STAFFORD COUNTY CHESAPEAKE BAY BOARD

Meeting Minutes

Monday, January 27, 2025 at 6:30 p.m.
Board Chambers | George L. Gordon Government Center

A. Call to Order

The meeting was called to order at 6:31 p.m. by Paul Santay

B. Roll Call

Members Present:	Sue Henderson, Mary Rust, Benjamin Rudasill, Anthony Pineau and Dan Adams
Members Absent:	Robert Hayden, Zachary Martinez
Staff Present:	Paul Santay, Chief Director of Community Development; Joe Fiorello, Environmental Planner; and Vicki Sowers, Comm. Dev. Business Finance Manager

C. Determination of a Quorum

A quorum was established with 5 of the 7 members present.

D. Election of Officers

- Election of a Chairman

  Mr. Santay called for the election of officers, starting with the nomination for the chair position. Ms. Henderson nominated Mr. Pineau, which was seconded by Mr. Rudasill. Mr. Pineau was unanimously elected as the Chair.

- Election of a Vice-Chairman

  Mr. Santay handed the meeting over to Mr. Pineau who asked for nominations for the Vice Chair position. Mr. Rudasill nominated Ms. Henderson, and Ms. Rust seconded the nomination. Ms. Henderson was elected as the Vice Chair unanimously.

E. Approval of Meeting Minutes

Ms. Henderson made a motion to approve the December 16, 2024 Chesapeake Bay Board minutes. Ms. Rust seconded. The minutes were unanimously approved.

F. New Business

None

G. Old Business

Sue Henderson inquired about the status of the in-lieu fees discussion and asked if it should be noted as Old Business? Mr. Hayden, being assigned as an alternate member by the Board of Supervisors, was not present. Ms. Rust asked if staff knew or received his pending report on the topic. Mr. Fiorello advised that he had not received anything from him to report on for the meeting but could hold a place in Old Business if needed. Ms. Henderson explained that the Board assigned the investigatory task to Mr. Hayden to report back, and it should remain on old business. Ms. Henderson questioned the process for which he would be able to present the report now that Mr. Hayden is considered an alternate member. Ms. Henderson requested that Mr. Hayden be invited to the next meeting to present. Mr. Santay said he would confirm if he can present as an alternate member or as a public presentation. Mr. Pineau questioned when the next meeting would be in case months go by. Mr. Fiorello confirmed that there are two pending applications so it is likely that the next meeting will be in February. Mr. Santay also explained that meetings are scheduled for the 3rd Monday of every month and if there is nothing on the agenda, they get cancelled, however, the Chairman can request a meeting even if there are no items on the agenda. Mr. Pineau questioned a change that has occurred over the last year where meetings are cancelled by staff instead of contacting the Chair to make the decision whether to have a meeting or not. Mr. Santay said this is something that can be addressed in the revised By-Laws to specifically explain how and when meetings can be cancelled.

Ms. Henderson requested to make two motions:

1. Motion to have an organizational meeting for all three Boards in February. Mr. Pineau agreed (seconded). Ms. Rust stated that it is important to get pending feedback from Mr. Hayden. Ms. Henderson also emphasized the importance of the meeting, especially with By-Laws changes and discussions. Mr. Rudasill asked if the By-Laws revisions would be ready by the next meeting. Mr. Santay said they would be ready from the County Attorney's office in draft form. He suggested that everyone review them ahead of time when they come out in the agenda, so all is prepared for the discussion. Questions and comments would then be taken back to the County Attorney and an official vote would take place in March.
2. Ms. Henderson requested that the Chair contact both alternates to request that they be present at the meeting in February. She explained, not just to present the in-lieu

information, but to also be present in discussions regarding procedures and alternates. Mr. Pineau agreed and advised that he would do that.

H. Chairman's Report

Mr. Pineau brought up the Board of Supervisors' upcoming agenda item regarding the appeal to the recent Chesapeake Bay Board decision. Mr. Santay suggested that any discussion for this meeting involve procedures such as who can attend and not to have discussions regarding subjective matters about the appeal itself. Discussion ensued as to how and what information will be presented during the appeal. Mr. Santay said it would be helpful if Board members could be present at the appeal meeting. As the Chair of the Board during the time the application was presented, Ms. Henderson explained that she was told to be at the Board meeting for the appeal and invited other Board members to also be present. Ms. Henderson requested a copy of what is being presented to the Board of Supervisors to be sent to the Chesapeake Bay Board as well. Mr. Santay said he would check to make sure the packet can be sent to them prior to going out to the public. Mr. Fiorello brought up the issue of the number of members that can gather at one time or is it considered a public meeting? Mr. Santay said he will find out how many members can be present. He suggested that at the least, Ms. Henderson and Mr. Pineau be present as Chairs and he would find out if additional members can be present. He reiterated the rules regarding gatherings which can include emails and text messages to get together to discuss issues. He said "So I would definitely encourage you as board members to not have those conversations in email or text message or anything like that too, because that would be could be deemed a public notice, and technically, anytime you meet or discuss an item virtually through email and make a decision that could be deemed an action without having an officially called meeting or quorum." Mr. Santay explained that a seven-member Board limit was three people but now that it is a five member Board, the gather limit is two.

Ms. Henderson also brought up the issue of district representation with the Board going to five members. She requested that this be addressed in the revised by-laws. Mr. Santay restated that there are seven appointed members but two are alternates and do not have a vote.

Mr. Pineau asked to know as soon as possible who and how many board members are allowed to be at the Board of Supervisors' meeting regarding the appeal. Mr. Santay assured that he would email the County Attorney's office first thing the next morning to get clarification. Ms. Henderson questioned whether a general public notice could be sent out (and is there time) advising that the board would be gathering which would cover any legal requirements of such. Mr. Santay questioned the legality and following of Robert's Rules to be able to give such a general public notification. Mr. Santay again advised that he would get more clarification from County Attorney first thing in the AM.

I. Staff Report

Mr. Santay reminded the board of the updated Wetlands Ordinance that took effect in February of last year. He explained that the main change involved how funds are collected through civic penalties and civil charges. They can be administered through shoreline capital projects or the purchasing of credits for the Title Mitigation Bank. He said he is looking forward to Mr. Hayden's presentation regarding the in-lieu fees and also advised that it is up to the Board of Supervisors to control the purse; to deem what projects qualify. He recommended that once it is discussed and if this Board has recommendations for how the money should be appropriated that the Chair reach out and communicate those recommendations to Mr. Diggs, Chairman of the Board of Supervisors.

Mr. Pineau asked staff if there is any recommendation other than speaking to their Board of Supervisors regarding the membership appointments/alternate changes. Mr. Santay advised that other boards request conversations with their supervisor but there is no other avenue procedurally. Ms. Rust stated that Mr. Hayden has been an extremely valuable member of this Board and questioned the change to an alternate status. Ms. Henderson asked for clarification regarding the change from seven members to five members and two alternates. She said that the board had been abiding by its by-laws but when investigated, it was found that the Virginia State Statute says it should be five and two? Mr. Santay explained that the statute states that the Board can be seven OR five, but the decision as to which will be adhered to is determined by the local Board of Supervisors. He said upon further investigation the County Attorney's office cannot find any documentation as to when these Boards were established as seven member Boards. They were originally created as five-member Boards. Ms. Henderson asked who votes on the By-Laws. Mr. Santay explained that it is not the Board of Supervisors, it is the individual Board (Wetlands/Chesapeake Bay, etc.) that vote to accept their own by-laws.

Mr. Pineau corrected a comment that was made in the Wetlands Board meeting regarding Mr. Martinez's attendance stating that he was present at the December meeting.

J. Adjournment

With no further business to discuss, Mr. Rudasill made a motion to adjourn. The motion was seconded by Ms. Rust. The Chesapeake Bay Board meeting adjourned at 7:03pm.

STAFFORD COUNTY CHESAPEAKE BAY BOARD

Meeting Minutes

Monday, January 27, 2025 at 6:30 p.m.
Board Chambers | George L. Gordon Government Center

A. Call to Order

The meeting was called to order at 6:31 p.m. by Paul Santay

B. Roll Call

Members Present:	Sue Henderson, Mary Rust, Benjamin Rudasill, Anthony Pineau and Dan Adams
Members Absent:	Robert Hayden, Zachary Martinez
Staff Present:	Paul Santay, Chief Director of Community Development; Joe Fiorello, Environmental Planner; and Vicki Sowers, Comm. Dev. Business Finance Manager

C. Determination of a Quorum

A quorum was established with 5 of the 7 members present.

D. Election of Officers

- Election of a Chairman

  Mr. Santay called for the election of officers, starting with the nomination for the chair position. Ms. Henderson nominated Mr. Pineau, which was seconded by Mr. Rudasill. Mr. Pineau was unanimously elected as the Chair.

- Election of a Vice-Chairman

  Mr. Santay handed the meeting over to Mr. Pineau who asked for nominations for the Vice Chair position. Mr. Rudasill nominated Ms. Henderson, and Ms. Rust seconded the nomination. Ms. Henderson was elected as the Vice Chair unanimously.

E. Approval of Meeting Minutes

Ms. Henderson made a motion to approve the December 16, 2024 Chesapeake Bay Board minutes. Ms. Rust seconded. The minutes were unanimously approved.

F. New Business

None

G. Old Business

Sue Henderson inquired about the status of the in-lieu fees discussion and asked if it should be noted as Old Business? Mr. Hayden, being assigned as an alternate member by the Board of Supervisors, was not present. Ms. Rust asked if staff knew or received his pending report on the topic. Mr. Fiorello advised that he had not received anything from him to report on for the meeting but could hold a place in Old Business if needed. Ms. Henderson explained that the Board assigned the investigatory task to Mr. Hayden to report back, and it should remain on old business. Ms. Henderson questioned the process for which he would be able to present the report now that Mr. Hayden is considered an alternate member. Ms. Henderson requested that Mr. Hayden be invited to the next meeting to present. Mr. Santay said he would confirm if he can present as an alternate member or as a public presentation. Mr. Pineau questioned when the next meeting would be in case months go by. Mr. Fiorello confirmed that there are two pending applications so it is likely that the next meeting will be in February. Mr. Santay also explained that meetings are scheduled for the 3rd Monday of every month and if there is nothing on the agenda, they get cancelled, however, the Chairman can request a meeting even if there are no items on the agenda. Mr. Pineau questioned a change that has occurred over the last year where meetings are cancelled by staff instead of contacting the Chair to make the decision whether to have a meeting or not. Mr. Santay said this is something that can be addressed in the revised By-Laws to specifically explain how and when meetings can be cancelled.

Ms. Henderson requested to make two motions:

1. Motion to have an organizational meeting for all three Boards in February. Mr. Pineau agreed (seconded). Ms. Rust stated that it is important to get pending feedback from Mr. Hayden. Ms. Henderson also emphasized the importance of the meeting, especially with By-Laws changes and discussions. Mr. Rudasill asked if the By-Laws revisions would be ready by the next meeting. Mr. Santay said they would be ready from the County Attorney's office in draft form. He suggested that everyone review them ahead of time when they come out in the agenda, so all is prepared for the discussion. Questions and comments would then be taken back to the County Attorney and an official vote would take place in March.
2. Ms. Henderson requested that the Chair contact both alternates to request that they be present at the meeting in February. She explained, not just to present the in-lieu

information, but to also be present in discussions regarding procedures and alternates. Mr. Pineau agreed and advised that he would do that.

H. Chairman's Report

Mr. Pineau brought up the Board of Supervisors' upcoming agenda item regarding the appeal to the recent Chesapeake Bay Board decision. Mr. Santay suggested that any discussion for this meeting involve procedures such as who can attend and not to have discussions regarding subjective matters about the appeal itself. Discussion ensued as to how and what information will be presented during the appeal. Mr. Santay said it would be helpful if Board members could be present at the appeal meeting. As the Chair of the Board during the time the application was presented, Ms. Henderson explained that she was told to be at the Board meeting for the appeal and invited other Board members to also be present. Ms. Henderson requested a copy of what is being presented to the Board of Supervisors to be sent to the Chesapeake Bay Board as well. Mr. Santay said he would check to make sure the packet can be sent to them prior to going out to the public. Mr. Fiorello brought up the issue of the number of members that can gather at one time or is it considered a public meeting? Mr. Santay said he will find out how many members can be present. He suggested that at the least, Ms. Henderson and Mr. Pineau be present as Chairs and he would find out if additional members can be present. He reiterated the rules regarding gatherings which can include emails and text messages to get together to discuss issues. He said "So I would definitely encourage you as board members to not have those conversations in email or text message or anything like that too, because that would be could be deemed a public notice, and technically, anytime you meet or discuss an item virtually through email and make a decision that could be deemed an action without having an officially called meeting or quorum." Mr. Santay explained that a seven-member Board limit was three people but now that it is a five member Board, the gather limit is two.

Ms. Henderson also brought up the issue of district representation with the Board going to five members. She requested that this be addressed in the revised by-laws. Mr. Santay restated that there are seven appointed members but two are alternates and do not have a vote.

Mr. Pineau asked to know as soon as possible who and how many board members are allowed to be at the Board of Supervisors' meeting regarding the appeal. Mr. Santay assured that he would email the County Attorney's office first thing the next morning to get clarification. Ms. Henderson questioned whether a general public notice could be sent out (and is there time) advising that the board would be gathering which would cover any legal requirements of such. Mr. Santay questioned the legality and following of Robert's Rules to be able to give such a general public notification. Mr. Santay again advised that he would get more clarification from County Attorney first thing in the AM.

I. Staff Report

Mr. Santay reminded the board of the updated Wetlands Ordinance that took effect in February of last year. He explained that the main change involved how funds are collected through civic penalties and civil charges. They can be administered through shoreline capital projects or the purchasing of credits for the Title Mitigation Bank. He said he is looking forward to Mr. Hayden's presentation regarding the in-lieu fees and also advised that it is up to the Board of Supervisors to control the purse; to deem what projects qualify. He recommended that once it is discussed and if this Board has recommendations for how the money should be appropriated that the Chair reach out and communicate those recommendations to Mr. Diggs, Chairman of the Board of Supervisors.

Mr. Pineau asked staff if there is any recommendation other than speaking to their Board of Supervisors regarding the membership appointments/alternate changes. Mr. Santay advised that other boards request conversations with their supervisor but there is no other avenue procedurally. Ms. Rust stated that Mr. Hayden has been an extremely valuable member of this Board and questioned the change to an alternate status. Ms. Henderson asked for clarification regarding the change from seven members to five members and two alternates. She said that the board had been abiding by its by-laws but when investigated, it was found that the Virginia State Statute says it should be five and two? Mr. Santay explained that the statute states that the Board can be seven OR five, but the decision as to which will be adhered to is determined by the local Board of Supervisors. He said upon further investigation the County Attorney's office cannot find any documentation as to when these Boards were established as seven member Boards. They were originally created as five-member Boards. Ms. Henderson asked who votes on the By-Laws. Mr. Santay explained that it is not the Board of Supervisors, it is the individual Board (Wetlands/Chesapeake Bay, etc.) that vote to accept their own by-laws.

Mr. Pineau corrected a comment that was made in the Wetlands Board meeting regarding Mr. Martinez's attendance stating that he was present at the December meeting.

J. Adjournment

With no further business to discuss, Mr. Rudasill made a motion to adjourn. The motion was seconded by Ms. Rust. The Chesapeake Bay Board meeting adjourned at 7:03pm.

STAFFORD COUNTY WETLANDS BOARD

Meeting Minutes

Monday, January 27, 2025 at 6:00 p.m.
Board Chambers | George L. Gordon Government Center

A. Call to Order

The meeting was called to order at 6pm Paul Santay

B. Roll Call

Members Present:	Sue Henderson, Mary Rust, Anthony Pineau, Dan Adams, and Benjamin Rudasill
Members Absent:	Robert Hayden, Zachary Martinez
Staff Present:	Paul Santay, Chief Director of Community Development; Joe Fiorello, Environmental Planner; and Vicki Sowers, Dev. Services Business and Finance Manager

C. Determination of a Quorum

A quorum was established with 5 of the 7 members present.

Mr. Santay introduced Vicki Sowers and her role with Development Services/Board assistance.

D. Election of Officers

Prior to Board elections, Mr. Santay explained that during the Board of Supervisors' reappointments to these Boards (Wetlands/Chesapeake Bay/Sand Dunes), it was found that these are five (5) member Boards and not seven (7) as the meetings have been running over the years. He said the County Attorney looked at the state code provisions as well. It was determined that these Boards should be five (5) members with two (2) alternates. He said it appears that at some point over the years, the alternates merged into full board and became seven (7) member Boards.

Mary Rust advised that it may have happened some years back when there was a Board member that never came to the meetings – a year to two years. Mr. Santay explained that the Board of Supervisor has the authority to reappoint someone if their appointee has absences – he said he thinks it may be three consecutive or something similar.

Mr. Santay continued to explain that the existing by-laws reference seven members but due to the state code and what has been researched, that may need to be changed. Mr. Santay announced that the Board of Supervisors assigned Dan Adams and Robert Hayden as alternates. Discussion ensued regarding how the selection was made. Ms. Rust commented on how helpful and informative Mr. Hayden has been as a Board member.

Mr. Santay said the discussion would be reconvened under New Business along with the By-laws discussion. He suggested including language referencing the election of officers and vetting of appointees. Sue Henderson asked for the date of the current By-Laws to which Paul confirmed September 18, 2017.

- Election of a Chairman

  Mr. Santay called for the election of officers, starting with the nomination for the chair position. Ms. Henderson asked for confirmation that she could not nominate Mr. Hayden now. Mr. Santay confirmed – Ms. Henderson, Ms. Rust and Ben Rudasill said they didn't have another nomination. It was confirmed that Ms. Henderson could not be reappointed as Chair since she had already served two (2) years. Ms. Henderson then made a motion to nominate Mr. Pineau and it was seconded by Mr. Rudasill. Mr. Pineau was unanimously elected as Chair. Mr. Santay handed the meeting over to Mr. Pineau.

- Election of a Vice-Chairman

  Mr. Pineau called for nominations for the Vice Chair position. Ms. Rust nominated Ms. Henderson; it was seconded by Mr. Rudasill. Ms. Henderson was elected as the Vice-Chair unanimously.

E. Approval of Meeting Minutes

Mr. Rudasill made a motion to approve the September 16, 2024, Wetlands Board minutes. Ms. Rust seconded. The minutes were unanimously approved.

F. Old Business

None

G. Chairman's Report

None

H. Staff Report

None

I. New Business

Additional discussion ensued regarding the number of members and term limits. Mr. Rudasill asked about the new term limits changing to five (5) and wanted to know when it started. Upon finding the document that indicated which four (4) members had been appointed (one existing), along with the term dates, Mr. Santay advised that the document didn't appear to be updated, and he would need to get clarification on each member's term dates, expiration and how they rotate.

Questions arose regarding the role of the alternates – when do they come to meetings, how do they know when to attend, and their overall engagement. Again, Mr. Santay said he would discuss this with the County Attorney for clarification and advised that this information should be written in the new by-laws.

Mr. Santay discussed the draft of new by-laws that are being worked on by Emily Torrey and the County Attorney's office. He said he hoped to have the draft for review by the next meeting.

Mr. Pineau asked if it is allowed to have a discussion with their supervisor if they have a disagreement with the selection of the five (5) active members and two (2) alternates members.

Mr. Santay asked to allow him to go back and get clarity and confirmation on the items as discussed and communicate through email regarding the outcome. In addition, it should be fine if they feel they would like to speak with the Board members.

J. Adjournment

With no further business to discuss, Ms. Henderson made a motion to adjourn. The motion was seconded by Ms. Rus . The Wetlands Board meeting adjourned at 6:26p.m.