

**MINUTES  
REGULAR SESSION  
ST. MARY'S COUNTY METROPOLITAN COMMISSION  
SEPTEMBER 23, 2010**

The meeting commenced at 3:07 p.m. In attendance were Commissioners Werner, Lancaster, Tudor, Colonna, and Oliver (on behalf of Captain Stephen Schmeiser); MetCom staff Meiser, Ichniowski, Elberti, Cullins, Shick, Fehn, Sullivan, Edwards, and Comeau-Stanley.

**MOTION TO APPROVA AGENDA**

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

**APPROVAL OF MINUTES**

**Commissioner Tudor moved to approve Minutes of the Regular Session, dated September 9, 2010. Commissioner Lancaster seconded the motion approval was unanimous.**

**APPROVAL OF CONSENT AGENDA**

**Commissioner Lancaster moved to accept Consent Agenda as presented, and to hereby approve all matters contained upon the Consent Agenda. Commissioner Tudor seconded the motion and approval was unanimous.**

**DIRECTOR'S REPORT**

**A. Annual Retreat Agenda**

Ms. Meiser announced that the Annual Retreat will be conducted at the Greenwell Foundation on Thursday, October 28. We will begin at 8:30 am with coffee and donuts and then we plan to conduct a normal meeting beginning at 9:00 am. At the completion of that meeting, we will move forward to the retreat agenda, which Ms. Meiser and Mr. Ichniowski hope will include discussion on the Task Force Recommendations, specifically those which are not yet underway.

Ms. Meiser stated that one of the task force recommendations includes the establishment of a committee for the purpose of conducting a comprehensive review of Section 113 of the County Code. That process will not be completed in enough time for any related Legislative Session changes to occur for the 2011 Legislative Session, but once the committee is established and their work ensues, any related legislative changes would be proposed for the 2012 Legislative Session.

Ms. Meiser indicated that a copy of Section 113 has been included in the Commission Binders and it is hoped that between now and October 28, the Board members could take some time and review it with a more comprehensive eye, so that we can conduct effective conversation on changes and a basis for the committee to begin work towards that effort.

At the request of Commissioner Tudor, Ms. Meiser indicated that we would also include joint use easements for utilities as a subject of discussion, as it is becoming increasingly frequent. Ms. Meiser and staff will pull together some talking points on the issue. Ms. Meiser asked Board members to let staff know about any other subjects that they would like to discuss and we will have it added to the agenda.

## **HUMAN RESOURCES DIRECTOR'S REPORT**

### **A. Employee Cellular Telephone Policy**

Ms. Cullins reminded Board Members that a few months ago we engaged in discussions regarding a cellular telephone policy. Ms. Cullins then referred Board members to the draft Mobile Telephone Usage and Reimbursement Policy contained in their binders. Ms. Cullins stated that going through the bill is administratively cumbersome and we propose a policy to have an allowance for employees so that they didn't necessarily have to carry a MetCom issued phone, but could keep their own phone and have an allowance. An employee can also choose to keep their MetCom issued phone for business use only.

Ms. Cullins asked if Board members would take some time to review the policy, so that we may be able to present a motion for their consideration at the next scheduled meeting.

Commissioner Tudor asked if it was necessary that we identify a specific provider in the corporate policy. Ms. Meiser responded by stating that there is a benefit to listing it both ways, but as we have been with the current service provider for a long time and for several reasons, don't have any real thought of changing. Ms. Meiser stated that she was trying to avoid a situation where it wasn't stated in writing who the service provider was in order for an employee to seek reimbursement. Based on the assumption that it's not going to be changing frequently, we thought that for consistency providing the employees with notice by including it in the policy. Commissioner Tudor indicated that it's not really a big issue; he was merely considering not having to change the policy if we were to reevaluate providers. Ms. Meiser stated that we certainly could open up to discussion at the next meeting after all have had an opportunity to review the draft policy. Commissioner Tudor stated that it looks like a good policy with a lot of thought.

### **B. Leave and Holiday Policy Amendment**

Ms. Cullins presented the proposed change to Section 1 of the Leave and Holiday Policy, which strikes the sentence which states "*Sick leave may be taken as accumulate; however, annual leave may not be taken until 120 calendar days after the employee begins working.*" Ms. Cullins stated that often the employees have a very good reason why they

need to take leave, and we end up allowing them to take it without pay, and then they come back and take paid leave at a later date, so it really doesn't have a practical purpose that they not be paid for that leave if they have it to use. Commissioner Tudor stated that an employee cannot go into arrears and Ms. Cullins reiterated that the policy states that no employee shall be permitted to go into arrears or, in other words, use leave in advance. Ms. Meiser further substantiated the need for this policy change to Board members.

**Commissioner Tudor moved to amend Section 1 of the Leave and Holiday Policy, as recommended by the Commission's Human Resources Director. Commissioner Lancaster seconded the motion and approval was unanimous.**

### **FISCAL OFFICER'S REPORT**

#### A. Prior Intent Resolution

Ms. Shick provided details on the Prior Intent Resolution, which is for several projects to include FDR Boulevard Water Line, Phase 1 & 2, King & Kennedy Water System Improvements, MetCom Facilities, Oversize Meter Installation, Southgate Wastewater Pumping Station, and a Vac-Con Truck.

Ms. Shick stated that we intend to finance these projects through loans, and in accordance with the IRS regulations, we must issue a formal intent to reimburse ourselves for the expenses prior to the loan being in place. These projects will be paid for by the DHCD Loan, which was issued in August, but the projects were not included in the loan package, so we will have to perform a loan reprogram to have them included. Resolution 2010-03 (*a copy has been attached to the minutes*) is a formal indication of our intention to spend money on these projects and when the loan is finalized, we will reimburse ourselves.

**Commissioner Lancaster moved to approve Resolution 2010-03, as recommended by the Commission Staff. Commissioner Tudor seconded the motion and approval was unanimous.**

### **ENGINEER'S REPORT**

#### A. Emergency Repair and Maintenance Contract

Mr. Elberti presented details of the Emergency Repair and Maintenance Contract to the Board members, which is going to be put out for bid in the coming days. The pre-bid conference is scheduled for October 6, 2010 at 10:00 am in the main conference room and sealed bids are due on October 20, 2010. This is a two-part bid. The first is for the Emergency Repair portion of the bid and the second is for the Maintenance Contract. Mr. Elberti explained the bid award process to Board members, indicating that the lowest bidder will be awarded the Emergency Repair portion of the contract, but that the Maintenance portion of the contract will be awarded to the lowest bidder and the second lowest bidder; however they will bid against each other for the maintenance work. The

lowest bidder will be assigned each separate maintenance task. This is a one-year contract, with an option for three (3) separate one-year contracts.

B. Maintenance Contract Cost Limit (Non-Emergency)

Mr. Elberti described to Board members the need to establish a reasonable threshold for costs associated with scheduled, non-emergency maintenance under the Emergency Repair and Maintenance Contract, citing that it allows us to eliminate the need for competitively bid each and every one of the. Ms. Meiser indicated that this is a contract that has been in place for some time and the previous contract terminated, so it was time to put it out for re-bid. Ms. Meiser went on to state that for certain small size maintenance items, it doesn't make sense to competitively bid each and every task. Instead, what is being proposed by staff will create an additional element of competition between two contractors without having to go out and competitively bid for those fairly small planned maintenance projects. Staff is recommending \$100,000.00 as the threshold to determine what is considered small.

Ms. Meiser went on to state that those projects are plentiful enough that it makes this measure practical for the Commission and that anything in excess of \$100,000.00 will be competitively bid.

**Commissioner Tudor moved to establish \$100,000.00 as the maximum construction cost for a non-emergency project to be completed under the Emergency Repair and Maintenance Contract, as recommended by the Chief Engineer. Commissioner Lancaster seconded the motion and approval was unanimous.**

C. Patuxent Park Streetscape Project Ribbon Cutting

Mr. Elberti announced that the Ribbon Cutting for the Patuxent Park Streetscape project is scheduled for October 5, 2010 at 1:00 pm. This event is going to be a 3-hour bus tour of three projects to include the Patuxent Streetscape project that MetCom was involved in with the Department of Public Works, the Lexington Park Library project, and the Great Mills Road Streetscape project that MetCom was involved in with the State Highway Administration. Highlights of the projects will be provided to the County Commissioners during the tour by MetCom employees and others involved in each project.

**FACILITIES MANAGER'S REPORT**

A. Laboratory Services Contract Award

Mr. Sullivan announced that the existing Laboratory Service Contract is due to expire at the end of this month and was recently advertised. Ten (10) bid documents were distributed to potential vendors and we received three (3) bid submittals from vendors. Based on historical and expected quantities, the Commission could realize an annual savings of approximately \$3,000.00 by using the lowest price vendor. Staff recommends

awarding this contract to the lowest vendor, Analytical Laboratory Services of Middletown, PA, for their responsible and responsive bid submittal.

Commission Chair Werner asked who held the current contract and Mr. Sullivan responded that Microbac Laboratories. Mr. Sullivan indicated that they did provide a bid, but were not the lowest bidder. Commissioners Colonna asked if Analytical Laboratory Services was just based out of Pennsylvania but had locations in Maryland and Mr. Sullivan responded stating that they have an office in Columbia, Maryland and often utilize a lab in Waldorf for time-sensitive testing.

**Commissioner Lancaster moved that Commission accept and award the proposed Open-End Laboratory Services Contract #11-01-F to Analytical Laboratory Services, Inc. of Middletown, PA for the contract prices as submitted in the proposal dated September 15, 2010. Commissioner Tudor seconded the motion and approval was unanimous.**

#### B. Sewage Sludge Hauling and Disposal Contract Award

Mr. Sullivan announced that the existing contract for Sewage Sludge Hauling and Disposal is about to expire and was recently advertised. Seven (7) bid packages were distributed and four (4) bid submittals were received from vendors. The bids consisted of unit costs of Class B and non-Class B sludge from both the Marlay Taylor Water Reclamation Facility and Wicomico Shores Wastewater Treatment Plant. Mr. Sullivan stated that it is a fairly competitive market right now and the bids reflect lower than existing contract price. Based upon historical and estimated volumes, the Commission could realize an annual savings of approximately \$30,000.00 by using the lowest price vendor. Staff recommends awarding this contract to the lowest vendor, Anthony's Trucking, Inc. of Huntingtown, MD for their responsible and responsive bid submission.

**Commissioner Tudor moved that the Commission accept and award the proposed Open-End Sewage Sludge Hauling and Disposal Contract #11-02-F to Anthony's Trucking, Inc. of Huntingtown, MD for the contract prices as submitted in the proposal dated September 15, 2010. Commissioner Lancaster seconded the motion and approval was unanimous.**

#### EXECUTIVE SESSION

**Commissioner Tudor moved to adjourn into Executive Session at 3:37 p.m. to discuss Potential Litigation. Commissioner Lancaster seconded the motion and approval was unanimous.**

The meeting readjoined into Regular Session at 4:05 p.m.

**COMMISSIONER MEMBERS TIME**

Commissioner Lancaster indicated that he thought it was great to have a full Board again, with the addition of Paul Colonna as our newest Commissioner.

**ADJOURNMENT**

There being no further business, **Commissioner Tudor moved to adjourn at 4:06 p.m. Commissioner Lancaster seconded the motion and approval was unanimous.**

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Laura Comeau-Stanley, Corporate Secretary