

**MINUTES
REGULAR MEETING
ST. MARY'S COUNTY METROPOLITAN COMMISSION
OCTOBER 08, 2009**

The meeting commenced at 3:05 p.m. In attendance were Commissioners Werner, Barthelme, Hanson, Tudor and Oliver (representing Captain Andrew Macyko); staff members Meiser, Ichniowski, Frederick, Shick, Cullins, Sullivan, Fehn and Bryan.

LENGTH OF SERVICE AWARD

Commissioner Werner presented a Meritorious Service Award to Thomas Spalding, Jr., Maintenance Superintendent, and congratulated him on his 20 years of service with the Commission.

DIRECTOR'S REPORT

A. Joint Meeting with BOCC re: Navy Privatization

Ms. Meiser noted that the purpose of this meeting is to discuss in greater detail, possible privatization of the Navy's water and sewer systems. She requested that Board members inform staff of their availability on either November 10th, or November 17th, to enable firm scheduling with the County. She added that if neither of these dates is convenient, the meeting would probably need to be postponed to January, 2010.

B. BOCC Environmental Concerns

Ms. Meiser referred to correspondence from the County Administrator dated October 1, 2009, requesting that MetCom join a coalition to discuss specific environmental issues that would affect residents both within and out of the county area. To this end, an Environmental Summit and Workshop will be held at 8:30 a.m. on Saturday, November 7th at the new Evergreen Elementary School. The Board agreed that staff should choose an effective representative, and noted that Mr. Sullivan would appear to be a good candidate for this position.

CONTINUING BUSINESS

F. Retreat Update

Mr. Ichniowski reviewed a Draft Agenda for the Retreat, which will be held at the Greenwell State Park on October 22, 2009. A copy is attached to the Minutes.

MOTION TO APPROVE AGENDA

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

APPROVAL OF MINUTES

Commissioner Barthelme moved to approve Minutes of Regular Meeting dated September 24th, 2009. Commissioner Hanson seconded the motion and approval was unanimous.

CHIEF FINANCIAL OFFICER'S REPORT

A. CIB Amendment FY10, Co-Generation Project.

Ms. Shick reviewed her Memorandum to the Board justifying the proposed CIB Budget Amendment for FY10 relating to the Co-Generation Project. A copy is attached to the Minutes.

Commissioner Barthelme moved to amend the FY 2010 Capital Improvement Budget, as recommended by the Commission's Chief Financial Officer, to re-allocate:

- (1) \$2,589,422 from the Marlay-Taylor Wastewater Reclamation Facility Digester Cover Repairs; and**
- (2) \$470,306 from sewer contingencies**

to offset the following expense:

- (1) \$3,059,728 for Methane Power Co-Generation and Digest Covers at Marlay-Taylor Wastewater Reclamation Facility.**

This budget amendment does not change the total budget amount in the FY10-FY14 Capital Improvement Budget. Commissioner Tudor seconded the motion and approval was unanimous.

ENGINEER'S REPORT

A. Co-Generation Construction Contract Bid Award

Mr. Frederick reviewed Dewberry's September 29, 2009 analysis of the bids, and a spreadsheet from the Purchasing Agent, dated October 8, 2009 illustrating their range and the Engineer's estimate. Copies of the documents are attached to the Minutes.

Commissioner Tudor moved to approve the base bid dated September 23, 2009 from Whiting-Turner Contracting Company, for \$3,392,900, to construct the Marlay-Taylor Water Reclamation Facility Methane Power Co-Generation and Digester Upgrade Contract #8091SF, contingent upon final acceptance by MDE. Commissioner Hanson seconded the motion and approval was unanimous.

A. Approval, Engineering Fee Schedule

Mr. Frederick reported that there were no attendees at the September 16, 2009, Public Hearing held on this issue. There were also no written or verbal communications received with reference to the fees and proposed changes.

Commissioner Hanson moved to implement the new Engineer Fee Schedule as presented at the Public Hearing held on September 16, 2009 with an effective date of November 1, 2009.

Further moved that the new Fee Schedule may be implemented for any project currently under Public Works Agreement which is less than 50% completed, at the discretion of each developer.

Commissioner Tudor seconded the motion and approval was unanimous.

CONTINUING BUSINESS

A. Ms. Svenson, Patuxent Technological Park (PTP)

Ms. Meiser reviewed Ms. Svenson's request on behalf of PTP and referred the Board's attention to a map illustrating location of the business. A copy is attached to the Minutes.

Following further discussion, **Commissioner Tudor moved that, upon completion of the Co-Generation project at Marlay-Taylor, this Commission consider the construction of wood privacy fencing and the creation of a landscape buffer, in place of the existing chain-link fencing along Pine Hill Run Road, to further enhance the screening of the Marlay-Taylor facility from surrounding properties. Commissioner Hanson seconded the motion and approval was unanimous.**

A. Proposed Connection Deferral Guideline

Ms. Meiser referred to the Proposed Connection Deferral Guideline, noting that the following paragraph was added to the document following its recent distribution to Board members.

“In addition to the guidelines set forth herein above, this Commission reserves the ability to grant connection extensions, on a case-by-case basis, as deemed appropriate by this Commission, but that any such connection extension granted should not exceed a total of eighteen (18) months from the date the newly constructed line is designated by the Commission to be ready for service.”

A copy of the complete Guideline is attached to the Minutes.

Commissioner Barthelme moved to approve the Connection Deferral Guidelines to provide the framework within which this Commission may permit properties, which would otherwise be required to connect to a water and/or sewer line within the time customarily prescribed by this Commission, to defer connection under certain circumstances, all as more specifically set forth in the Guidelines. Commissioner Hanson seconded the motion and approval was unanimous.

B. Ms. Coombs Deferral Request

Ms. Meiser reviewed Ms. Coombs' request, subsequently referring to proposed guidelines applicable to the three current deferral requests. A copy is attached to the Minutes.

Commissioner Tudor moved that the connection deferral request submitted by Ms. Jo Ann Coombs for her property at 21375 Chancellors Run Road be granted, and that Ms. Coombs be required to connect to the new water line on or before June 22, 2010, an additional six month extension. Commissioner Barthelme seconded the motion and approval was unanimous.

C. Mr. Adkins Connection Deferral Request

Ms. Meiser further reviewed Mr. Adkins' deferral request and applicability of the guidelines to his specific situation. She noted that he would be a good candidate for the System Improvement Charge deferral program and/or the Capital Contribution Charge Installment Plan if he meets the financial criteria. Staff will ensure that information on these options is presented to him.

Commissioner Tudor moved that the connection deferral request submitted by Mr. Ronald Adkins, 21505 Chancellor's Run Road be denied, and that Mr. Adkins be required to connect to the new water line on or before December 22, 2009. Commissioner Barthelme seconded the motion and approval was unanimous.

D. Mr. & Mrs. J. Schillinger Connection Deferral Request

In conclusion, Ms. Meiser reviewed Mr. & Mrs. Schillinger's connection deferral request and Proposed Guidelines.

Commissioner Tudor moved that the connection deferral request submitted by Mr. & Mrs. Justin Schillinger, 21015 Great Mills Road, be granted, and that the Schillinger's be required to connect to the new water line on or before November 15, 2010, an additional twelve-month extension. Commissioner Barthelme seconded the motion and approval was unanimous.

EXECUTIVE SESSION

Commissioner Barthelme moved to adjourn into Executive Session at 4:15 p.m. to discuss property acquisition and potential litigation. Commissioner Tudor seconded the motion and approval was unanimous.

The meeting readjoined into Regular Session at 4:43 p.m.

Commissioner Tudor moved to approve Minutes of Executive Session dated September 24, 2009. Commissioner Hanson seconded the motion and approval was unanimous.

ADJOURNMENT

Commissioner Hanson moved to adjourn at 4:45 p.m. Commissioner Tudor seconded the motion and approval was unanimous.

Lilian J. Bryan, Secretary