trash will sit overnight. Urged the Board to deny the amendment.

Elizabeth Weaver, Leonardtown: Does not feel that the County's solid waste problems should be handled by Waste Management because the company has questionable dealings. She read an article in Time Magazine regarding white-collar crime and Waste Management was largely in the article. Another article in Time mentioned that Waste Management has accounting problems. Urged the Commissioners to examine the proposal carefully and to question everything.

Douglas Hollmann, Attorney for PRA: Stated that the County Commissioners are guided by the criteria set forth in the Solid Waste Plan, noting that there are three areas that have to be satisfied within the Plan and, if the applicant has met the burden on those points, then the application can be granted. He doesn't feel that the applicant has shown a demonstrated need for such the facility. Stated that if the proposed facility is within the exclusion zone, it cannot be approved. Stated that in accordance with the Plan, the applicant must have 80' of frontage on a major collector highway. Waste Management has testified that the entrance is 1300' from Route 5. It appears that the criteria in the Plan have not been met by Waste Management, therefore, the application should be denied.

ADJOURNMENT

There being no further comments, the meeting adjourned at 9:40 p.m.

Respectfully Submitted,

Melanie Johnston