

**MINUTES
REGULAR MEETING
ST. MARY'S COUNTY METROPOLITAN COMMISSION
FEBRUARY 12, 2009**

The meeting commenced at 1:05 p.m. In attendance were Commissioners Werner, Lancaster, Taylor, St. Clair, Hanson, Owen, Barthelme and Oliver (representing Captain Andrew Macyko); and staff members, King, Ichniowski, Frederick, Shick, Cullins and Sullivan. Also in attendance were Board of County Commissioner Kenneth Dement; Jacki Meiser, General Counsel; Messrs. Martel and Mackall Ricketts; Valentino Johnson, Sr., Kevin Suggs, Robert Gant and Steve and Francine Hawkins.

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

Commissioner Taylor moved to approve Minutes of Regular Session dated January 08, 2009. Commissioner St. Clair seconded the motion and approval was unanimous.

CERTIFICATES OF RECOGNITION, BLACK HISTORY MONTH

Commissioner Werner congratulated Messrs. Valentino Johnson, Sr., Robert Gant and Kevin Suggs, and presented them with Certificates of Recognition marking Black History Month.

Mr. Johnson expressed his appreciation for the opportunity to serve on the Board and recognized those individuals who originally encouraged his involvement with community service.

At this point, Board of County Commissioner Dement also presented each of the aforementioned with Citations from the Board of County Commissioners, marking the same occasion.

EXECUTIVE SESSION

Commissioner Taylor moved to adjourn into Executive Session to discuss potential litigation. Commissioner St. Clair seconded the motion and approval was unanimous.

Following re-adjournment, **Commissioner Taylor moved to approve Minutes of Executive Session dated January 08, 2009. Commissioner St. Clair seconded the motion and approval was unanimous.**

PRESENTATION TO STEVEN KING

Commissioner Werner presented Mr. King with a plaque in recognition, and appreciation, of his 33-year service to the Commission. Mr. King thanked the Board, noting that it was an honor, and that he has appreciated the assistance given to him by both the Board and staff.

MARTEL RICKETTS PRESENTATION

Mr. Martel Ricketts addressed the Board at length regarding his family's sewer line located at Rosebank Road. A copy of the related Public Works Agreement (PWA) entered into with the Commission, is attached to the Minutes.

He continued that the original extension to the PWA, which was valid for 10 years, will expire on 12/31/2010; noting that there are five eligible connections remaining. As a result, he requested a further

Amendment, with inclusion of the following language to para. 14, “.....*the Commission will continue to honor this rebate provision as long as any of the aforementioned developers maintains his or her residence on Coombs Creek Way, Leonardtown, Maryland*”.

Following a lengthy discussion, **Commissioner St. Clair moved to honor Mr. Ricketts’ request to change language of the Agreement as submitted by him, and that Ms. Meiser develop such appropriate wording to note that the Amendment will be effective until the death of the last survivor of the original four signees. Commissioner Owen seconded the motion, and approval was unanimous, with the exception of Commissioner Taylor who abstained from voting.**

The meeting briefly adjourned at this point, and readjourned after a 5 minute break.

DIRECTOR’S REPORT

Mr. King took the opportunity, at this point, to welcome Commissioner Bryan Barthelme back to the Board; noting that he previously served for two terms approximately 10 years ago.

A. Facilities Plan Update

Mr. King reported that the meeting with the Planning Commission which had been scheduled in January was postponed as a result of technical problems. These have now been resolved, and the meeting has been rescheduled for February 23rd, 2009.

B. Laurel Ridge Well

Mr. King was pleased to report resolution of bacteriological problems originally experienced with this well, which is anticipated to be in production by the March meeting.

C. Request for Extension of Connection Deadline

Mr. King referred to a letter from Ms. Elizabeth Harrison, a property owner in Andover Estates, who is requesting an extension of the deadline to hook to the new sewerage system until her husband returns from deployment in the Middle East.

Commissioner Taylor moved to grant extension until January 1, 2010 to the requirement to connect to sewer facilities to Ms. Elizabeth Harrison at 18215 Oakland Avenue in Andover Estates. The Commission thanks her for her husband’s and her family’s service. Commissioner St. Clair seconded the motion and approval was unanimous.

D. Fenwick Manor, Holland Forrest, Hollywood Water Systems

Mr. King referred to correspondence from MDE, dated January 28th, which determines that the Fenwick Manor and Holland Forrest Water Systems are now capable of providing consumers with water that meets the new standard of 0.010 mgs/L Maximum Contaminant Level for arsenic; and that the Hollywood Water System is now interconnected with Lexington Park.

E. Methane Electrical Generator Feasibility Analysis

Mr. King referred to a Revised Study by Dewberry, dated February 6, 2009 relating to the installation of methane powered electrical generators which were recommended as part of its Value Engineering study. After further review, Dewberry has determined that it would pay itself back within 4 years instead of the originally anticipated 2.7 years. In conclusion, he recommended their immediate construction as the State anticipates problems with the electrical power supply in Maryland within the next two years. Copies of Dewberry’s proposal dated February 6, 2009 and breakdown of the Design and Inspection Cost for the Digester Gas Cogeneration Design, are attached to the Minutes

Commissioner Lancaster moved, that the Commission accept the terms and conditions of the proposal from Dewberry Davis LLC, dated February 6, 2009, with the understanding that the Commission's acceptance is limited to the provision of design and construction phase engineering services for the Digester Gas Cogeneration Facilities only, for a total estimated cost of \$91,461, and with the understanding that performance of said engineering services shall be further limited to providing design phase engineering services at an estimated cost of \$35,168, until such time as the Commission issues written Notice to Proceed with the proposed construction phase engineering services. Commissioner Taylor seconded the motion and approval was unanimous.

CHIEF FINANCIAL OFFICER'S REPORT

A. Standard Report

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

B. Accounts Receivable Issues

Ms. Shick reviewed her Memorandum dated February 5, 2009 relating to "Delinquent Accounts", "Credit Card Payments", and "Accounts Receivable Statistics"; a copy of which is attached to the Minutes. In conclusion, she recommended that the Commission make some allowance to adapt its accounts within the next budget cycle.

C. 2nd Quarter Financial Statements

Ms. Shick reviewed the Operations Revenue & Expense Statement for the Year to Date through December 30, 2008; a copy of which is attached to the Minutes.

D. Operating Budget Amendment

Following Ms. Shick's justification and further discussion **Commissioner Taylor moved to amend the FY2009 Operating Budget, as recommended by the Commission's Chief Financial Officer, to adjust both revenue and expense line items and to reduce the budgeted net income from service charges, from \$363,439 to \$219,346, to cover projected losses in engineering.**

Further move to: (1) reduce the expense line for HRIS Software by \$1,200.00; and (2) reduce the expense line for Performance Management Software by \$9,393.00 to offset the higher-than-anticipated costs to replace the phone system. Commissioner Owen seconded the motion.

In response to a question from Commissioner Lancaster, Mr. King replied that net income for the entire organization was projected; and that the net income in its sewer and wastewater departments will offset the loss in the engineering department.

Approval of Commissioner Taylor's motion was subsequently unanimous.

E. Toshiba Telephone System Acquisition

Ms. Shick reviewed her Memorandum dated February 5, 2009, a copy of which is attached to the Minutes.

Following further discussion, and in answer to Commissioner St. Clair's concerns, Mr. Fehn clarified staff's justification of its cost and choice of vendor.

Commissioner St. Clair moved that the Commission approve the purchase of a Toshiba CIX 670 Telephone System with a Strata Media Application Server, at a cost of \$38,362.60, which includes the

equipment, installation and programming from Centric Telecom, under the Federal GSA contract. Commissioner Taylor seconded the motion and approval was unanimous.

ENGINEER'S REPORT

A. Standard Report

Commissioner Lancaster moved to waive oral presentation by the Chief Engineer, Chet Frederick, and to accept the routine monthly engineering reports as submitted and reviewed by this Commission. Commissioner Taylor seconded the motion and approval was unanimous.

Mr. Frederick stressed at this point that monies associated with the Lexington Park Sewer Pump Station Contract Amendment would be recovered from the Contingency fund.

B. Table of Equivalent Dwelling Units Revisions

Mr. Frederick reported that staff has received an email from Mr. Rick Benefield, resulting from a Public Hearing on this issue which was held on January 14th, 2009. He assured the Board that its contents would not prevent MetCom from immediately proceeding with the project, as his request is a unique analysis of a developer's projects. A copy of the Public Hearing Minutes, together with the email, is attached to the Minutes.

Following further discussion, the Board agreed that Mr. Benefield should be informed that staff would review the issues raised in his email. In addition, that the original Committee will reconvene to further review his concerns.

Commissioner St. Clair moved to accept the Table of Equivalent Dwelling Units as proposed by the Study group and presented at the Public Hearing held on January 14, 2009. The effective date of this change for new construction and for new water and sewer allocations and customer billings shall be March 1, 2009. The new table shall not be applied to existing customers and facilities until such time as determined appropriate by the Commission. Commissioner Taylor seconded the motion and approval was unanimous.

C. Standard Specifications Revisions

A copy of Minutes of the Public Hearing held on January 28th relating to changes to the Standard Specifications is attached, and staff anticipates that it will request Board approval for implementation at the March meeting.

D. Meadow Lake Water Main Upgrade

Mr. Frederick referred to a revised proposal from Whitman, Requardt & Associates relating to a Proposal for Engineering Services for the Meadow Lake Lane Water Replacement Project, 8092WR. A copy is attached to the Minutes.

Commissioner Taylor moved to accept the cost plus fixed fee proposal from Whitman, Requardt and Associates, LLP dated January 20, 2009, to provide professional engineering services for the design and development of construction contract documents for Meadow Lake Lane Water Line (Project #8092WR) for a total cost of \$26,080.05. Commissioner Hanson seconded the motion and approval was unanimous.

Mr. Frederick briefly reviewed a revised proposal from Dewberry regarding the Piney Pt. Sewer Investigation Open End Agreement No. 08-04-E, a copy of which is attached to the Minutes.

Commissioner Taylor moved to accept the cost plus fixed fee proposal from Dewberry and Davis LLC, dated January 30, 2009, to provide investigative services and analysis report for the Piney

Point Sewer System (Project #5-8-S), for the sum of \$58,695.00. Commissioner Hanson seconded the motion and approval was unanimous.

Mr. Frederick concluded by illustrating significant advantages associated with the recent purchase of the \$20K printer for the Engineering Department.

CHIEF, FACILITIES & OPERATIONS MANAGER'S REPORT

A. Truck Purchases

Mr. Sullivan referred to copies of correspondence relating to this issue; copies of which are attached to the Minutes.

Commissioner Taylor moved that the Commission purchase four (4) Ford F-150 ½ ton Two-Wheel Drive Full Size Pick-Up Trucks and one (1) Ford F-150 ½ ton Four-Wheel Drive Full Size Pick-Up Truck from Hertrich Fleet Services at a total cost of \$74,028 under the Maryland Department of General Services Contract.

Additionally, Move that the Commission purchase one (1) Chevrolet Colorado 2-Wheel Drive 4-Cylinder Pick-Up Truck from Criswell Chevrolet at a total cost of \$13,604 under the Maryland Department of General Services Contract. Commissioner Owen seconded the motion and approval was unanimous.

CONTINUING BUSINESS

A. Charlotte Hall Station Sewerage System Acquisition Agreement

Mr. King designated Burch properties on a map of the Charlotte Hall area, and reviewed its history at length. Copies of related documents are attached to the Minutes.

Following further discussion, **Commissioner Taylor moved to accept the Charlotte Hall Sewer Allocation Agreement between MetCom and Charlotte Hall LLC and Burch Property, LLC to provide for the orderly transfer to MetCom for a privately owned facility serving certain properties in the Charlotte Hall area. The motion was seconded by Commissioner Hanson, and approval was unanimous.**

B. Charlotte Hall Station Temporary Operating Contract

Mr. King referred to a proposed Operating Agreement which would provide for the Commission to operate the existing facility at this location until such time as it is taken over; and clarified reasons why it would be in the best interest of both the environment and the public to do so.

Following further clarification, **Commissioner Taylor moved to approve the execution of the Charlotte Hall Operating Agreement between MetCom and Charlotte Hall LLC and Burch Property LLC to provide for the operation by MetCom of a privately owned facility serving certain properties in the Charlotte Hall Area. Commissioner Hanson seconded the motion and approval was unanimous.**

NEW BUSINESS

A.SCS WWTP Hydrogeologic Study

Mr. King referred to a proposal from Dewberry, to provide an engineering evaluation and report for the St. Clements Shores WWTP under MetCom's existing open end contract. He noted that this was done in response to a request by the County to determine the possibility of expanding capacity of the treatment plant at SCS. The proposal has been provided to the County for review.

B.County/MetCom MOU Re: Hayden Property Hydrogeologic Study

Mr. King briefly reviewed this issue, and requested approval of the Memorandum of Understanding entered into by the BOCC and MetCom setting forth certain terms and conditions for the performance of a Hydrogeologic Study, to be performed by Dewberry, on the Hayden property. A copy is attached to the Minutes.

Commissioner Taylor moved to approve the Memorandum of Understanding (MOU), between this Commission and the Board of County Commissioners setting forth certain terms and conditions for the performance of a Wastewater Land Application Study at the Hayden Property in Leonardtown. Commissioner Owen seconded the motion and approval was unanimous.

C. Capital Improvements Budget 2009-2014

Mr. King requested that the Board review the 2010-2014 Capital Improvements Budget prior to the March meeting. Any changes made to the document will be mailed to them before that date.

Mr. King concluded that he has appreciated the opportunity to have worked with the Commission, and has appreciated the challenge and friendships he has developed over those years.

The Board reiterated its appreciation for Mr. King's past services, and look forward to his continued co-operation. Commissioner St. Clair complimented Mr. King on his total loyalty and commitment to the Commission, and concluded that he will be leaving MetCom in very capable hands

ADJOURNMENT

There being no further business, **Commissioner Taylor moved to adjourn at 5:00 p.m. Commissioner Hanson seconded the motion and approval was unanimous.**

Lilian J. Bryan, Secretary

