

**MINUTES
REGULAR MEETING
ST. MARY'S COUNTY METROPOLITAN COMMISSION
AUGUST 19, 2009**

The meeting commenced at 1:12 p.m. In attendance were Commissioners Werner, Lancaster, St. Clair, Tudor and Hanson; staff members Meiser, Ichniowski, Frederick, Schick, Sullivan and Bryan. Also in attendance were Ms. Jo Ann Coombs, and Ms. Barbara Svenson.

MOTION TO APPROVE AGENDA

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

APPROVAL OF MINUTES

Commissioner Lancaster moved to approve Minutes of Regular Session dated July 09, 2009, Commissioner Hanson seconded the motion and approval was unanimous.

MS. COOMBS PRESENTATION

Ms. Coombs presented her case as primarily outlined in her letter dated June 26, 2009, in which she requests a deferral for the connection of her property to the newly constructed water line within Chancellors Run Road. A copy is attached to the Minutes.

Ms. Meiser clarified Ms. Coombs' questions relating to MetCom's various charges, and reiterated her remarks contained in correspondence to Senator Dyson dated July 28, 2009, stating that: (1) the charge for which Ms. Coombs has recently been billed is the System Improvement Charge, (2) Ms. Coombs is not being billed for any Water Service Charges because her property is not currently connected to the new water line, and (3) that Ms. Coombs was anticipating assessment of the System Improvement Charge.

In conclusion, and at her request, Ms. Coombs was provided with a complete copy of the MetCom Code, at which point she left the meeting.

EXECUTIVE SESSION

Commissioner St. Clair moved to adjourn into Executive Session at 1:27 p.m. to discuss personnel action and potential litigation. Commissioner Lancaster seconded the motion and approval was unanimous.

The meeting readjoined into Regular Session at 1:39 p.m.

Commissioner Lancaster moved to approve Minutes of Executive Session dated July 09, 2009. Commissioner Hanson seconded the motion and approval was unanimous.

CONTINUING BUSINESS

A. Procurement Policy

Ms. Meiser reviewed highlighted sections on Pgs. 5 and 6, of the proposed addition of a piggy back clause to the Procurement Policy. She noted that the only significant change since her review at the July meeting is on Pg. 6, subsection 3(b) and 3(c), which incorporates the threshold for the permissible use of piggy backing.

Ms. Meiser further detailed the following changes which primarily increases threshold amounts:

- (a) Pg. 1, 001 .1 .a section 001 .1(a) from \$100-\$200;*
- (b) Pg. 2, subsections .b and .c relating to training requirement;*
- (c) Pg. 2 .d (1) increase amount from \$100.01 to \$200.01;*
- (d) piggy backing provisions on Pgs. 5 and 6,*
- (e) Pg. 7 002 .1 a further change to incorporate the fact that there is a new department head, Director of IT, and*
- (f) Pg. 7 002 .4 relating to overnight travel*

Following a brief discussion, **Commissioner Hanson moved to approve amendments to the Procurement Policy as discussed, and further moved that the said amendments become effective September 1, 2009. Commissioner Tudor seconded the motion and approval was unanimous.**

B. Engineering Fee Schedule

Ms. Meiser referred to additional information relating to this issue contained within documents entitled “*General Notes Regarding Engineering Review Fees*”, and “*Engineering Review and Inspection Fees Budgetary Impact Analysis*”, copies of which are attached to the Minutes.

Following further discussion **Commissioner Lancaster moved to authorize Commission staff to proceed with a Public Hearing on the proposed amendments to the Engineering Fee Schedule as discussed, with the understanding that upon**

completion of the Public Hearing, this Commission will have the opportunity to consider public input prior to final approval and adoption of any modifications to the Fee Schedule by this Board. Commissioner Hanson seconded the motion and approval was unanimous.

C. Water Restriction Policy Amendment

Mr. Sullivan detailed the proposed Amendment, and requested Board approval for proposed changes to the Water Use Restrictions Policy as previously reviewed by them.

Commissioner Hanson so moved. Commissioner Tudor seconded the motion and approval was unanimous.

D. Coombs Deferral

Ms. Meiser reviewed at length staff's best analysis of the timeline on the Coombs issue; a copy of which is attached to the Minutes.

During the discussion phase, Commissioner St. Clair requested that Mr. Frederick provide Ms. Coombs with a letter detailing his recent meeting with her. His correspondence should include the issue of the retaining wall, and offer both staff's conclusion, and her available options relating to Lot 1. At this point, Commissioner Tudor suggested that a definite distinction should be made between the original issue of deferral, and the on-site issue.

In conclusion, Mr. Ichniowski offered to meet personally with Ms. Coombs. Commissioner St. Clair noted his interest in attending such a meeting. Ms. Meiser assured the Board that Ms. Coombs would also be provided with a copy of Mr. Frederick's proposed letter to State Highway Administration relating to the onsite issues.

CHIEF FINANCIAL OFFICER'S REPORT

A. Standard Report

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

B. FY10 Capital Improvement and Operating Budget Amendments

Ms. Shick reviewed her Memoranda, both dated July 30th, 2009, in which she justified her request for the following Amendments to the FY10 Operating and Capital Improvement Budgets:

(A) Commissioner St. Clair moved to amend the FY2010 Operating Budget, as recommended by the Commission's Chief Financial Officer, to re-allocate:

- (1) \$850 from the line item to provide for solar back-up power for the wastewater lift stations to Wildewood #3, Kingston and Lexington Park;**

to offset the following expense:

- (1) \$850 to transport the crane purchased for Marlay-Taylor Wastewater Treatment Plant.**

This budget amendment has no effect on net income from service charges. Commissioner Hanson seconded the motion and approval was unanimous.

(B) Commissioner St. Clair moved to amend the FY2010 Capital Improvement Budget, as recommended by the Commission's Chief Financial Officer, to reallocate:

- (1) \$130,000 from Water Contingencies;**
- (2) \$30,000 from Sewer Contingencies; and**
- (3) \$50,100 from the line item to purchase a standby generator**

to offset the following expenses:

- (1) \$60,000 for design of Phase 2 of the Patuxent Park Water & Sewer projects;**
- (2) \$100,000 for design of FDR water lines; and**
- (3) \$50,100.00 to purchase a Hydropneumatic Tank for the Fenwick Manor Water Station.**

This budget amendment does not change the total for \$FY10 projects. Commissioner Hanson seconded the motion and approval was unanimous.

ENGINEER'S REPORT

A. Standard Report

Commissioner St. Clair moved to waive oral presentation by the Chief Engineer and to accept the routine monthly engineering report as submitted and reviewed by this Commission. Commissioner Hanson seconded the motion and approval was unanimous.

B. Co-Generation Contract Amendment and Update

Mr. Frederick requested approval to accept the cost plus fixed fee proposal dated June 17, 2009, submitted by Dewberry and Davis, in the amount of \$155,691.00, for additional design support, survey, construction documents and construction support for the Anaerobic Digester Improvements and Digester Gas Cogeneration Project #8091SF.

Commissioner St. Clair so moved. Commissioner Hanson seconded the motion and approval was unanimous.

CHIEF, FACILITIES & OPERATIONS MANAGER'S REPORT

A. Award, Wicomico Shores Water Tower Painting/Inspection Contracts

Mr. Sullivan reviewed the Purchasing Agent's Memorandum dated August 13, 2009 relating to, (1) Contract #10-01-F, Water Tower Painting; and (2) Contract #10-02-F Painting Inspection Service and requested approval for awards.

(1) Commissioner Tudor moved that the Commission accept the proposal from Southern Corrosion, Inc. dated August 11, 2009 to prepare and paint the Wicomico Shores Water Tower for a total project cost of \$65,590.00. Commissioner Hanson seconded the motion and approval was unanimous.

(2) Commissioner Tudor moved that the Commission accept the proposal from Mumford-Bjorkman Associates dated August 11, 2009, to provide inspection services for the Wicomico Shores Water Tower Painting Contract for the costs as noted on the proposal. Commissioner Hanson seconded the motion and approval was unanimous.

DIRECTOR'S REPORT

A. Task Force Facilitator Proposal

Ms. Meiser briefly reviewed a draft Proposal entitled "*Facilitation and Research Services for Legislative Task Force*" from the Facilitator, University of Maryland, Institute for Governmental Service and Research; a copy of which is attached to the Minutes. She noted an initial proposed amount of \$35,631 which is intended to be shared equally between the Board of County Commissioners (BOCC) and MetCom at this point. The Facilitator has indicated the possibility of some incorrect assumptions in the interim, which would assume that that this is not a finalized document. Staff is currently in the process of drafting a Memorandum Of Understanding with the County and, as it currently stands, the contract would be awarded by the County with MetCom reimbursing them for its share of the Facilitator effort.

The initial meeting of the Task Force will be held on Wednesday, August 26th, at the Chesapeake Building, Leonardtown. Staff is currently compiling information to be provided to the Task Force, which she and the County Administrator will review. Commissioner St. Clair questioned at this point whether arrangements have been made for the meetings to be videotaped as requested by Commissioner Mattingly. Ms. Meiser noted that she believes this will be the case, although it was unclear at the joint meeting held with the BOCC. However, if it is the consensus of this Board that it would prefer it televised as a matter of course, then she will express that on their behalf. The Board so agreed.

In conclusion, and in response to a question from Commissioner St. Clair, Ms. Meiser replied that there is nothing specifically delineated within the proposal submitted by the University of Maryland as to the substance of Task Force discussions. On the contrary, the Task Force will determine this in given areas.

B. Emergency Calls Update

Ms. Meiser reported that staff was contacted by the Emergency Management System for the County, which fields MetCom's after-hours calls, requesting that the Commission review accepting responsibility for handling some of these calls. She noted that when the Commission's new telephone system becomes fully operational; it will have the ability to do so.

C. First Roundtable Discussion

The initial roundtable discussion for the developer community was attended by six people, and concluded with a casual but effective exchange of information. The second such meeting will be held with the Engineering community on Wednesday, September 2nd.

D. BOCC Joint Meeting Follow-up

Ms. Meiser reported some positive feedback following the joint meeting, which will be followed up with a meeting relating specifically to privatization of the Navy.

ASSISTANT DIRECTOR'S REPORT

A. Local Government Insurance Trust (LGIT) Annual Insurance Renewal Premiums

Mr. Ichniowski briefly reviewed LGIT's Annual Insurance Renewal rates, and was pleased to report a small reduction from 2008 as a result of staff's efforts.

B. Retreat Concept

Mr. Ichniowski requested the Board's opinion regarding holding a further Retreat this year and, if so, any proposed items they wish to discuss. Board members suggested the following: (1) Co-generator Project; (2) Current & Future Problems (3) Total Maximum Daily Loads (4) Nutrient Trading (5) Water Conservation Programs. Staff will draft a proposed Agenda for presentation at the September meeting.

CHIEF FINANCIAL OFFICER'S REPORT

Ms. Shick requested that the Board inform her if they would prefer a change in format of her standard report to ensure that they are receiving all of the information they require. Commissioner St. Clair suggested that it would be helpful if it could be reviewed in detail on a quarterly basis.

C. CY09 4th Quarter Financial Statement

During her review of the unaudited 4th Quarter Financial Statements for 2009, Ms. Shick noted that the Water and Sewer divisions had a very good year; the Engineering Department had an improved result and that, overall, MetCom is in a very good position. A copy of the document is attached to the Minutes.

Commissioner St. Clair left the meeting at this point.

ENGINEER'S REPORT

C. ENR Upgrade

Mr. Frederick reported that evaluation of the clarifiers was discussed during a second Progress Meeting held last Tuesday afternoon, and noted that further investigation will be made into the degree of deterioration on two of them.

Also discussed was an analysis and proposal for odor control at the Marlay-Taylor WRF, which is being prepared by a Consultant. A previous study undertaken by RK&K at the time of the sludge upgrade, confirms some of that data.

Design of Schreiber to the Bardenpho four-step process is being initiated. The Design Engineer will attend the meeting next month, where a determination will be made on what different configuration will be utilized.

Construction Permit for the Co-Generation Project has been received from MDE. However, local permits are still required. The project is on schedule to go out for bid, and is currently being advertised.

CHIEF, FACILITIES & OPERATIONS MANAGER'S REPORT

A. Standard Report

Mr. Sullivan briefly reviewed a Standard Report which he proposes to present at each Board meeting. A copy is attached to the Minutes.

B. Chopticon High School Treatment Facility

The new treatment portion of the facility has been completed, and the Memorandum Of Agreement for operating it has been approved by the Board of Education. It is anticipated that the Commission will take over and operate the facility; initially, in conjunction with the public school's facility staff, within the next two weeks.

E. Broderson Carry Deck Crane

Mr. Sullivan reviewed its purpose and reported that this budgeted, specialty item for use at the Marlay-Taylor WRF, was successfully purchased from Georgia.

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F. Household Informational Flyer

Mr. Sullivan briefly reviewed a brochure entitled "*Proper Disposal of Household Liquid Waste*", which will be distributed to all of MetCom's customers. A copy is attached to the Minutes.

ADJOURNMENT

There being no further business, **Commissioner Lancaster moved to adjourn at 3:50 p.m. Commissioner Hanson seconded the motion and approval was unanimous.**

Lilian J. Bryan, Secretary

D. Coombs Deferral

