

**MINUTES  
REGULAR MEETING  
ST. MARY'S COUNTY METROPOLITAN COMMISSION  
OCTOBER 09, 2008**

The meeting commenced at 1:05 p.m. In attendance were Commissioners Lancaster, Taylor, St. Clair, Cranford, Owen and Macyko; staff members Ichniowski, Frederick, Shick, Cullins, Sullivan and Bryan. Also in attendance were Mike Oliver, NAS, and Jacki Meiser, General Counsel.

**APPROVAL OF AGENDA**

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

**APPROVAL OF MINUTES**

**Commissioner St. Clair moved to approve Minutes of Regular Session dated September 11, 2008. Commissioner Owen seconded the motion and approval was unanimous.**

**LENGTH OF SERVICE AWARD**

Commissioner Lancaster presented Raymond Lacey, WWTP Operator, with a 10-Year Meritorious Service Award, and thanked him for his services.

**EXECUTIVE SESSION**

**Commissioner Taylor moved to adjourn into Executive Session at 1:10 p.m. to discuss personnel issues and potential litigation. Commissioner Cranford seconded the motion and approval was unanimous.**

The meeting readjoined into Regular Session at 1:32 p.m.

**Commissioner Cranford moved to approve Minutes of Executive Session dated September 11, 2008. Commissioner Owen seconded the motion and approval was unanimous.**

**DIRECTOR'S REPORT**

A. St. Mary's Industrial Park Business Association, Inc. (IPBA) Membership.

Mr. Ichniowski briefly reviewed IPBA's objectives, and requested Board approval for MetCom's membership. This would entail an initial expenditure of \$1,000 towards the cost of sign installations, including required operation and maintenance. The Board concurred with his request.

B. November 13, 2008 Board Retreat

Mr. Ichniowski reviewed draft Agenda for the Board's Retreat, which is proposed to be held at Greenwell State Park on Thursday, November 13<sup>th</sup>. He noted that the date coincides with the regularly scheduled Board meeting; however, if necessary, time will be reserved to discuss any required items within a formal Board meeting setting.

C. Value Engineering Report/Facilities Plan Update

Value Engineering Report: Mr. Ichniowski detailed recommendations of the Value Engineering (VE) team contained in the Executive Summary, which notes an approximate cost for the MTWRF upgrade of ± \$20M in 2008 costs. He also referred to "Section I - Introduction of the Final Report." Copies of the

documents are attached to the Minutes. He concluded that CH2MHill will evaluate the Report and discuss their findings with staff.

Status of Facilities Plan: MetCom staff has reviewed the Report in great depth. However, it remains incomplete and will not be finalized for 2-3 weeks. As a result, MetCom's presentation of the Plan to the County Commissioners will be rescheduled for early November. He concluded by suggesting the value of the Consultant making a full presentation of the Plan to the MetCom Board.

## **DIRECTOR, HUMAN RESOURCES REPORT**

### A. Uniform Policy:

Ms. Cullins detailed proposed changes to the Uniform Policy, and requested that the Board review the document prior to approval at a later meeting. A copy is attached to the Minutes.

## **CHIEF FINANCIAL OFFICER'S REPORT**

### A. Standard Report

**Commissioner Cranford 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 St. Clair seconded the motion and approval was unanimous.**

### B. Budget Amendment, Marlay-Taylor Equipment

Following Ms. Shicks' review, **Commissioner St. Clair moved to amend the FY 2009 Operating Budget, as recommended by the Chief Financial Officer, to re-allocate:**

- (1) \$8,000 from the budget expense line for the Pump Around at St. George Island WWLS;**
- (2) \$4,500 from the budget expense line for Carpeting at the Larry Petty Building;**
- (3) \$1,100 from the budget expense line for Water & WW Collection's 6 Radio Replacements**

**to offset the following unanticipated expense line items to comply with the Storm Water Management Plan;**

- (1) \$9,800 Paving at Marlay-Taylor;**
- (2) \$1,700 Concrete pads under 3 screening dumpsters;**
- (3) \$2,100 Roofs over 3 screening dumpsters.**

**This budget amendment has no effect on The Net Income from Service Charges.**

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

### C. Capital Contributions Payment Plan

Ms. Shick clarified purpose of the Plan, which would be based on the charges in effect at the time the person was responsible for them, and would include 10% interest. Any past due balance on these accounts would accrue current late fees, and the outstanding balance is required to be paid in full when the property is either sold or transferred. In order to be eligible, customers would need to complete a Capital Credit Payment Plan Application, which staff proposes to base on Maryland Department of Human Resources' Income Guidelines for the Energy Assistance Program. A copy is attached to the Minutes.

Ms. Shick subsequently read Resolution No. 2008-05 into the record, a copy of which is attached to the Minutes.

**Commissioner Taylor moved to adopt Resolution 2008-05 relating to the Capital Contribution Payment Plan. Commissioner St. Clair seconded the motion and approval was unanimous.**

#### D. Changes to Late Fee Rate

Ms. Shick noted that MetCom currently charges 1.5% per month, or 18% per year, against late charges. Staff proposes to reduce this rate to 1.25% per month, or 15% per year, in consideration of the current economic climate. She concluded that if budget projections are correct, adopting this change would have a negative amount on the Commission's income of \$13,000, which is not a matter for concern.

**Commissioner Owen moved to adopt Resolution 2008-06 relating to the decreased late fee on past due charges. Commissioner Cranford seconded the motion and approval was unanimous.**

#### E. Identity Theft Program

Ms. Shick noted that as a "covered account", the Commission is required by the Federal Trade Commission, Federal Bank Regulatory Agencies and National Credit Union Administration, to develop and implement an Identity Theft Prevention Program by November 1<sup>st</sup>, 2008 as part of the Fair and Accurate Credit Transactions Act of 2003. She reported limited risk to the Commission, and noted that an annual report will be submitted to the Board on all matters relating to the program. She concluded by requesting immediate approval by the Board, with any necessary changes being made at a later date.

**Commissioner St. Clair moved that the Commission adopt the Identity Theft Program as proposed. Commissioner Cranford 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 reports as submitted and reviewed by this Commission. Commissioner Cranford seconded the motion and approval was unanimous.**

#### D. Update: MacArthur Boulevard Project

Mr. Frederick reported that staff is currently investigating the reason for three water line breaks at this location since May. He subsequently detailed current and future preventative actions, noting that ±\$70,000 has been expended to date on the repairs.

#### B. Replacement Wells, Holland Forrest/Fenwick Manor

Work on these projects is on schedule, and staff anticipates that applications for Groundwater Appropriations Permits will be submitted to MDE by December, 2008.

#### B. Update: Lexington Park Pump Station, 8-30-S

The forcemain is scheduled to be tested this week, and staff anticipates that the final gravity section will be completed by October 17th. Gradient Construction, LLC will subsequently make the final connections and perform the testing, which will complete this portion of the project.

#### C. Update: Chancellor's Run Road/Hollywood Extension Projects

A Public Hearing for Chancellor's Run Road was held on September 24<sup>th</sup>. Commissioner Raley questioned the issue of sanitizing lines going from the meter into the house, which has not been a requirement up to this point. Mr. Ichniowski noted that Adam Knight, of LUGM's Permits Division, will broach this issue to the Plumbing Board. In the meantime, Commissioner Raley will be provided with copies of all emails between Mr. King and Mr. Knight relating to this topic.

A further Public Hearing on the Hollywood Water System was held on September 17<sup>th</sup>. The ±5 people in attendance had no major issues, other than concern regarding timing of the project and possible damage to property.

Bid opening for the project was held on September 25<sup>th</sup>, with six bids ranging in price from \$219,651 to \$428,500. Both Dewberry and MetCom staff have reviewed the successful bid and concluded that it is good.

**Commissioner Owen moved to accept the lowest responsive and responsible bid from Gradient Construction LLC, dated September 25, 2008 for Contract 8-41-W, Construction of Hollywood Water System Phase I, and associated work, for the total bid price of \$219,651. Commissioner Taylor seconded the motion and approval was unanimous.**

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

##### A. Trash Removal Service, Contract #09-03-F

Mr. Sullivan reviewed Ms. Hamlet's Memorandum dated October 9<sup>th</sup>, 2008 and requested approval to award the contract to Waste Management of Southern Maryland. In response to questions from Commissioner St. Clair, Mr. Sullivan noted that effective date of the fuel surcharge was approximately one and a half years ago, and that it is charged per site, ranging in price from \$19-\$22/month.

**Commissioner Cranford moved that the Commission accept and award the proposed Open End Contract for Dumpster Services to Waste Management of Southern Maryland for a contract price of \$916.70/month. Commissioner Taylor seconded the motion and approval was unanimous.**

#### **NEW BUSINESS**

##### A. Table of Equivalent Dwelling Units/Proposed Revision

Mr. Ichniowski requested that the Board review the document provided to them prior to discussion at a later date. A copy is attached to the Minutes.

#### **CONTINUING BUSINESS**

##### B. Proposed 2009 Legislative Changes Update

Mr. Ichniowski reported that Counsel's structural corrections to previous language within the Commission's Regulations have been submitted to the Board of County Commissioners. A meeting to discuss this is currently being arranged with the Assistant County Attorney. A Public Hearing to be held on October 28<sup>th</sup> by the County Commissioners and legislative delegation will review the changes and receive public input. Final changes will be submitted to the State legislature in May, 2009.

##### B. Update: MDE Water Appropriations Permits

Mr. Ichniowski reported that Groundwater Appropriations Permits for Abberly Well and the new well installed in conjunction with the Wildewood subdivision have been received from Maryland Department of the Environment. He noted that the Abberly Permit was issued with an effective date of January 1, 2008.

## **ADJOURNMENT**

There being no further business, **Commissioner St. Clair moved to adjourn at 2:45 p.m.**  
**Commissioner Cranford seconded the motion and approval was unanimous.**

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Lilian J. Bryan, Secretary

