

**MINUTES
REGULAR SESSION
ST. MARY'S COUNTY METROPOLITAN COMMISSION
NOVEMBER 18, 2010**

The meeting commenced at 3:00 a.m. In attendance were Commissioners Werner, St. Clair, Lancaster, Colonna, Hanson, and Oliver (On behalf of Captain Stephen Schmeiser, Commanding Officer, NAS Patuxent River); MetCom staff Ichniowski, Cullins, Elberti, Fehn, Sullivan, Edwards, and Comeau-Stanley.

MOTION TO APPROVA AGENDA

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

APPROVAL OF MINUTES

Commissioner St. Clair moved to approve Minutes of the Regular Session, dated October 28, 2010. Commissioner Colonna seconded the motion and approval was unanimous.

APPROVAL OF CONSENT AGENDA

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

DIRECTOR'S REPORT

A. 2011 Legislative Hearing Update

Mr. Ichniowski addressed the Board members in Ms. Meiser's absence, advising them that the 2011 Legislative Hearing was held between the Board of County Commissioners and our Legislative Delegation to go over proposed legislation for the upcoming year. Mr. Ichniowski thanked everyone who attended the meeting. There were two proposals that affect MetCom. The first was a proposal to include MetCom under the County's Ethics Ordinance. There is no requirement now for our staff to be governed by that, however our Board Members are specifically governed by the County's Ethics Ordinance. Recently, a report created by outside legal counsel indicates that we are more than likely governed by the State Ethics Regulations, but the legislators have proposed that the law be changed to bring all employees of MetCom under the County's Ethics Ordinance.

The second item changes Chapter 113, which is our governing code. Back in 2008, Legislative changes were proposed, which included minor content changes and grammatical corrections to Chapter 113. However, those changes were not approved. The

changes now proposed for the 2011 Legislative cycle include those items, as well as those Chapter 113 changes, as recommended by the Task Force in their Final report. These proposed changes were considered and prepared as a collaborative effort between MetCom and the County Attorney's office. Mr. Ichniowski noted that the requested changes were previously provided to the Board members for their review.

Mr. Ichniowski announced that there will be a public forum, conducted by the new Board of County Commissioners on Tuesday, December 7, 2010 at 6:30 p.m. in the Chesapeake Building meeting room. Mr. Ichniowski encouraged all to attend. A notice of that meeting is included in Board member binders. The first item involves proposed changes to the local building code regarding a new requirement that fire sprinklers be included in all single family homes receiving public water service. The Board is seeking comments from the public on that issue. The new Board is also seeking comments from the public on recommendations 10, 11 & 14 of the Metropolitan Commission Task Force Final Report. Mr. Ichniowski stated the specific details of each of those recommendations for the Board members.

Mr. Ichniowski offered further details relating to the County's Ethics Ordinance and cited that there are other organizations that have a similar problem, in that they are quasi-governmental agencies that are neither State nor County, and have adopted their own Ethics Requirements and Standards, which their employees abide by. Mr. Ichniowski indicated that the Board of Education is one such entity and stated that staff would like to propose a policy for Ethics Standards for MetCom that the Board would adopt. If Board is in agreement, a draft policy would be created and presented for the Boards consideration in the coming weeks. If necessary, a special meeting could be conducted to review and comment on the draft. Board members concurred that they would like staff to prepare a draft policy for Ethics Standards and all would be willing to participate in a special meeting to discuss as early as the first week of December.

B. BOCC Meeting 11/23/10 – DHCD 2010 Loan Reallocation & MDE WQFA Loan

Mr. Ichniowski announced that there is a County Commissioner meeting scheduled for next Tuesday, November 23, at which time Ms. Meiser and Ms. Shick will be presenting the Resolution for approval of the DHCD 2010 Loan Reallocation. Originally, we were to present that item as well as the Resolution approving the MDE Water Quality Finance Administration (WQFA) Loan, however the County Commissioner have asked that we continue the MDE WQFA Loan Resolution until December 7, 2010, when the new Board is in place. Mr. Ichniowski thought that it would be best that the new Board, rather than the sitting Board, take this for action. The Agenda has not yet been published for either meeting, but once available, staff will alert MetCom Board. Mr. Ichniowski encouraged Board members to attend if their schedules permit and noted that there will be some time allocated at this meeting to bid thanks and farewell to the outgoing Commissioners.

HUMAN RESOURCES DIRECTOR'S REPORT

A. Dress Code Policy

Ms. Cullins referred Board members to the draft dress code policy, which is located in their binders. Ms. Cullins stated that due to the significant number of changes to this policy, it was far easier to create a new document for the Board's consideration, rather than mark up the existing policy. Ms. Cullins indicated that the intent of this policy is to set forth guidelines for dress and also tighten up our casual Friday attire to make it more professional. Ms. Cullins asked that Board members review this policy, as staff plans to present it for approval at the next meeting.

B. Uniform Policy

Ms. Cullins noted the three minor changes to the Uniform policy, which include a change to Section III, start up fee for uniform purchases; Section IV, purchase of lightweight jackets for inspectors every other year; Section VII, new OSHA Standards update for Safety Shoes, specifically to reflect the latest ASTM standards for crush resistance. Ms. Cullins asked that Board members review this policy, as staff plans to present it for approval at the next meeting.

FISCAL OFFICER'S REPORT

A. FY 2011 Capital Improvement Budget Amendment

Mr. Ichniowski presented the capital improvement budget amendment to the Board, indicating that it is to add funding to the St. Clements Shores project. Primarily, the additional funds will be used to replace old wells at the site, add a small wall around a gas storage facility, and to cover the costs associated with the delay in the permitting process through the Maryland Department of the Environment. Mr. Ichniowski provided the details of the delays for the Board.

Commissioner St. Clair Owen moved to amend the FY 2011 Capital Improvement Budget, as recommended by the Commission's Chief Financial Officer, to reallocate \$90,000.00 from the Water Contingencies line item to provide an additional \$90,000.00 for the completion of the St. Clements Shores Well project. This budget amendment does not change the total budget amount in the FY11-FY16 Capital Improvement Budget. Commissioner Colonna seconded the motion and approval was unanimous.

B. FY 2011 Operating Budget Amendment

Mr. Ichniowski presented the operating budget amendment to the Board, which will add funding to the miscellaneous consultant line item. The proposed increase is to change the current budget amount from \$2,325.00 to \$8,825.00. Mr. Ichniowski stated that \$3,000.00

will be used to fund a study performed by the singer group, which analyzed the executive positions, as a result of the Task Force recommendations. Additionally, \$3,500.00 will be used to provide funding for a draft employee handbook, which will pull together a number of policies and place them in one document. Lastly, this amendment will allow us to move funds within the Capital Equipment and Expenditures budget to allow for construction of a fence at the Airedele Road Wastewater Treatment Facility.

Commissioner Hanson moved to amend the FY 2011 Operating Budget, as recommended by the Commission's Chief Financial Officer, to re-allocate:

- (1) \$3,500.00 from the General & Administrative – Contractual Labor line item; and**
 - (2) \$3,000.00 from the Casual Labor line item**
- to offset the \$6,500.00 additional expenses incurred on the Miscellaneous Consultants line item.**

Further move to re-allocate \$5,300.00 from the Replacement Truck #550 line item to provide \$5,300.00 of funding for a fence at the Airedele Road Wastewater Treatment Plant. This Budget amendment has no effect on the Net Income from Service Charges. Commissioner St. Clair seconded the motion and approval was unanimous.

ENGINEER'S REPORT

A. Marlay-Taylor Co-Gen Project Testing

Mr. Elberti provided Board with an update on the Marlay-Taylor Co-Gen Project, indicating that the project is wrapping up. To date we have paid 84% to the contractor Whiting-Turner and 90% to the engineer Dewberry & Davis. Mr. Elberti explained that there is some testing down at the plant and it is expected that testing will be complete by mid-December. Mr. Elberti stated that the critical path is the very detailed testing of the methane gas, prior to turning over the engine. A sample of the gas is taken and sent to the lab to ensure that we have achieved the minimum and maximum levels before the engines can be turned over. Mr. Elberti provided additional details of the testing.

Mr. Ichniowski sought Board member input on conducting a ribbon cutting once we finish the project and have completed testing. Board members agreed that this is an important project and that there should be a ceremony to mark the occasion. It was agreed that we wait until after March, when the weather is slightly better.

Mr. Elberti made mention to the Board that MetCom worked with St. Mary's Recreation and Parks to help with the Piney Point Lighthouse Rehabilitation this summer. There was an old, non-working grinder pump at the facility and a total of seventy-three (73.0) man-hours were donated to provide a new grinder pump, which created working restroom

facilities at the site. Mr. Elberti announced that a materials totaling \$9,000.00 were donated for this effort.

FACILITIES MANAGER'S REPORT

A. Electrical Services Contract Award

Mr. Sullivan provided Board with details of the indefinite delivery contract for electrical services. The existing contract term is expiring and was rebid earlier this month. The various electrical repair and upgrade requires a licensed electrician and an electrician's helper. Eleven bid documents were distributed for this contract and five bids were received. The Commission will realize a considerable cost savings as a result of the very competitive bid response. Staff recommends the contract be awarded to the lowest price bidder, Ryce Electric, LLC of Mechanicsville, MD. It was noted by Commission Chairperson Werner that all of the bids received were lower than the current pricing for these services.

Commissioner Colonna moved that the Commission accept and award the proposed Open-End Contract #11-04-F, for Electrical Services, to Ryce Electric, LLC of Mechanicsville, Maryland for the contract prices as submitted in the proposal dated November 3, 2010. Commissioner St. Clair seconded the motion and approval was unanimous.

B. 150 lb. Chlorine Gas Cylinders Contract Award

Mr. Sullivan announced that the existing contract is also expiring and was bid earlier this month. These chlorine gas cylinders are used at the Marlay-Taylor Reclamation Facility to disinfect the treated effluent from the facility prior to discharge. Five bid documents were distributed for this contract and three bids were received. Mr. Sullivan noted that these bids were rather competitive and based on existing costs and chlorine use, a savings of approximately \$2,000.00 will be realized. Staff recommends awarding this contract to the lowest price bidder, JCI Jones Chemicals, Inc. of Milford, Virginia.

Commissioner Lancaster moved that the Commission accept and award the proposed Open-End Contract #11-06-F, for 150-lb. Gas Chlorine Cylinders, to JCI Jones Chemicals, Inc of Milford, Virginia for the contract prices as submitted in the proposal dated October 27, 2010. Commissioner Hanson seconded the motion and approval was unanimous.

C. Water Tank Inspections Contract Award

Mr. Sullivan advised the Board that this is a new contract for services that we use frequently or on an annual basis and plan to use more in the future, as we develop a more comprehensive inspection program for all of the water tanks. This is an indefinite quantity services to inspect the structural condition of the water tanks, as well as provide

recommendations for tank repairs, painting, and inspection of work completed by painting companies at the time of the completion of the painting, as well as one year after the painting. The quantity of inspections will vary annually based on the quantity and type of tanks to be inspected. Mr. Sullivan stated that ground based tanks and non-pressurized tanks are less expensive to inspect than those that are elevated or pressurized. Twelve bid packages were distributed for this contract and five bids were received. Staff recommends awarding this contract to the lowest price bidder, Dixon Engineering, Inc. of Medina, Ohio. Mr. Sullivan fielded questions from Commissioner St. Clair regarding the price proposals and future costs associated with the development of this comprehensive inspection program.

Commissioner St. Clair moved that the Commission accept and award the proposed Open-End Contract #111-07-F, for Water Tank Inspection Services, to Dixon Engineering, Inc. of Medina, Ohio for the contract prices as submitted in the proposal dated November 1, 2010. Commissioner Lancaster seconded the motion and approval was unanimous.

D. Marlay-Taylor Electric/Generator Failure

Mr. Sullivan updated the Board on the November 18 incident at the Marlay-Taylor Reclamation Facility. At approximately 2:45 p.m., electrical power was interrupted at the facility and the rental generator, which provides emergency power to approximately half of the facility, failed to remain running, resulting in a loss of power to the effluent pumping station and the chlorination systems. Power was restored at approximately 4:00 p.m. by SMECO, however during the time of the outage the facility effluent, which was treated but not chlorinated, discharged via gravity through the facility bypass at Pine Hill Run. Following MDE guidelines and regulations, MDE and the St. Mary's County Health Department, Environmental Division were notified and public notification was made by local media outlets, locally through the St. Mary's County Code Red Telephone Messaging System and via postings near the affected waterways. Following Health Department's Direction, the postings are scheduled to be removed tomorrow. Since this incident occurred, the rental generator that failed was tested several times and failed to produce power intermittently. Several times it worked properly and several times it didn't. At our request, the generator rental company has replaced the generator and the replacement generator has worked every time it has been tested. In an effort to avoid future occurrences such as this, staff is evaluating the existing generator maintenance and testing program and will recommend improvements. At Commissioner Tudor's request, Mr. Sullivan forwarded our existing generator testing and maintenance procedure to Board members and asked that any questions regarding same be directed to him at any time by email.

E. St. Mary's College Sanitary Sewer Leak Update

Mr. Sullivan announced that at the direction of the St. Mary's County Health Department, the postings of the area surrounding Fisherman's Creek were removed on November 5.

Staff is obtaining pricing on installing a remote flow meter in the force main adjacent to Mattapany Road, which will allow us to provide flow comparisons as a means of leak detection, as advised at the last Commission meeting. Mr. Sullivan indicated that staff will provide data and pricing to Board in the near future.

EXECUTIVE SESSION

Commissioner St. Clair moved to adjourn into Executive Session at 3:40 p.m. to discuss Personnel Matters and Contract Negotiations. Commissioner Colonna seconded the motion and approval was unanimous.

The meeting readjourned into Regular Session at 4:23 a.m.

Commissioner Lancaster moved to approve Minutes of the Executive Session, dated October 28, 2010. Commissioner St. Clair seconded the motion and all in favor except Commissioner Hanson, who abstained from voting.

COMMISSION MEMBER'S TIME

Commissioner St. Clair applauded staff for ensuring that our field personnel and service workers are wearing uniforms that clearly identify them as MetCom personnel, in the wake of heightened security and concerns amongst senior citizens about those making visits to homes and residential areas. Mr. Ichniowski believes that it goes a long way in the eyes of the public, in terms of being identified. Ms. Cullins indicated that it has been our policy for quite some time that our field personnel must wear uniforms displaying their names and cannot participate in casual Friday's, as those working in the main administrative building do. Mr. Ichniowski reiterated the other steps that we take as part of the public hearing process, which include introductions of Project Managers and Inspectors to the residents and community members in attendance. Mr. Ichniowski indicated that this allows everyone to learn about the work to be performed and become familiar with the faces that they will see in the course of that work.

Commissioner St. Clair wished everyone a very happy and safe Thanksgiving.

ADJOURNMENT

There being no further business, **Commissioner St. Clair moved to adjourn at 4:28 p.m. Commissioner Colonna seconded the motion and approval was unanimous.**