

**MINUTES  
REGULAR MEETING  
ST. MARY'S COUNTY METROPOLITAN COMMISSION  
SEPTEMBER 11, 2008**

The meeting commenced at 1:05 p.m. In attendance were Commissioners Werner, Taylor, St. Clair, Lancaster, Owen, Hanson and Oliver (representing Captain Andrew Macyko); staff members King, Ichniowski, Frederick, Shick, Cullins and Sullivan. Also in attendance was Jacki Meiser, General Counsel.

**MOTION TO APPROVE AGENDA**

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

**APPROVAL OF MINUTES**

**Commissioner Taylor moved to approve Minutes of Regular Meeting dated August 21, 2008. Commissioner St. Clair seconded the motion and approval was unanimous.**

**LENGTH OF SERVICE AWARDS**

Commissioner Werner presented the following employees with Meritorious Service Awards:

- Anne Mary Cullins, Director, Human Resources, 25 years;
- Diane Reed, Supervisor, Supervisor, Customer Service, 15 years; and
- Mike Dement, Utilities Electrical Technician, 10 Years.

**EXECUTIVE SESSION**

**Commissioner Taylor moved to adjourn into Executive Session at 1:08 p.m. to discuss personnel actions and potential litigation. Commissioner St. Clair seconded the motion and approval was unanimous.**

The meeting readjourned into Regular Session at 1:25 p.m.

**DIRECTOR'S REPORT**

A. Dates of Interest

Mr. King provided the Board with a listing of dates relating to meetings and bid openings occurring in September. A copy is attached to the Minutes.

B. 2008 St. Mary's County Water and Sewerage Plan

Mr. King referred to correspondence from MDE dated August 25, 2008, officially approving 2008 Amendments to the County's Comprehensive Water & Sewer Plan. A copy is attached to the Minutes. He noted that compliance with conditions of approval will not pose a problem.

C. MetCom 2009 Legislative Proposals.

Mr. King invited Ms. Meiser to review the following conceptual changes recommended by staff:

- Section 113-1 *Commission; appointment; tenure; staff:*

Although Commission By-Laws allows for Board members to serve two 3-year terms, the Code implies that only one 3-year term can be served. A modification to correct this is requested.

- Section 113-3 & 4 **Sanitary Districts:**  
The rate structure dependant on sanitary district for calculating/allocating debt no longer exists.
- Section 113.5 **New facilities; studies; plans:**  
Eliminate the following:
  1. Requirement to post handbills in areas proposed for a new water or sewer system;
  2. Reference to the “Mattapany District”;
  3. Reference to sanitary districts, which is no longer a requirement as it relates to the allocation of debt.
- Section 113.6 **Bonds; authorized, restriction, issue:**  
Modification of this section to provide calculation of the Commission’s debt limit based on 25% of the best value of all the properties to be served by the water/sewer system.
- Section 113.7 **Bonds, delinquency; levy of taxes; penalty:**  
Request re-titling because of inconsistency with section’s contents.  
In addition, reference to “sanitary district” with respect to allocation of debt is a common theme throughout the Code which must be changed.
- Section 113:8 **Bids and contracts:**  
Propose to replace term “day labor” with more modern term and definition. In addition, request increase to \$10,000, before the requirement to competitively bid.
- Section 113:12 **Connection Charges:**  
This section deals with the Commission’s new Capital Contribution Charge. However, it only references “a” singular uniform rate, when the Commission actually has a uniform rate for residential customers and a uniform rate for commercial customers. This should be clarified. Also propose to specify “*at least two separate uniform rates*” to afford future latitude.  
In addition, the section requires the collection of a Connection Charge, which has not been the case for some time. Staff proposes to make it discretionary for MetCom to have the ability to collect the Connection Charges when necessary, but does not require it to be mandatory.
- Section 1:13-14 **Service Rates:**  
Language within this section incorrectly indicates that placement of all meters would be at the sole expense of MetCom when, in fact, placement of some meters is at the property owner’s expense. Request deletion to make it consistent with actual practices.
- Section 113-22 **Church Property:**  
This section exempts church properties from having to pay the former Benefit Assessment Charge. Request modification to provide that up to three EDU’s of the System Improvement Charge is exempt for church properties.
- Section 113-29 **System Improvement Charges:**  
Request modification to current inconsistency between Section D-1 and Section D-3 relating to when the System Improvement Charge can be collected.  
This section also makes incorrect reference to the Capital Contribution Charge.
- Section 113-12 **Connection Charges:**  
Request deletion of two sections of 113-12(E) that have no basis. Subsection 1, dealing with deferral, should remain as is.
- Section 113-29 (F)(2) **System Improvement Charges:**  
This is a typographical error which states that .....“in certain circumstances an agricultural property might be granted an exemption from the System Improvement Charge if it is connected to the water and sewer system”. This should read, “.....if it is *NOT* connected to the water and sewer system.”  
113-29 (O) **System Improvement Charges:**  
This section formerly provided that a Benefit Assessment Charge would be paid in full at the time a property is acquired for public purposes. However, this policy no longer applies, as the System improvement Charge continues in perpetuity.

In addition, there are two requested inclusions at the end of the section, as follows: (1) the provision that provides specifically that, to the extent there are any state or federally mandated charges that MetCom is required to pay, if unpaid by any customer, are subject to the same lien and collection procedures of all other MetCom charges; and, (2) there is no specific provision which clearly states that MetCom has vehicular ingress and egress right of way to all its water towers, pumping stations, wells, etc. It also does not list consequences of obstructed access.

- Finally, throughout the Code there are specific typographical errors which repeatedly refer to “EDU’s” as “ESU’S”. Correction is requested in each case.

**Commissioner Lancaster moved that the Commission conceptually approve the 2009 legislative changes as described by both the Director and Legal Counsel, and authorize staff to prepare the specific text revisions that are required to implement those conceptual changes, as well as prepare the County documents that are required for submission for legislative consideration.**

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

At this point, **Commissioner Taylor moved to approve Minutes of Executive Session dated August 21, 2008. Commissioner St. Clair seconded the motion and approval was unanimous.**

## **HUMAN RESOURCES DIRECTOR REPORT**

### **A. Leave & Holiday Policy Changes**

Ms. Cullins reviewed the necessity for specific changes to the Leave & Holiday Policy, and requested Board approval. A copy is attached to the Minutes.

**Commissioner Taylor moved to add the following language to the Leave & Holiday Policy:**

- *Under Section II Part A, add to the existing text, “Professionals and Managers are defined as Director, Assistant Director, Chief Engineer, Chief Financial Officer, Director of Human Resources, Chief, Facilities and Operations, Assistant Engineer–Planning and Assistant Engineer–Construction.”*
- *Under Section III Part A, add subsection (h) to state “upon termination an employee is not entitled to receive payment for unused sick leave other than in accordance with paragraph (B) above.”*
- *Under Section II Part A add subsection (g) to state “employees are prohibited from engaging in secondary employment while absent from work on sick leave.”*
- *Under Section IV add the statement “Employees are prohibited from engaging in secondary employment while absent from work on FMLA leave.”*

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

### **B. Intern Policy**

Ms. Cullins’ justified proposed changes to the Intern Policy, and requested Board approval. A copy of the document is attached to the Minutes.

**Commissioner Taylor moved that the Commission modify the Intern Policy as follows:**

- (1) Only require the submission of the previous semester’s transcript, as opposed to requiring copies of transcripts from every college and university attended;*
- (2) eliminate the requirement for two letters of recommendations from personal references; and*
- (3) eliminate the requirement for the two page typewritten essay.*

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

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

### A. Standard Reports

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

### B. Check Signer Authorization

Ms. Shick noted the requirement for two signatures on all Commission checks: by the Director, Assistant Director or Chief Financial Officer; and countersigned by the Chairman, or other member authorized by the Commission to sign checks in his/her place. She stressed the practical aspect of having three Board signatories to draw on and requested that, apart from the Chairperson, authority be given to Commissioners Lancaster and Taylor for this purpose.

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

### B. Relocation of Piney Pt. Sewer Line

For the Board's information, Mr. Frederick reviewed "Sequence of Operations" relating to relocation of the 8.0" sewer force main at Cecil's Mill Self Storage. A copy of the document is attached to the Minutes.

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

### A. St. George Island Wastewater Pump Station Rehabilitation

As a follow-up to Mr. Ichniowski's previous report, Mr. Sullivan reported that Phase I of this project will consist of cutting the existing wet well lid from the top section and installing the new lid to raise the wet well approximately 36". DSI, Inc will subsequently remove and replace all piping and metal structures within the wet well; to be finally followed by Abel Recon relining and sealing it with a urethane liner.

## **CONTINUING BUSINESS**

### A. Facilities Plan Update

Mr. King reviewed and updated the Board on the referenced Plan, and reported that staff has provided input on the Value Engineering Study performed by Dewberry & Davis LLC. Receipt of the completed document is anticipated by tomorrow, and will be forwarded to CH2MHill for their comments. He has received a draft portion of the Facilities Plan relating to other components of such a study, e.g. what needs to be done with the wells, tanks, water mains and water collection/water distribution/wastewater collection systems. Additional information associated with this, including cost, has yet to be received. At this point, Mr. King reviewed the "Executive Summary" in detail. A copy is attached to the Minutes.

In conclusion, Mr. King reported that staff will brief the Board of County Commissioners (BOCC) on this issue on October 7<sup>th</sup>, but anticipates receiving the updated information prior to that. He offered to meet with the Board following its receipt, and prior to the meeting with the BOCC.

#### **COMMISSION MEMBERS' TIME**

Commissioner Taylor questioned progress of the Lexington Park Pumping Station project.

Mr. King reported that work at the station has basically been completed, and that the Contractor has moved off site. In the meantime, construction of the forcemain down Shangri-la Drive is proceeding. Staff expects to receive a proposal from Gradient for the final section of the project, and it is anticipated that the station will be operational by the fall.

Mr. King added that staff is investigating the viability of moving controls next to the well, at the back of the property, and building a small weather proof enclosure in order to continue operation of that well. This would enable demolition of the current building, with the potential to sell the property. Staff is currently investigating this option, and recommendations for the Board to consider will be presented within the next several months.

#### **ADJOURNMENT**

There being no further business, **Commissioner Owen moved to adjourn. Commissioner Taylor seconded the motion and approval was unanimous.**

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Lilian J. Bryan, Secretary