

**MINUTES  
REGULAR MEETING  
ST. MARY'S COUNTY METROPOLITAN COMMISSION  
JUNE 12, 2008**

The meeting commenced at 1:03 p.m. In attendance were Commissioners Taylor, Werner, Lancaster, St. Clair, Cranford, Hanson and Oliver representing Captain Andrew Macyko; staff members King, Ichniowski, Frederick, Shick, Cullins, Sullivan and Bryan. Also in attendance were Jacki Meiser, General Counsel; and Messrs. Camaioni and Mummaugh.

**MOTION TO APPROVE AGENDA**

**Commissioner Cranford moved to approve the Agenda as presented by staff. Commissioner Werner seconded the motion, and approval was unanimous.**

**APPROVAL OF MINUTES**

**Commissioner Lancaster moved to approve Minutes of Regular Session dated May 8, 2008. Commissioner Cranford seconded the motion and approval was unanimous.**

**MR. CAMAIONI PRESENTATION**

Mr. Camaioni briefly reviewed the history of this ongoing issue, and reported that MetCom's establishment of a new plat provides for a new driveway across his driveway; which he must maintain for the Commission's use. He does not intend to do so, as he considers it an unfair taking of property. In addition, he suggested that although MetCom's primary responsibility is water safety, multiple hazards associated with (a) easy access to water supply and treatment sites, (b) increased heavy traffic, and (c) microwave radiation which could possibly cause increased cancer risks in children, still exist. He concluded by stressing that if the Commission insists on proceeding with its actions, he will be forced to take up his driveway.

Mr. Camaioni left the meeting at this point.

**EXECUTIVE SESSION**

**Commissioner Lancaster moved to adjourn into Executive Session to discuss potential litigation and contractual issues at 1:17 p.m. Commissioner Cranford seconded the motion and approval was unanimous.**

The meeting readjoined into Regular Session at 1:50 p.m.

**Commissioner Werner moved to approve Minutes of Executive Session dated May 8, 2008. Commissioner Cranford seconded the motion, and approval was unanimous.**

**Commissioner Lancaster moved that the Commission approve the terms and conditions of the proposed draft Joint Resolution between the Metropolitan Commission and the Board of County Commissioners for St. Mary's County for the joint solicitation and contract for the Patuxent Park neighborhood revitalization project; and authorize the Commission's Chairman to execute the Resolution on the Commission's behalf upon approval of the Joint Resolution by the Board of County Commissioners for St. Mary's County. Commissioner Werner seconded the motion and approval was unanimous.**

**ELECTION OF OFFICERS**

**Commissioner Hanson moved to nominate Commissioner Werner for Chairperson. Commissioner St. Clair seconded the motion. There were no further nominations.**

**Commissioner Cranford moved to close the nomination for Chairperson. Commissioner Lancaster seconded the motion and approval was unanimous. Approval to nominate Commissioner Werner for Chairperson was unanimous.**

**Commissioner Cranford moved to nominate Commissioner Lancaster for Vice-Chairperson. Commissioner St. Clair seconded the motion. There were no further nominations. Commissioner Werner moved to close the nomination for Vice-Chairperson. Commissioner Cranford seconded the motion and approval was unanimous. Approval to nominate Commissioner Lancaster for Vice Chairperson was unanimous.**

## **DIRECTOR'S REPORT**

Mr. King congratulated Commissioners Werner and Lancaster on their respective elections, and thanked Commissioner Taylor for the three years he has served so capably as Chairman.

He further reported that the new Commanding Officer at Patuxent River, Captain Andrew Macyko, will replace Captain Glen Ives as a non-voting member of the Board; and commended Ms. Anne Mary Cullins, Human Resources Director, who has successfully completed her Professional Human Resources Certification.

### **A. SCS WWTP Cell Phone Tower Lease**

Mr. King requested the Chairman to sign the referenced Lease document, the terms of which were approved by the Board in February 2008. This will provide the Commission with \$1,200/month for an initial term of five years, which will be automatically renewable for four more additional terms; with a 3% increase for each succeeding lease year.

## **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 financial reports as submitted and reviewed by this Commission. Commissioner Lancaster seconded the motion and approval was unanimous.**

### **A. OPEB Trust Approval**

Ms. Shick noted the following:

- The Commission is required to implement the Governmental Accounting Standards Board (GASB) by June 30, 2008;
- Retiree Health Benefit Plan and Retiree Benefit Trust must be executed in June in order to take full advantage of complying with GASB45 and the Commission's budgeted funding;
- The Retiree Health Benefit Plan formalizes The "Plan", the benefits offered to retirees, and is structured to acknowledge the Commission's authority to revise the benefits from time to time, as warranted, without requiring revision of The Plan document;
- Recommended trustees for the Retiree Benefit Trust are the Director, Chief Financial Officer and Director of Human Resources;
- MetCom has segregated the contributions into a separate account with MLGIP, and these funds will be transferred to the name of the trusts this month, and ultimately placed in longer term investments;
- Section 2.7 of the Retiree Benefit Trust grants the trustees the authority to enter into pooled trust arrangements for the investments. The County has invited MetCom's Trust to pool with them. This action would be to MetCom's advantage;
- The St. Mary's County Master Retiree Benefit Trust Agreement and Adoption Agreement are included solely for the Board's information, and do not require any action by them.

In response to a question from Commissioner Werner, Counsel stated that, should it become necessary to do so, she will make the change from "Article Number" to "Annotated Code" noted on Page 1 of the Retired Benefit Trust document.

**Commissioner St. Clair moved to authorize the Commission Chairman to execute the St. Mary's County Metropolitan Commission Retiree Health Benefit Plan and the Retiree Benefit Trust of St. Mary's County Metropolitan Commission. Commissioner Werner seconded the motion and approval was unanimous.**

B. FY08 Budget Amendment

Following Ms. Shick's justification, **Commissioner Cranford moved that the Commission approve the carryover of \$112,845 for truck purchases and \$16,500 for the SCADA tower from the FY08 Capital Equipment budget, to pay for those items when they arrive in FY 2009. Commissioner Hanson seconded the motion and approval was unanimous.**

C. Public Hearings Results, FY09 Budget/Rate Changes Approval

Ms. Shick reported that the sole attendee at the Rate Hearing on May 27, 2008, did not have any complaint with the increase in overage charges. To her knowledge, no other comments have been received by either her staff or other departments on this issue.

The Public Hearing for Septage Hauler Rates held on May 28, 2008 was well attended, and staff has taken attendees' comments into account by proposing to increase the port-a-potty and grease trap rates by only 50% of the increase necessary to recover cost of service. However, Mr. King added that if the Commission is unsuccessful in determining a method to recycle waste before the next fiscal year, the remaining 50% would be charged at that time. Staff has also met with Health Department personnel to establish protocol to ensure adequate grease trap inspections and maintenance. These conditions will be contained in a Memorandum of Understanding between the two parties and presented to the Board at a future meeting. Copies of Minutes of both Public Hearings are attached to the Minutes.

Ms. Shick subsequently detailed the sole change made in the Operating Budget; rate increases, and the creation of three new engineering fees. She reported that; (1) Total Expenses are basically unchanged from the FY08 budget, (2) supplemental pay for staff will come out of the FY08 budget to allow flexibility in FY09 should there not be availability of funds at that time, and (3) that the Miss Utility Fees have been eliminated and will no longer be charged as of July 1<sup>st</sup>, 2008. Mr. King added that Ms. Canter's suggestion to impose a tax similar to the flush tax is an excellent one. However, this has not been built into the current rate and staff will attempt to work it into the equation over the next year. She further detailed the "Expenses" portion of the Budget Message in response to Commissioner Lancaster's request for clarification. A copy of the FY09 Operating Budget is attached to the Minutes.

Following further discussion, **Commissioner St. Clair moved that the Commission approve the FY 2009 Operating Budget as recommended by the Commission Fiscal Officer. Commissioner Cranford seconded the motion and approval was unanimous.**

**Commissioner St. Clair further moved for approval of the Service Charges in accordance with the May 28<sup>th</sup>, 2008 Public Hearing. Following further discussion, Commissioner St. Clair retracted his motion, and replaced it with the following:**

**Further moved to approve Service Charges as approved at the May 27<sup>th</sup>, 2008 Public Hearing.**

<b><i>Sewer Usage Rate</i></b>	
<b><i>over 16,200 gallons/quarter</i></b>	<b><i>\$4.27/Kgal</i></b>
<b><i>Water Usage Rate</i></b>	

over 18,000 quarter

\$2.65/Kgal

Commissioner Lancaster seconded the motion and approval was unanimous.

Commissioner St. Clair moved for the approval of the Septage Hauler Rates, in accordance with the May 28, 2008 Public Hearing, with the additional provision to propose a grandfather of the current charges for any septage hauler contracts that were in place as of May 28<sup>th</sup>, 2008; which grandfather period will last for the period of one year.

Commissioner St. Clair subsequently moved to amend his prior motion and approve the septage hauler rates as follows:

<i>Septic Tank Waste</i>	<i>\$59.33/1Kgals</i>
<i>Portable Toilet Waste</i>	<i>\$71.41/1Kgals</i>
<i>Grease Trap Waste</i>	<i>\$119.39/1Kgals;</i>

with the understanding that there was a Hearing on May 28<sup>th</sup>, 2008 to propose these rates, and the rates that have just been indicated are different from those rates proposed at the May 28<sup>th</sup>, 2008 Public Hearing. Further move that the rates proposed to be accepted are grandfathered for any contract that was currently in place as of the May 28<sup>th</sup>, 2008 Public Hearing; and that the grandfather period would extend for one year.

Commissioner Werner seconded the motion and approval was unanimous.

Commissioner St. Clair moved to approve the Engineering Rates as were presented at the June 5<sup>th</sup>, 2008 Public Hearing, with the additional notation that the Miss Utility fee will no longer be imposed.

<i>C/O Inspection Water or Sewer</i>	<i>\$120.00</i>
<i>C/O Inspection Water and Sewer</i>	<i>\$180.00</i>
<i>Shared Use Wells</i>	<i>\$ 25.00</i>
<i>Easement Agreements</i>	<i>\$200.00</i>
<i>Waiver Requests</i>	<i>\$225.00</i>

Commissioner Werner seconded the motion and approval was unanimous.

Commissioner St. Clair moved that the Commission adopt the FY09-FY13 Capital Improvements Budget. Commissioner Werner seconded the motion and approval was unanimous.

Commissioner St. Clair further moved that the Commission adopt the following debt service rates, as presented at a duly advertised Public Hearing on May 27<sup>th</sup>, 2008, to finance debt and Capital Improvements:

System Improvement Charges paid by all customers with an allocation on the water system:

<i>Residential Water Assessment:</i>	<i>\$5.27/EDU/month</i>
<i>Commercial Water Assessment</i>	<i>\$6.32/EDU/month</i>

Capital Contribution Charge due at time of connection – excluding connections to stand-alone systems:

<i>Residential Water</i>	<i>\$774.91/EDU</i>
<i>Commercial Water</i>	<i>\$929.89/EDU</i>
<i>Residential Sewer</i>	<i>\$1,774.78/EDU</i>
<i>Commercial Sewer</i>	<i>\$2,093.74/EDU</i>

**Commissioner Werner seconded the motion and approval was unanimous.**

## **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 Cranford seconded the motion and approval was unanimous.**

Mr. Frederick reported that there were no attendees at the Engineering Rates Public Hearing held at the Petty Building on June 5<sup>th</sup>, 2008. There were also no comments received to date.

### B. Buck Hewitt Gravity Line

Mr. Frederick referred to a proposed Agreement between the Commission and Loiederman Soltesz Associates, Inc., relating to the Buck Hewitt Road Sewer Revisions, and requested the following motion:

**“Move to approve the Sole Source Proposal from Loiederman Soltesz Associates, Inc (LSA), dated 12 June, 2008 for the design of the construction plans for the Buck Hewitt-Rue Purchase Road Gravity Sewer Line for the total sum not to exceed \$12,700. The lump sum work price for the design being \$5,700; the maximum hourly work for meetings and coordination with other Engineering firms, sharing of electronic files, client directed reviews and utility coordination, not to exceed \$7,000.”**

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

## **CHIEF FACILITIES & OPERATIONS MANAGER'S REPORT**

### A. Fuel Contract Approval

**Commissioner Hanson moved that the Commission accept and award the proposed Open-End Contract for Fuel Oil Purchasing to Burch Oil Company, Inc. for the price differential of \$0.25 per gallon of Low Sulfur Diesel Fuel and #2 Heating Oil, \$99.00 per hour for repair service during normal working hours, and \$163.50 per hour for repair service after normal working hours. Commissioner Cranford seconded the motion and approval was unanimous.**

## **COMMISSION MEMBERS' TIME**

Commissioner St. Clair noted his appreciation, and that of his family, for the Commission's good wishes during the period of his daughter's hospitalization.

Commissioner Taylor invited Mr. Mummaugh, Paragon Properties, to address the Board with his concerns relating to a project on St. George Island.

Mr. Mummaugh noted the difficulties he has experienced over the past 20 years with connecting houses in the Piney Pt/St. George Island locations. He noted his immediate concern relating to MetCom's requirement for the correct head pressure on grinder pumps, and detailed multiple responsibilities of the owner in order to achieve this. He reported that the reason for the delay in providing MetCom with the site plan is that the project was put on hold for 6 months because of an eagle nesting in the immediate vicinity; however, he is now ready to build. Mr. King and Mr. Frederick clarified the necessity of implementing MetCom's policy in this regard; and Mr. Frederick assured Mr. Mummaugh that the project engineer will be provided with all of the necessary information to allow him to determine the required head pressure

After being informed that the house is a new one which will be built on a vacant lot, Mr. King referred to a Board of County Commissioners Resolution passed in 1989. This document specifies which houses can connect, and requires that vacant lots contiguous to other lots under 3 acres in size must be combined. His understanding is that all eligible properties in the area have already been connected, with some exceptions in the area of Mr. Jackie Russell's property.

At this point, Mr. Frederick noted a further concern, in that the existing line he would recommend the house tie into, will be practically inaccessible to MetCom staff.

Mr. Mummaugh assured the Board that his organization is willing to do whatever is required of them to expedite this issue, and reiterated that they were not aware of these requirements six months ago.

Mr. King concluded the discussion by stating that unless a situation exists where there is a reasonable chance that a pump cannot be designed to work within reason, he does not see why the Commission cannot let him resolve this issue while continuing to work on the house. However, staff needs to be certain that this is not the case. He added that inaccessibility should not be a major problem since, prior to issuing permits, LUGM must ensure that some of these contiguous lots are not sold separately.

There being no further business **Commissioner St. Clair moved to adjourn at 3:38 p.m. Commissioner Cranford seconded the motion and approval was unanimous.**

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Lilian J. Bryan, Secretary