

**MINUTES
REGULAR SESSSION
ST. MARY'S COUNTY METROPOLITAN COMMISSION
DECEMBER 10, 2009**

The meeting commenced at 3:03 p.m. In attendance were Commissioners Werner, St. Clair, Barthelme, Tudor, Owen and Hanson; MetCom staff Meiser, Ichniowski, Frederick, Shick, Cullins, Sullivan and Bryan. Also in attendance were BOCC Daniel H. Raley, Ms. Jo Ann Coombs, Ms. Carol Ann Coombs, Ms. Debbie Graham, Mr. Henry Camaioni, Ms. Lisa Brown and Guy Leonard of the County Times.

MOTION TO APPROVE AGENDA

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

LENGTH OF SERVICE AWARDS

Commissioner Werner presented the following staff members with Length of Service Awards - Marshall Fenwick, 30 years; Danny Goode, 30 years; Lilian Bryan, 25 years and Bobby Moore 15 years.

In addition, Recognition of Retirement Certificates was awarded to Danny Goode, Lilian Bryan, and Jim Young.

BOARD PRESENTATIONS

A. Ms. Jo Ann Coombs

Ms. Coombs reiterated her concerns relating to the retaining wall and MetCom's requirement to connect to the public water system. These were discussed at length at the October 8th, 2009, Regular Board meeting and are detailed within Minutes of that date. She suggested that a 6-month deferral to connect to the water system is an insignificant amount of time, and requested that further consideration be given to her case.

Ms. Meiser stated that MetCom was neither consulted nor informed prior to placement of the wall, and that the Commission did not participate in any negotiations that occurred between State Highway Administration (SHA) and Ms. Coombs. She added that relocation of either the wall or waterline is necessary, and that SHA has determined that it would be more economically feasible to relocate the wall. However, Ms Coombs remains dissatisfied with the proposed relocation. Commissioner Tudor noted at this point that MetCom does not appear to shoulder any liability as it did not cause, or compound the problem.

Following his remarks, Ms. Carol Ann Coombs and Ms. Graham supported Ms. Coombs statements relating to the Commission's unjustifiable requirement to connect to the Chancellor's Run Water Line.

Following Ms. Meiser's assurance that MetCom engaged in the normal Public Hearing process prior to commencement of the project, the Board requested copies of documentation relating to: (1) names of property owners who were forwarded the original Project notification letter, (2) names of property owners informed by mail of Public Hearing(s) and, (3) correspondence informing property owners of completion date and deadline to connect.

Commissioner St. Clair stressed that the requirement to connect is mandated by the State and that the Commission is not permitted to waive connections. Ms. Meiser added that it is the Health Department's responsibility to determine if a well that is not located on a rental property can continue to serve it.

At this point, Board of County Commissioner, Daniel H. Raley, addressed the Board on Ms. Coombs' behalf, noting that her issues are both unique and complex. He complimented staff on a job well done, but requested that they apply some pressure on SHA to reconsider Ms. Coombs' situation. He concluded that she has been caught in the middle of MetCom and SHA through no fault of her own, and suggested that the Commission has a moral responsibility to make an effort to champion her cause.

Ms. Carol Ann Coombs and Ms. Graham further detailed their specific situations, and complained of MetCom's unacceptable communication with property owners. They were assured that the Board will further investigate this issue.

B. Mr. Henry Camaioni

Mr. Camaioni reviewed, at length, the three-page document which he subsequently provided to the Board; a copy of which is attached to the Minutes. The document highlights what he believes to be incomplete and inaccurate information provided to members of the Task Force; i.e. availability of sewer service for failing systems that could be served by the lines installed for St. George Island; inappropriate allocation of EDU's to Wildewood; and the possible ethical dilemma created by the attorney for MetCom also being appointed as its Director.

In addition, he alleged that MetCom does not provide the Public Information Office with videotapes of each Board Meeting to be shown on the County Government's

television channel. His comments were disputed by staff as being completely inaccurate.

Commissioner Barthelme stressed that in order for the Board to properly assist him, it would require more than just allegations, i.e. the names of people who are providing him with this information. Mr. Camaioni agreed to give the Board additional documentation to reinforce his case, and stated that he will also be providing the Task Force with similar information.

Mr. Camaioni left the meeting at 4:30 p.m. and the meeting briefly adjourned.

The meeting readjoined at 4:36 p.m.

APPROVAL OF MINUTES

Commissioner St. Clair moved to approve Minutes of Regular Session dated October 22, 2009. Commissioner Barthelme seconded the motion and approval was unanimous.

Commissioner St. Clair moved to approve Minutes of Special Meeting dated November 19, 2009. Commissioner Barthelme seconded the motion and approval was unanimous.

Commissioner St. Clair moved to approve Minutes of Executive Session dated October 22, 2009. Commissioner Hanson 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 Hanson seconded the motion and approval was unanimous.

PRESENTATION OF AUDITED FINANCIAL STATEMENTS

Ms. Lisa Brown, of the auditing firm Murphy & Murphy, reported that MetCom has received an Unqualified Audit Opinion on the 2009 Audit. There are no control deficiencies or material weaknesses; nor are there any problems with internal controls or related party issues. A copy of the Independent Auditor's Report is attached to the Minutes.

EXECUTIVE SESSION

Commissioner St. Clair moved to adjourn into Executive Session at 4:45 p.m. to discuss property acquisition, potential litigation and personnel. Commissioner Tudor seconded the motion and approval was unanimous.

The meeting readjoined into Regular Session at 5:18 p.m.

CHIEF ENGINEER'S REPORT

A. ENR Project Update

Mr. Frederick reviewed correspondence from Dewberry dated December 7th, 2009, relating to additional testing and inspection of the existing clarifiers at the Marlay-Taylor WRF, and **requested approval of the proposed Change Order dated December 7, 2009 from Dewberry and Davis LLC, in the amount of \$23,500, for structural investigation of the clarifiers for the Marlay-Taylor WRF ENR Project #8-38-S. This brings the total Contract amount to \$2,623,500.**

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

B. Co-Generation Project Update

Mr. Frederick reported that a Pre-Construction Meeting was held with Whiting Turner on December 3rd. Notice to Proceed is anticipated next week, and staff anticipates that the Stimulus Project deadline will be met.

Mr. Frederick also noted that it is proposed to hold a formal groundbreaking ceremony at 1:00 p.m. on January 14, 2010.

C. Forest Run Forcemain

Mr. Frederick referred to the Purchasing Agent's Memorandum dated December 10th, 2009 **recommending acceptance of the construction bid from Gradient Construction, LLC, dated December 3, 2009, in the amount of \$99,400.00, for the construction of the Forest Run Force Main Project #8091FM.**

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

D. Great Mills Streetscape Project Update

In conclusion, Mr. Frederick requested that the Board **approve additional project costs for the Great Mills Streetscape project, in the amount of \$554,000.00, which represents the costs associated with the inspection, administration and overhead for this project, and which costs were not included in the approving motion passed by this Commission on June 11, 2009, which motion included only the cost of construction. These additional costs are, however, included in the approved Capital Improvement Budget cost for this project.**

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

DIRECTOR'S REPORT

A. Task Force Update

Ms. Meiser reported that Ms. Shick has been requested to make a presentation on the Commission's debt service structure at the next Task Force meeting scheduled to be held on December 18th. The Task Force will also consider what effect it will have on the Commission's debt if it built water and sewer lines to expand the system, versus system expansion performed primarily by developers.

In response to Commissioner Werner's suggestion, Ms. Meiser agreed to provide the Task Force with copies of the most recent audit.

B. BOCC Agenda Loan Approval

Staff will request approval of the Commission's MDE and DHCD loans at the BOCC meeting scheduled for December 15th. The loans will be used to fund specific projects within MetCom's Capital Improvement Plan.

CHIEF FINANCIAL OFFICER'S REPORT

A. FY10 Financial Report

Ms. Shick reviewed the First Quarter Financial Statements for 2010, a copy of which is attached to the Minutes.

HUMAN RESOURCES DIRECTOR'S REPORT

A. Blue Cross, Blue Shield Health Insurance Rebate

Ms. Cullins reported the receipt of \$115,425.00 from the County, relating to a Health Insurance Rebate from Blue Cross and Blue Shield of Maryland. As is consistent with previous policy, 85% of this amount will be funneled into the General Fund, and 15% will be reimbursed to employees through health insurance premium holidays.

B. MetCom Christmas Party

Board members were invited to attend MetCom's Christmas party which will be held at the Petty Building at noon on Thursday, December 17th.

ADJOURNMENT

There being no further business, **Commissioner St. Clair moved to adjourn at 5:40 p.m. Commissioner Owen seconded the motion and approval was unanimous.**

Lilian J. Bryan, Secretary