

**MINUTES
ST. MARY'S COUNTY METROPOLITAN COMMISSION
REGULAR SESSION
APRIL 10, 2008**

The meeting commenced at 1:05 p.m. In attendance were Commissioners Taylor, Werner, Lancaster, Cranford, and Owen; staff members King, Frederick, Shick, Cullins, Sullivan and Bryan. Also in attendance were County Commissioner Tom Mattingly and Henry Camaioni, resident of Wildewood.

MOTION TO APPROVE AGENDA

Commissioner Cranford moved to approve the Agenda as presented by staff. Commissioner Lancaster seconded the motion, and approval was unanimous.

APPROVAL OF MINUTES

Commissioner Werner moved to approve Minutes of Regular Session dated March 13, 2008. Commissioner Lancaster seconded the motion and approval was unanimous.

**COUNTY COMMISSIONER MATTINGLY:
MISS UTILITY LOCATE FEES**

Commissioner Mattingly thanked the Board for the opportunity to follow up on this issue, which has been generally resolved. However, he requested that the Commission seriously consider the possibility of individual developers and contractors taking unnecessary chances in order to avoid having to pay locate fees. This action would ultimately cause service interruptions and outages. Although he agreed that the contractors are ultimately responsible for any damages that they cause, he believes that avoiding service interruptions is more important than recovering the Commission's cost for damages. He is aware that there are already some grandfathering provisions in place that will address the issue in the short term. However, he believes that even at a cost, provision of this type of service relating to environmental and safety issues is of significant benefit to the community.

Commissioner Taylor noted at this point that the Commission will continue in its attempt to resolve the issue without sacrificing safety, but there is an expense involved, and staff is investigating ways to mitigate this. Mr. King agreed, adding that the actual income to date from this fee is a little less than \$26K vs. \$117K in expenses. A loss of \$140K is projected at year end, with ±\$38K in revenues. It is further estimated at this point that there will be \$61K in revenues next year, vs. ±\$250K in expenses.

In conclusion, Commissioner Mattingly thanked the Board for its attention and offered the ongoing assistance of the Board of County Commissioners.

MR. CAMAIONI DISCUSSION WITH BOARD

Mr. Camaioni reiterated his concerns regarding access to the water tower and land transfer issues at Wildewood, which were originally addressed at the May 10th, 2007 meeting. He reviewed a 4-page document justifying his claim of the illegality of the transfer; referring to copies of the Maryland Code, Real Property, # (6); Maryland Homeowners Association Act, Page 1, #11B-101 Definitions (3), Page 5, and #'s 1-6. and Page 6 (ii). Copies are attached to the Minutes.

Following the County's lack of response, and on the advice of the U.S. Attorney's Office, he has contacted the Justice Department and requested a federal investigation with respect to both violations of federal law and the method used.

Mr. King interjected that it is not the policy of the Commission to commandeer property without just compensation. Nor is he aware that his property was transferred to the Commission illegally. He added that he has in his possession, a recently surveyed plat which will support his statement. However, staff will review the information provided by Mr. Camaioni to determine if the Commission has proper rights to the property and easement. He also refuted Mr. Camaioni's claim of MetCom personnel acting in a

threatening manner, and requested him to identify the telephone caller he referred to. Mr. Camaioni could not do so, and ended his presentation at this point.

EXECUTIVE SESSION

Commissioner Cranford moved to adjourn into Executive Session at 1:30 p.m. to discuss personnel and potential litigation. Commissioner Lancaster seconded the motion and approval was unanimous.

The meeting readjoined into Regular Session at 2:20 p.m.

Commissioner Cranford moved to approve Minutes of Executive Session dated March 13, 2008. Commissioner Owen seconded the motion and approval was unanimous.

DIRECTOR'S REPORT

A. Community Forum Review

Mr. King stated that the Commission's initial Community Forum was held at the Governmental Center last night, with limited attendance. He was previously unaware that the public could participate by telephone directly from home, and will utilize this method in future forums. He reported that the issue of utility locates was questioned, and requested Mr. Frederick to clarify the actions taken during this process for the Board's information.

B. Gateways – Request for Additional Extension of Payment

Mr. King briefly reviewed this issue, and referred to Mr. Nicholson's most recent request dated March 24, 2008.

Following further discussion, **Commissioner Werner moved that the Commission grant an additional extension, until October 1, 2008, to the St. Mary's County Housing Authority, for payment in full of certain Water Supply and Storage Fees owed to this Commission pursuant to a certain Public Works Agreement for The Gateways project, with the condition that the St. Mary's County Housing Authority shall:**

- 1. On May 1, 2008 make a payment of \$2,000.00; and**
- 2. On the first day of each succeeding month thereafter, through and including the month of September 2008, make payment to the Commission in the amount of \$2,000.00 and;**

On the first day of October 2008, make payment to the Commission for the entire unpaid balance of the Water Supply and Storage Fees owed. In the event that 50% occupancy at the Gateways project is achieved prior to October 1st 2008, the Housing Authority shall pay the entire balance at that time.

Commissioner Owen seconded the motion and approval was unanimous.

C. Planning Commission Review of FY09-13 CIB

Mr. King reported that staff will be presenting the FY09-FY13 Capital Improvements Budget to the Planning Commission on Monday evening between 7-30-8:00 p.m.

D. Resolution 2008-02

Mr. King justified staff's request for approval of Resolution 2008-02 and, as required, read it into the record. He noted that the Resolution relates to an application made to the Maryland Water Quality Financing Administration to borrow funds in the amount of \$244,000 from the State Revolving Loan Funding, specifically to complete the Oliver Drive Sewer Project.

At this point, he reviewed Page 2705, K (1), of MetCom's Code relating to the remote area surcharge, stating in part, "*.....in which the Commission determines that it is economically not feasible to serve*

unless the applicant makes a substantial contribution to the cost of construction of the water and sewer lines, including the cost of connecting them with the Commission's systems, the Commission may classify the applicant's property, together with other adjacent or adjoining properties that could be readily served from the construction required by the applicant, as a "remote area". A copy is attached to the Minutes. He noted the necessity of establishing a reasonable cost in these situations, with special consideration being given to the recently implemented financing system. Staff will determine a format which it will present to the Board for approval at a later meeting. The property owners will then be informed of the adopted standard and the application to their project. In the interim, application will be made for state and federal state assistance in an attempt to lower the cost.

Commissioner Lancaster moved to approve Resolution 2008-02. Commissioner Cranford seconded the motion and approval was unanimous.

CHIEF FINANCIAL OFFICER'S REPORT

A. Accounts Receivable/Securities Reports

Commissioner Cranford moved to waive oral presentation by the Chief Financial Officer and to accept the routine monthly financial reports as submitted and reviewed by this Commission. Commissioner Lancaster seconded the motion and approval was unanimous.

C. Budget Amendment

Ms. Shick briefly reviewed FY08 Capital Equipment & Expenditures, Amended Budget as of 2/14/08, and requested its approval. A copy is attached to the Minutes.

Commissioner Lancaster moved to amend the FY 2008 Operating Budget, as recommended by the Commission's Chief Financial Officer, to re-allocate:

1. **\$2,100 from the budget expense line for Water & WW Collection Right-of-Way clearing; and**
2. **\$31,473 from the budget expense line for Asset Management & Continuing Property Records software;**

to offset the following unanticipated expense line items:

1. **\$29,473 for HTE Naviline Software for Fiscal & Administration**
2. **\$2,000 for Dell Vostro Mini Tower for Naviline/DMS; and**
3. **\$2,100 for Training Tracking Software for Human Resources.**

This budget amendment has no effect on the Net Income from Service Charges. Commissioner Werner seconded the motion and approval was unanimous.

D. FY09 Preliminary Operating Budget/Assumptions

Ms. Shick reviewed the Assumptions as follows – *Salaries, Rate Increase, Power, Engineering, Health Insurance, Pension, Payroll Taxes, Office Supplies & Expense and Postage.* A copy is attached to the Minutes. She reported that she anticipates presenting the Board with a draft budget at the May meeting.

ENGINEER'S REPORT

A. Standard Report

Commissioner Cranford moved to waive oral presentation by the Chief Engineer and to accept the routine monthly engineering reports as submitted and reviewed by this Commission. Commissioner Owen seconded the motion and approval was unanimous.

CHIEF, FACILITIES & OPERATIONS MANAGER'S REPORT

A. Open End Contract for Septic Hauling Services

Mr. Sullivan reviewed the Purchasing Agent's Memorandum dated April 10, 2008 and requested approval to accept and award the proposed Open-End Contract for Septic Hauling Services to two vendors: Copsey's Septic Service, Inc., and C&C Plumbing & Septic, Inc for the contract prices as listed on the proposal.

Commissioner Cranford so moved. Commissioner Lancaster seconded the motion and approval was unanimous.

B. Open-End Contract for Propane Purchase

Following Mr. Sullivan's recommendation, **Commissioner Lancaster moved to accept and award the proposed Open-End Contract for Propane Purchasing to Southern Maryland Oil for the contract prices as listed on the proposal. Commissioner Owen seconded the motion and approval was unanimous.**

C. Well #1 Replacement, Laurel Ridge WPS

Commissioner Werner moved that the Commission accept and award the proposed contract for the Laurel Ridge Water Pumping Station Well #1 to Sydnor Hydro, Inc., for the contract price of \$135,696.00. Commissioner Cranford seconded the motion and approval was unanimous.

CONTINUING BUSINESS

A. Marlay-Taylor WRF Upgrade & Expansion

Mr. King reported staff's continued involvement in the process of determining the type of technology for use in this project, and stressed the importance of adopting a policy which would direct the consultant engineers on how to proceed if the capacity is expanded beyond 6M gallons/day. The State will be responsible for the cost of upgrading the existing capacity to Enhanced Nutrient Removal; however, the Commission will incur some expenses for expansion of capacity and any required replacement, repairs and rehabilitation. He reported that he has successfully managed to reduce the original amount of the consultant engineers' award by approximately 50%, and is not ready to give a more current number at this point.

In conclusion he requested the Board to consider the draft Marlay Taylor WRF Upgrade & Expansion Policy, a copy of which is attached to the Minutes. He reported that an experienced focus group was specifically formed to assist the Commission with reviewing issues such as this, and they have unanimously agreed with recommendations contained in the draft policy to delay expansion. He will provide the Board with a complete copy of the documents provided to the group, and requested that they review it and make a decision.

ADJOURNMENT

There being no further business, **Commissioner Werner moved to adjourn at 3:45 p.m. Commissioner Lancaster seconded the motion and approval was unanimous.**

Lilian J. Bryan, Secretary

