

**MINUTES  
REGULAR SESSION  
ST. MARY'S COUNTY METROPOLITAN COMMISSION  
OCTOBER 28, 2010**

The meeting commenced at 9:04 a.m. at Greenwell State Park, as part of the Annual Board Retreat. In attendance were Commissioners Werner, St. Clair, Lancaster, Tudor, Colonna, and Owen; MetCom staff Meiser, Ichniowski, Cullins, Shick, Elberti, Fehn, Sullivan, and Comeau-Stanley.

**MOTION TO APPROVA AGENDA**

**Commissioner St. Clair moved to approve the Agenda as presented by staff. Commissioner Colonna seconded the motion and approval was unanimous.**

**APPROVAL OF MINUTES**

Commissioner Werner pointed out the need for a minor grammatical change on page 1 and requested that the last word in the second paragraph be changed from me to her.

**Commissioner St. Clair moved to approve Minutes of the Regular Session, dated October 14, 2010, with the noted correction. Commissioner Owen seconded the motion and approval was unanimous.**

**APPROVAL OF CONSENT AGENDA**

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

**DIRECTOR'S REPORT**

A. Legislative Update

Ms. Meiser stated that we are moving into the beginning of the preparations for the 2011 Legislative Session and as part of that, MetCom is preparing two separate initiatives, which have been combined into one proposal, which are all of the Legislative changes that we attempted to implement in 2008 that made it thought the session, but did not actually pass. Also added are the specific recommendations from the Task Force Final Report to amend provisions to Section 113. So, where specific amendments were made, those pieces of Legislation have been drafted and reviewed jointly with the County Attorney. The other recommendation of the Task Force to conduct a comprehensive review of Section 113 has not happened yet and nothing that may result as a legislative change from that process is moving forward now. It is expected that the comprehensive review will be completed this

time next year and any necessary or appropriate changes will be identified and presented for the 2012 Legislative Session.

For Boards' consideration, Ms. Meiser briefly cited the specific changes included in the package presented for the 2011 Legislative Session.

#### B. Legislative Hearing

Ms. Meiser advised the Board that the first hearing will be conducted as a joint meeting of the Board of County Commissioners as well as the Southern Maryland Delegation on November 9, 2010 at 7:00 p.m. At that time, all of the Legislative initiatives will be presented and questions will be asked. Ms. Meiser stated that she anticipates that there will be more questions at that time and anyone wishing to attend is welcome. Ms. Meiser further stated that there will be a joint presentation between the County Attorney's office and MetCom, as the County fully supports the Legislative Proposals that MetCom is making and they participated in the preparation to an extent that hasn't occurred in the past. Typically, MetCom drafted desired changes and the County has not taken a position, but given the Task Force specific recommendations for amendments to Section 113, the County has been more involved in the preparation of the Legislative Amendments being proposed in support of those recommendations.

#### C. Design and Inspection Fee Waiver

Ms. Meiser stated that in the past, requests have been received from schools, fire departments, and those types of organizations, for a waiver of review and inspection fees when they are constructing a project. MetCom has typically granted those requests. They still pay all of their normal user fees, but we waive the fees association with the review of their project and design, as well as project inspection at time of construction. In an effort to try to minimize costs for educational or public service organizations, MetCom has waived those fees and the County has taken a similar approach. Land Use and Growth Management has a specific a resolution in place to do that, but MetCom does not, although we have uniformly over the years waived review and inspection fees for those types of projects.

Most recently, St. John's School is undergoing reconstruction as a result of the damage sustained in the snow storm and has asked if we would waive inspection and review fees. In the past, such decisions have come to the Board and there have been cases where the decision has been made by the Director without the Board's involvement. Ms. Meiser stated that she wanted to bring this to the Board's attention and note that most recently, review and inspection fees were waived for Evergreen Elementary and she sees no reason why the same shouldn't be afforded for St. John's. Ms. Meiser stated that if the Board feels that it is appropriate, she would like their approval to grant such a waiver to St. John's and if this is a policy that they wish to continue, she recommends that a written policy be established to identify where, when, and how such waivers will be granted for

what types of organizations, so that we aren't reinventing the wheel each time a request is made.

Some discussion ensued about the existing resolution in place at Land Use and Growth Management and what types of organization it applies to.

Ms. Meiser indicated that a sample motion has been prepared, which accomplishes two objectives; it addresses the current request on the table to grant a waiver of fees to St. John's School and directs staff to draft a policy to address same.

**Commissioner St. Clair moved to waive the review and inspection fees association with projects and structures to be used exclusively for educational purposes; and further moved to request that Staff prepare a draft policy to address the waiver of such review and inspection fees for certain types of non-profit organizations, including structures to be used for educational purposes. Commissioner Lancaster seconded the motion and approval was unanimous.**

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

### A. Severe Weather Policy

Ms. Cullins addressed the Board and reminded them of the Severe Weather Closing Policy, which she presented last month for their review. Ms. Cullins stated that a draft motion has been prepared for the Board's consideration. Commissioner Werner sought clarification of what might be considered as an "other type of non-weather-related emergency," as noted in the first paragraph of the policy. Ms. Meiser cited a nuclear power plant incident as an example and Ms. Cullins also cited a pandemic as another example.

**Commissioner St. Clair moved that the Commission approve and adopt the Severe Weather Closing Policy as presented by the Human Resources Director, to become effective immediately; and further move that once effective, the new policy will replace all existing MetCom policies and procedures relating to closings due to certain weather or emergency conditions. Commissioner Colonna seconded the motion and approval was unanimous.**

## **FISCAL OFFICER'S REPORT**

### A. Annual Identity Theft Program Report

Ms. Shick provided details to the Board on the Annual Identity Theft Program Report, which we are required to complete annually under federal law, because we set up accounts as a utility. The purpose of the Identity Theft Program is to detect, prevent and mitigate identity theft. Ms. Shick reported that we have reviewed our program and we found no instances last year where someone has tried to set up an account using false information or

obtain information through inappropriate means. Ms. Shick stated that it appears that our program is working well, so there is no need to make any changes at this time.

#### B. MDE Loan Resolution and General Certificate

Ms. Shick detailed the draft MDE Loan Resolution for the St. Clement's Shores Well for the Board. Ms. Shick noted that MDE has not given their final blessing on this Resolution, so there is a possibility that it may change, although it's not likely because it is a carbon copy of the last one generated and approved by MDE. We hope to have their approval soon, as we have to present it before the Board of County Commissioners on November 23, 2010. Ms. Meiser confirmed that this is the Resolution that gives the Chairperson authority to sign the rest of the documents related to the loan closing. Ms. Shick added that the St. Clement's Shores well is included in the Capital Improvement Budget, the amount has gone up as a result of the problems with the Groundwater Appropriation Permit (GAP), which will prompt the need for a budget amendment for that project. Ms. Meiser provided Board members with a brief explanation of the issues relating to the GAP referenced by Ms. Shick.

**Commissioner Owen moved that Resolution 2010-04 be approved and adopted, thereby authorizing Madam Chairperson to sign the Maryland Department of the Environment loan documents for the St. Clement's Shores Well. Commissioner Tudor seconded the motion and approval was unanimous.**

#### C. DHCD Loan Reprogramming

Ms. Shick advised Board of specifics of the reallocation of the DHCD Loan, which we closed on in August in 2010. A resolution for this loan was done in November of 2009 and included 17 projects. We are now adding 11 additional projects to this loan. Ms. Shick indicated that there is no change to the amount of money we're borrowing, this reallocation simply allows us work on the projects as they are ready to be worked and pay for those projects as they are ready. Some brief discussion amongst the group and reiteration by Ms. Meiser that nothing about this reprogramming involves the incurrence of additional debt; the money was already borrowed and we are identifying additional projects for which that money can be used. Additionally, not only was this approved by this Board, but also reviewed by the Planning Commission and Board of County Commissioners. This item will also be presented to the Board of County Commissioners for approval on November 23, 2010. In closing, Ms. Shick indicated that as required, we advertised and held a public hearing yesterday and did not have anyone attend.

**Commissioner Tudor moved to approve and adopt Resolution 2010-05, authorizing the reprogramming of the proceeds from the Local Government Infrastructure Financing Bond, 2010 Series A, Department of Housing and Community Development Loan, as recommended by the Commission Staff. Commissioner Owen seconded the motion and approval was unanimous.**

## **ENGINEER'S REPORT**

### A. Emergency Repair and Maintenance Contract Award

Mr. Elberti provided Board members with details of the bid opening, which occurred on October 20, 2010, for the emergency repair and maintenance contract and noted that for this particular contract, we are selecting two contractors to provide services to water and wastewater facilities and construction projects not to exceed \$100,000.00 in construction cost. To clarify and further explain, Ms. Meiser stated that these contractors will accomplish two different sorts of work; on the emergency side whenever something breaks, we're going to go to the first one who can get it done. The scheduled maintenance for those planned items under 100,000.00, we would go to both contractors and get proposals from both of them and we would go with the contractor providing the lower price. It creates a double layer of a competitive process on the scheduled maintenance side, first to be selected as one of the two and then secondarily, providing the lowest price to accomplish the work.

**Commissioner St. Clair moved to approve and accept the bids dated October 20, 2010 from Great Mills Trading Post Co., Inc. of Great Mills, Maryland, for \$20,910.00; and Shummer, Inc. of Mayo, Maryland, for \$22,460.00, for the Emergency Repair and Maintenance Contract #11-03-C, as recommended by the Chief Engineer. Commissioner Tudor seconded the motion and approval was unanimous.**

### B. Great Mills Water Line Extension

Mr. Elberti advised Board members that Rustler Construction, Inc. was the lowest bidder at the recent bid opening for the Great Mills Water Main Extension as part of the Lexington Park Improvements. Mr. Elberti noted that we are currently working with Rustler Construction as part of the Great Mills Streetscape project.

**Commissioner Owen moved to approve and accept the bid dated October 27, 2010, from Rustler Construction, Inc. of Upper Marlboro, Maryland, for \$181,329.00, for the Great Mills Water Main Extension, Contract #8-34BW, as recommended by the Chief Engineer. Commissioner Colonna seconded the motion and approval was unanimous.**

### C. Professional Engineering Services – Water Meter Reading Equipment Contract Document Preparation

Mr. Elberti provided Board members with details surrounding the professional engineering services related to the preparation of contract documents and installation of the Neptune automatic meter reading equipment for the meter reading project. Some discussion ensued on the timing and scope of the project. Mr. Ichniowski indicated that this is the first phase of the project and noted that once we reach the construction phase of the effort, we have a substantial Grant from MDE to help fund the project. Additional discussion on the ability

to capture a reading each month for each customer, instead of the quarterly reads we perform now, which will benefit our customers.

**Commissioner St. Clair moved to approve to approve and accept the bid dated October 15, 2010, from Whitman, Requardt & Associates, for \$85,058.20, for Professional Engineering Services required to prepare contract documents for the Automatic Water Meter Reading equipment, Contract #WO1112, as recommended by the Chief Engineer. Commissioner Colonna seconded the motion and approval was unanimous.**

## **FACILITIES MANAGER'S REPORT**

### A. Sanitary Sewer Leak in St. Mary's City

Mr. Sullivan provided a report to the Board that on October 18, 2010 at approximately 10:30 a.m., our maintenance discovered a break in the force main pipe approximately 25 feet from the St. Mary's City Wastewater Pumping Station. The break occurred on the top of a 10-inch cast iron pipe of what appears to be a blister in the casting of that pipe. Staff reports that approximately 10-feet of the pipe was exposed during excavation and based upon the exposed area, the pipe appeared to be in good condition. In reviewing the station flow meter and SCADA records it appears that the break occurred at approximately 3:00 p.m. the previous day, October 17, 2010 and approximately 45,000 – 50,000 gallons of wastewater overflowed from the break. Upon discovering the break, staff immediately shut off the station pumps, which stopped the flow of wastewater and used vacuum trucks to pump the wastewater from the station temporarily while the pipe was repaired. Following MDE guidelines, our staff contacted the St. Mary's County Health Department, MDE and notified on-site staff at St. Mary's College of the incident. Since this overflow affected tidal recreational waters, staff followed the direction of the St. Mary's County Health Department and posted the signs in the affected area warning of no water contact. We distributed a public notification announcement to the St. Mary's County Public Information Office, St. Mary's College and local media, as well as posting an announcement on our website. Staff also followed the direction of St. Mary's County Health Department and sampling the affected area for a specific type of bacteria. The sample was analyzed by our contract laboratory and required a lengthy incubation period. Mr. Sullivan announced that written confirmation of the test results were received at 7:30 p.m. yesterday and the advisory was lifted this morning by the Health Department.

Mr. Sullivan advised that in follow up, staff is researching the feasibility of installing a flow meter in the pipeline further up along Mattapany Road and then using telemetry in SCADA to compare it with the flow meter at the station, which would then send an alarm if the two signals don't match or are incompatible, which would indicate a pipe break. Other industry technology is also being investigated that could lead us to find the source of a pipe break sooner than staff finding it by pounding the ground.

Extensive discussion ensued amongst the group regarding the types of meters being used and explanations provided by Mr. Sullivan on systems and flow meters in use.

Ms. Meiser indicated that in areas under water and in wetlands where a leak or break occurs, we can't tell that the ground is wet, as we would in areas not under water. So, the only way for it to be detected is when it is a complete or comprehensive break, at which time the SCADA detection and monitoring equipment would indicate a catastrophic problem exists. In the handful of places where we have pipe in wet areas, this additional flow meter described by Mr. Sullivan or some other industry technologies could be used to earlier detect such a problem where the ground is already wet. Additional discussion ensued on varying technology and associated costs.

#### B. Customer Satisfaction Report

Mr. Sullivan advised the Board that we recently received a letter from a customer. The customer's primary residence is in Virginia; however they have a weekend home in St. Clements Shores. Mr. Sullivan read the letter in its entirety to the Board members. It reads as follows:

*To whom it may concern: We are writing this note because we feel other should know that on rare occasions it is possible to run across caring and exceptional people. When we arrived Friday evening after the fifteen inches of rain, we noticed that the soil around the septic grinder had sunk. Saturday morning after showers, the sink hold was filling with water, which prompted our call to MetCom. Much to our relief, the lady said she would be there in about 40 minutes, and she was indeed there within that time frame.*

*Sandy Harris (actually Norris) and Thomas Summerville (actually Somerville) determined that there was a problem and contacted the supervisor, Russell Gibson, who said the saturated heavy soil, had sheared off the exit line from the grinder and would have to be dug up. Rather than sending us back to Northern Virginia, they volunteered to make repairs so we could enjoy our weekend. Without hesitation they started digging in the slop and mud to expose the break, Mr. Gibson went for parts and they dug and fixed the line.*

*We are pleased that these three individuals put our pleasure above their own discomfort on a cool Saturday morning. We are sure it was above and beyond their required normal Saturday duties.*

The customer names were withheld at the time of the reading by Mr. Sullivan. Mr. Sullivan went on to indicate to the Board members that this letter was not atypical of letters that we have received. The three employees listed in the letter have had their names submitted for the Way-To-Go program for the next quarter.

Commissioner Tudor asked if there was a way to post this letter to our website, so that the general public can see it and our employees can be acknowledged, as usually much of what is available to the public and in media tends to be negative. Discussion ensued and staff

agreed to work to establish a link on the website to allow letters like this to be available for public viewing.

### **SPECIAL ANNOUNCEMENT**

Ms. Meiser delivered sad news to our Board, indicating that Joe Bolt, one of our most dedicated staff members and a 20-year employee, passed away this past Saturday morning. He suffered from a stroke some weeks back and died as a result of complications of his stroke. Ms. Meiser noted that this is a huge loss to the Commission and indicated that anyone who may have visited our administrative offices this week would have seen his truck draped in black, along with our front entry doors. His Funeral Services will take place this Saturday at Park Hall True Holiness Church on Park Hall Road at 10:00 a.m. Ms. Meiser asked if our Board members would keep Joe's family in their thoughts and prayers. Ms. Meiser added that he was a bright and shining face every day and an all-around good guy. Mr. Ichniowski commented that Joe had one of the tougher jobs; when folks were delinquent in their payments, he was the one who had to turn their water off. Even in recent hospital visits, he mentioned how tough it was to have to go to someone's home to turn off their water. In closing, Mr. Ichniowski stated that he will be missed.

### **EXECUTIVE SESSION**

**Commissioner Tudor moved to adjourn into Executive Session at 10:02 p.m. to discuss Potential Litigation and Personnel Matters. Commissioner Owen seconded the motion and approval was unanimous.**

The meeting readjourned into Regular Session at 10:31 a.m.

**Commissioner Tudor moved to approve Minutes of the Executive Session, dated September 23, 2010. Commissioner Lancaster seconded the motion. Commissioner St. Clair abstained and all others voted in favor of approval; motion carries.**

**Commissioner Owen moved to approve Minutes of the Executive Session, dated October 14, 2010. Commissioner Tudor amended the motion to include corrections noted in today's Executive Session. Commissioner St. Clair seconded the motion and approval was unanimous.**

### **ADJOURNMENT**

There being no further business, **Commissioner St. Clair moved to adjourn at 10:35 a.m. Commissioner Owen seconded the motion and approval was unanimous.**