

**MINUTES
REGULAR SESSION
ST. MARY'S COUNTY METROPOLITAN COMMISSION
JULY 09, 2009**

The meeting commenced at 1:04 p.m. In attendance were Commissioners Werner, Lancaster, St. Clair, Hanson, Owen and Tudor; staff members Meiser, Ichniowski, Frederick, Cullins, Sullivan and Bryan. Also in attendance were Messrs. Henry Camaioni, resident of Wildewood; and Dennis German, representing State Highway Administration.

Commissioner Werner commenced the proceedings by welcoming Commissioner Tudor to his first meeting as a MetCom Board member.

MOTION TO APPROVE AGENDA

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

APPROVAL OF MINUTES

Commissioner St. Clair moved to approve Minutes of Regular Session dated June 11, 2009 with the correction that *Page 3, Director's Report, Item B*, should reflect that the motion initiated by Commissioner Taylor was seconded by him. Commissioner Lancaster seconded the motion, as amended, and approval was unanimous.

PUBLIC TESTIMONY – HENRY CAMAIONI

Mr. Camaioni commenced his testimony by noting what he considers to be questionable ethics in hiring Ms. Meiser as Director. At this point there was a brief discussion on the issue of limiting speech to specified subjects, and Mr. Camaioni's inability to address the Board at the June meeting. He was subsequently invited to continue with his testimony; a complete copy of which is attached to the Minutes. He concluded by suggesting that MetCom's actions are not in the best interest of the Commission or the citizens of St. Mary's County, and warned the Board of possible criminal negligence.

Mr. Camaioni left the meeting at the conclusion of his testimony.

EXECUTIVE SESSION

Commissioner Lancaster moved to adjourn into Executive Session at 1:25 p.m. to discuss personnel issues and potential litigation. Commissioner Owen seconded the motion and approval was unanimous.

The meeting readjoined into Regular Session at 2:41 p.m.

Commissioner Lancaster moved to approve Minutes of Executive Session dated June 11, 2009. Commissioner St. Clair seconded the motion and approval was unanimous. As a new member, Commissioner Tudor abstained from voting.

DIRECTOR'S REPORT

A. Jo Ann Coombs Deferral Request

Ms. Meiser reviewed a letter dated 26 June, 2009 from Ms. Jo Ann Coombs, in which she requests a deferral to connect to the recently installed public water system located at Chancellor's Run Rd. Ms. Meiser clarified her obligation to do so, as specified within MetCom's Code, and reviewed the history of her property. She noted that a single well currently serving two of her properties would not need to be abandoned, as it would continue to serve the property which does not abut the newly constructed water line. In addition, she reviewed income based financial aid programs for which Ms. Coombs might be eligible.

In conclusion, Ms. Meiser informed the Board of a deferral which was afforded to an elderly gentleman residing in the Tin Top Hill area 15 years following the Ready-to-Serve notice, but strongly stressed that the characteristics between the two projects are distinctly different.

Following further discussion, the Board agreed with Commissioner Lancaster's suggestion to defer action until the August meeting, in order to enable Board members to consider all of the factors associated with Ms. Coombs request in more depth.

B. Upcoming Meeting Updates

Ms. Meiser reported on future public meetings, as follows:

- July 13th, second Public Hearing on the Comprehensive Plan to be held at 6:30 p.m. at the Chopticon High School.
- July 14th, Public Informational Meeting on Phase I of the Patuxent Park Rehabilitation Project, at 6:30 p.m. at the Bay District VFD, Lexington Park.
- July 27th, third Comprehensive Plan Hearing in conjunction with the regular Planning Commission Meeting, at 6:30 p.m. in the BOCC meeting room of the Chesapeake Building.

- July 28th, Joint meeting with the BOCC. At 2:00 p.m. at the College of Southern Maryland, Room 316 in Building C.

CHIEF FINANCIAL OFFICER'S REPORT

A. Standard Report

Ms. Meiser reported that because July's meeting is being held earlier in the month than usual, the only available report at this time is the Securities Report. The Accounts Receivable Report will be made available to the Board at a later date.

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

CHIEF ENGINEER'S REPORT

A. Standard Report

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

B. Project Status Report

- ENR Upgrade: Mr. Frederick reported that (a) Dewberry has commenced evaluating the existing plan, (b) design of the Schreiber conversion to the Bardenpho process is ongoing, and (c) the next monthly meeting is scheduled for next Tuesday at 2:00 p.m. and will continue thereafter on every second Tuesday of each month.
- Stimulus Package/Co-Generation: Although the final packet is required to be ready for bid at the end of July; he understands that the contractor has not received written comments from MDE. However, work continues on the bid documents in anticipation that any comments from MDE will be minor.
- Lexington Park Pump Station: Essex #4 is no longer in existence. The Burger King parking lot has been fully paved, and it is proposed to commence striping of the parking lot early next week, with final cleanup immediately thereafter.

C. EBA Engineering Extra Work Order

Mr. Frederick referred to correspondence received from EBA Engineering, Inc. dated July 8, 2009 referring to *Change Order No. 1A Proposal (Revised) – Commission Requested Revisions Patuxent Park Restoration (PPR) Water and Sewer Replacement*, and *Change Order 1B Proposal – County Requested Revisions PPR Water & Sewer Replacement*. A copy is attached to the Minutes.

Following further discussion, **Commissioner St. Clair moved to approve the invoice from EBA Engineering dated July 8, 2009 for additional work performed on the Patuxent Park Phase 1 Projects #8-33-S and 8-33AW, in the amount of \$13,374.68, of which \$3,396.20 will be reimbursed by the Department of Public Works and Transportation. Commissioner Tudor seconded the motion and approval was unanimous.**

D. Century Engineering Extra Work Order

As discussed in Executive Session, Mr. Frederick requested a motion to approve payment in the amount of \$21,507.50 to Century Engineering for additional work performed on the SHA Great Mills Road Streetscape Project #8-48SW.

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

E. Engineering Fee Review

Mr. Frederick distributed initial draft of the preliminary Engineering Department Fee Schedule, which will be tabled for discussion at the August meeting. A copy is attached to the Minutes.

In response to a question from Commissioner Werner, Ms. Meiser noted that the schedule has been reviewed in depth by Ms. Shick to ensure that the proposal will not have a significant impact on the budget. However, she will request her to provide the Board with figures to review, within the next two weeks, to illustrate its likely impact on the budget.

In conclusion, Mr. Frederick requested that the Board review the format of his standard engineering report, and inform him of any preferred changes.

CHIEF FACILITIES & OPERATIONS MANAGER'S REPORT

A. Approval Cross Connection Control Program

At Mr. Sullivan's request, **Commissioner Owen moved that the Cross Connection Control Program Policy be approved, effective immediately, as presented at the duly advertised Public Hearing held on June 3, 2009. Commissioner Hanson seconded the motion and approval was unanimous.**

B. Water Restriction Policy

Mr. Sullivan requested that the Board review the draft Outdoor Water Use Restriction Policies for discussion and action at the August meeting. A copy is attached to the Minutes.

CONTINUING BUSINESS

A. New Meeting Format

Ms. Meiser referred the Board's attention to staff's proposed outline relating to a change in format of Regular Board Meetings, a copy of which is attached to the Minutes.

Following further discussion, **Commissioner Lancaster moved to modify the standard meeting schedule of the St. Mary's County Metropolitan Commission such that the Commission shall meet on the second and fourth Thursday of each month beginning at 3:30 p.m., effective September, 2009, and further move that the format of each such meeting shall be as presented and as discussed at today's meeting.**

B. Contract Piggybacking

Ms. Meiser briefly reiterated her previous comments on the piggyback issue, and referred to the proposed inclusion of Section (7) g.(1)-(3) on Pages 5 and 6 of the Commission's current Procurement Policy entitled "*Use of Alternative Contracts.*" A copy is attached to the Minutes. She clarified section 3(b) in response to a question from Commissioner St. Clair who expressed his concern with the specific meaning of the term "significant amount" as it relates to local vendors.

Following further discussion, Ms. Meiser agreed that staff would provide the Board with a sliding scale to better illustrate the required excess savings prior to a contract being awarded out of county, as opposed to the currently proposed flat rate of 1%.

NEW BUSINESS

A. Procurement Policy Rewrite

Ms. Meiser referred to Proposed Procurement Policy Modifications for Discussion and Action at the August meeting. A copy is attached to the Minutes.

B. Bob Fehn Promotion

In conclusion, Ms. Meiser was pleased to announce that Bob Fehn has been promoted to the position of Director, IT Department, effective July 1, 2009.

ADJOURNMENT

There being no further business, **Commissioner St. Clair moved to adjourn at 3:45 p.m. Commissioner Owen seconded the motion and approval was unanimous.**