

# **Appendix D**

## **Task Force Meeting Minutes**

**MINUTES OF THE METCOM TASK FORCE**  
**CHESAPEAKE BUILDING \* LEONARDTOWN, MARYLAND**  
**Wednesday, August 26, 2009**

Members present were Elliott Burch, Ford Dean, Joe Densford, Shelby Guazzo, Glen Ives, Robert Jarboe, Susan McNeill, James Spence, Mary Lynn Stone, and Frank Taylor. Support Staff Present were John Savich, County Administrator; Jackie Meiser, METCOM Director; Robin Parker Cox, UMD; and Richard Lawrence, UMD. Mr. Savich called the meeting to order at 9:02 a.m.

**Introductions**

Each member introduced themselves and stated how they were appointed to the Task Force.

**Overview of the Role and Responsibilities of the Task Force**

Mr. Savich gave an overview of HB 1559 stating the Task Force is to study the governance and structure of the Metropolitan Commission and make recommendations regarding the structure and governance of the Metropolitan Commission and how best to continue the provision of water and sewer services to the citizens of St. Mary's County.

Delegate Bohannon stated it is time to look at the issues at hand and streamline the process for the future. Delegate Bohannon stated we are the only county in Maryland who has this setup while other water and sewer services are governed by their respective Counties.

Mr. Savich introduced Robin Parker Cox and Richard Lawrence of the University of Maryland (UMD) Institute for Governmental Service and Research. Mr. Densford stated UMD holds a contract for services with the County and asked who instructs UMD. Mr. Savich clarified that direction to UMD staff comes directly from the Task Force.

**Presentation of Background Materials**

Ms. Meiser presented background material to the members and gave a brief overview of the materials. Ms. Meiser referenced the Issue Summary included in the materials. Ms. Stone asked how the issues included in the Issue Summary were identified. Ms. Meiser stated she met with Mr. Savich and both brainstormed and placed concerns into one of the three categories.

Mr. Jarboe stated he would like to know how the Water and Sewer Service Category works in Charles County. Mr. Savich stated this is information that can be provided. Ms. McNeill recommended looking to other states as well as other counties within Maryland.

**Initial Framing of Issues to be Addressed**

Ms. McNeill asked if staff had considered hold public meeting where citizens could come and express their concerns. Mr. Savich stated this is an item for discussion and reminded the Task Force that work must be completed by June of 2010. Mr. Taylor recommended holding a public forum after the Task Force has had a chance to digest the initial information provided. Ms. Guazzo recommended holding evening meetings with the building and engineering community. Mr. Jarboe recommended meeting with the Leonardtown Town Council as well.

Mr. Dean asked for clarification of HB 1559 stating it seems discussing the growth and development review process may be out of line with what HB 1559 is asking for. Mr. Dean suggested the Task Force stick to the governance and structure aspects of this rather than growth and development.

**Related Issues**

Mr. Savich mentioned other issues such as Spray Irrigation, Leonardtown Treatment Plant, the Detention Center, and privatization RFP by the Navy. Ms. Meiser stated the contract to take over the water and sewer services for Patuxent River Naval Air Station and Webster Field were never finalized due to the denial of funding by the County Commissioners. Mr. Ives asked if the County

Commissioners concerns are included in the information provided. Mr. Savich stated there was no detailed discussion on this matter therefore no, this information is not included. Mr. Jarboe asked that other agreements such as the one with the St. Mary's College be provided. Ms. Meiser stated this agreement was never finalized.

**Additional Material or Information Desired by Task Force Members**

Ms. Cox stated she would return to the next meeting with a draft matrix of comparable areas in a very broad spectrum.

**Selection of Chair and Vice-Chair**

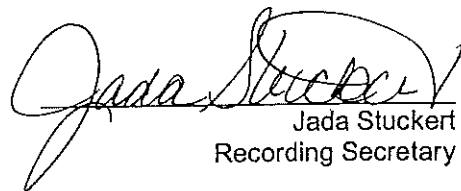
Mr. Joe Densford and Ms. Mary Lynn Stone were voted Co-Chairs of the Task Force by way of secret ballot.

**Initial Meeting Schedule**

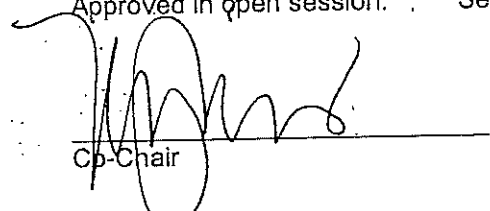
It was decided to hold the next meeting on Monday, September 14, 2009 from 1:00 p.m. to 4:00 p.m. Topics to be included on the agenda are an overview of UMD area findings, questions for METCOM department heads, framing the information needed, and scheduling meetings through December.

**Adjournment**

The meeting was adjourned at 11:00 a.m.

  
Jada Stuckert  
Recording Secretary

Approved in open session: September 21, 2009

  
Co-Chair

**NOTE:** After the 08/26/09 meeting a decision was made to reschedule the September 14, 2009 meeting to September 21, 2009 from 6:00 p.m. to 9:00 p.m.

**MINUTES OF THE METCOM TASK FORCE  
CHESAPEAKE BUILDING \* LEONARDTOWN, MARYLAND  
Monday, September 21, 2009**

Members present were Elliott Burch, Ford Dean, Joe Densford, Shelby Guazzo, Glen Ives, Robert Jarboe, Susan McNeill, James Spence, Mary Lynn Stone, and Frank Taylor. Support Staff Present were John Savich, County Administrator; Jackie Meiser, METCOM Director; Robin Parker Cox, UMD; and Richard Lawrence, UMD. Mr. Densford called the meeting to order at 6:02 PM.

**Approval of Minutes**

Mr. Taylor moved that the minutes of August 26, 2009 meeting be approved with correction. The motion was seconded by Mr. Jarboe and passed.

**Discussion of MOU Status**

Mr. Densford asked the members for input regarding the Memorandum of Understanding (MOU) between the University of Maryland (UMD) and the County regarding staffing services & funding for the Task Force. Members felt that UMD staffing was critical to their success; however, they did not feel it was appropriate to request action from the Board of County Commissioners on this matter (funding) as it was not within the scope of their responsibilities.

**MetCom Reference Binder Review**

Ms. Meiser asked the members how they would like to proceed with overview of the MetCom Departments and processes. The members asked to have each department head provide an overview of their department followed by a question and answer session.

**1. Fiscal Department: Presentation given by Ms. Shick, Chief Financial Officer**

Ms. Shick provided an overview of the material in the reference binder and explained how rates are set and collected. She also covered the operating budget, bonds, benefits and pension plan for employees. Specific items covered:

- Financial Department is responsible for financial reporting, budgeting, payroll, accounts receivable, accounts payable, purchasing, grants and loans
- Operating budget covers water, sewer, and engineering services
- Capital Improvement budget is a five-year plan to cover new service and replacement/upgrade of existing infrastructure
- MetCom serves 12,100 residential water customers and 829 non-residential water customers; over 10,000 residential sewer customers and 800 non-residential sewer customers. The water figures do not include the Navy base, which does not receive water service from MetCom
- Capital Contribution Charges pay for construction of new service for new customers; one-time charge at time of connection
  - Current contribution charge for residential sewage is \$1,744.78
  - Current contribution charge for residential water is \$774.91
- System Improvement Charges are paid by everyone with an EDU allocation and are used to cover debt service for loans for the upgrade and replacement of existing systems
  - Current improvement charge for sewage is \$8.75 per month (residential)
  - Current improvement charge for water is \$5.27 per month (residential)
- Charges based on 2007 legislation; all customers pay the same amount. Prior to 2007, fees were charged by area; customers living in a highly populated area paid less because there were more customers to share the cost. Customers in low density areas would pay considerably more because there were fewer customers to share the costs of the system
- There are financial assistance programs available to MetCom customers

(Continuation of Fiscal Department Overview)

- Service rates
  - \$28.27 per month for residential non-metered sewage
  - \$15.72 per month for residential metered water
- Water rates are based on average usage of 18,000 gals per quarter per household (6,000 gal per month)
  - Average usage was determined many years ago (possible several decades) and have not been changed
  - MetCom goal is to bill for usage rather than on the historic 18,000 gal average
- Meters are read quarterly; meter reading is expensive and time consuming (hence why they are read quarterly vice monthly)
- MetCom is planning on installing radio-read meters, thus significantly reducing the need for meter readers; bills will then be monthly and based on usage
- MetCom is currently using personnel from the Center for Life Enrichment to read meters
- Most financing for MetCom comes from Maryland Department of Housing and Community Development (DHCD) and the Maryland Department of the Environment (MDE) in the form of low interest loans. They also receive some grant funds
- MetCom has applied for a loan from DHCD for \$12.5 million for upcoming projects and a loan for \$700,000 from MDE
- They have jointly entered into bond arrangements with the county in the past but nothing lately
- MetCom and the County are audited by the same company; the 2007 / 2008 MetCom audit contained no negative findings and presented no areas requiring improvement. During the audit, MetCom received praise for their financial process / standing
- Administrative costs (salaries, benefits, and pension plan) are covered in the Fiscal Section the MetCom reference binder
- A study was performed to project the future health insurance cost of MetCom employees after retirement; an allocation over the next 20 years has been projected into the budget to ensure the trust is sufficient to cover these projected cost
- MetCom employees are in the same health insurance group as county employees

**Action Items from this section of the overview:**

- Are EDUs assigned to the Navy base included in the total customer numbers
- What is the agreement with St. Mary's College concerning the Bay Interceptor
  - What was the cost and how much was paid by whom
  - Does that money need to be reimbursed

**2. Facilities: Presentation given by Mr. Mike Sullivan**

Mr. Sullivan discussed current facilities and operations. Conversation included nutrient removal and site capacity, specifically of the Marlay Taylor site. There were several questions asked concerning EDU allocation vs. actual EDU use. Specific items covered:

- Department consist of 42 full-time employees and 2 contractors
- Department is responsible for the daily operation of systems and facilities
  - 27 Water systems
  - 6 Wastewater treatment facilities
  - Water distribution system and wastewater collection systems
- Water treatment capacity of the 27 systems is 12.2 million gals per day (3.8 million gals per day, average daily flow in 2008)

(Continuation of Facilities Overview)

- Water distribution system consists of 52 stations, 69 wells, 53 water storage vessels (13 of which are elevated tanks or towers)
- There are 190 miles of water mains
- Chlorine is injected at water stations to kill bacteria
- There is no fluoride added to the water; fluoride injection is a controversial issue; it is also expensive and very dangerous when in a concentrated form
- Wastewater treatment facilities can process 6.265 million gals per day
  - Marlay Taylor facility can handle 6 million gals per day; much larger than all other facilities combined
- In 2008, the facilities processed an average of 4.4 million gals of sewage per day
- Wastewater treatment operations consists of 61 pumping stations, 1,400 residential grinder stations, and 200 miles of sewer lines
- Nitrogen and phosphorous are removed at the treatment facilities through Biological Nutrient Removal (BNR) technology
- Enhanced Nutrient Removal (ENR) is covered in Tab 10 of the MetCom reference binder
- Marlay Taylor is being upgraded to ENR standards; ENR portion of the upgrade is funded by the state through grant monies; upgrade is well ahead of schedule
- The Marlay Taylor upgrade involves more than ENR; the state will only pay for the ENR portion
- Flush Tax fees are collected monthly and sent to the state; the fees are the source for ENR funding from the state
- The goal of the upgrade is to further reduce the nitrogen and phosphorus levels in discharge
- The five smaller facilities use ground-discharge method
- Marlay Taylor discharges directly into the Chesapeake Bay
- All facilities are automated (utilize radio technology); the two older facilities will send an automated message via telephone to employees if a problem occurs
- The new facilities can be accessed via cell phone, pager, computer, or telephone
- Marlay Taylor accepts pumpage / waste from haulers; the haulers are assessed a charge based on the actual cost to process the waste (dependent on type and source of waste)
  - Septic Tank Waste is \$65.60 per 1,000 gal, Portable Toilet Waste is \$74.38 per 1,000 gal, and Grease Trap Waste is \$157.90 per 1,000 gals
  - Recent changes resulted in an increase to haulage fees; this is due to the concentration of sewage from haulers as compared to the diluted material which comes through the sewer lines. The fees for haulers can be found in Tab 5 of the MetCom reference binder
- The operating efficiency level for the sewage treatment facilities should be at least 50% of capacity; under-loading the system is not efficient
- Marlay Taylor is currently operating at approximately 70% of capacity; this number is based on actual flows and not allocation of EDUs
- An EDU is equal to 250 gallons per day; not necessarily a realistic number for many households
- The Navy reserves 1.2 million gallons per day (20% of Marlay Taylor capacity); their actual usage is approximately 600,000 per day
- EDUs are allocated during the preliminary plan approval; this results in allocated but unused EDUs while the project is being completed
- Currently, EDUs are allocated by Land Use and Growth Management (LUGM); MetCom would like to see EDU allocation occur during final record plat approval
- Developers and lenders will not like EDU approval at the end of the process; they will want to know that there is adequate public facilities prior to the loan process

- MetCom and LUGM are working together to develop a better system for allocating EDUs
- MDE sets standards for the timing of upgrades / expansions of treatment facilities; based on plant capacity reaching a certain point. Allocated EDU's are much higher on paper than actual flows at Marlay Taylor because of the way the EDUs are allocated at Preliminary Plan rather than Final Record Plat
- Table of usage revision for EDUs is underway; a joint effort between MetCom and LUGM to determine if 250 gallons per EDU is accurate
- EDUs are good for as long as the preliminary plan remains valid; an extension can be given if needed, thus extending the period of unused EDU allocation
- System Improvement Charges for EDUs begin when the EDU is allocated, used or not
- EDUs will be revised when the analysis is complete; currently looking at the numbers to ensure that the new EDU equivalency is accurate and reflects current average usage; any adjustment of the EDU equivalency flow would require consent of MDE
- The last 18 months have shown increase in allocated but unused EDUs due to economic situation (many projects on hold)
- The sewage flow at Marlay Taylor is 4 million gallons per day, regardless of EDU allocation. It doesn't matter how many EDUs are left because there is only 2.265 million gallons of flow left
- Navy Allocation section of reference binder contains information on Navy usage; typo in this section: EDU allocation should read 1.2 million vice 1.5 million
- St. Mary's College has 1200 EDUs allocated; they are trying to give back 500 EDUs although the agreement has not been finalized
- Fire Departments and Rescue Squads do not pay for EDUs
- Most Recreation and Parks facilities do not pay for EDUs; possible exception is the swimming pool (Meiser will check)
- Sludge needs to be removed; this is done through contract and cost approximately \$100,000 per year
  - MetCom sludge is rated Class B and can be used on farm land
- To upgrade the system to a Class A standard would be extremely expensive and the cost to upgrade would far exceed the savings of contracting for sludge removal (currently \$100,000 per year)
- Overflows are penalized by a fine from MDE; MetCom has not been fined; when overflows have occurred, MDE and MetCom reached an agreement for corrective action to ensure the issue would not happen again
- Regulations are not in place in Maryland for the public use of greywater; MDE will approve greywater usage on a case-by-case basis
- Greywater usage requires double piping (one piping system for potable water and one system for the greywater)
- Navy Growth Plans could be obtained by the Navy Rep on the MetCom Board; this would give a better projection of the Navy's unused EDUs and when they might be used
- The main issues facing facilities is keeping current with new state and federal regulations; also keeping up with technology
- MetCom has an emergency plan for natural disasters (hurricanes)
- Biggest concern is flooding; MetCom mitigates potential for flooding by diverting as much storm water out of the sewer system as possible. If low-lying areas receive too much storm water, MetCom will shut down the system to avoid flooding to the sewer system (example; St. George's Island facility)
- Parking lot run-off is handled differently; storm water collection is separate from sewer system

**Action items from this section of the overview:**

- Is Navy considered one customer and are they included in the total number of customers
- How many EDUs do the 10,800 sewer customers represent
- How many EDUs have been allocated over the past years (LUGM item)
- Of the 70% capacity, how many EDUs are unallocated and how many of the allocated, but unused EDUs are a result of preliminary planning that never reached finalization
- How many of St. Mary's College's 1200 EDUs are actually used
- Are there other groups that have been assigned large blocks of EDUs (similar to Navy and St. Mary's College)
- When will the other 6,000 EDUs assigned to the Navy base be used; are there plans for future projects that will require the EDUs

**3. Engineering: Presentation given by Mr. Chet Frederick, Chief Engineer**

Mr. Frederick briefly discussed prioritization of upgrade projects. Questions were asked concerning Park Place and MetCom's plan for sewer and water to that site. Specific items covered:

- In response to Ms. Guazzo's earlier question about the status of Park Place (construction on corner of Rt 235 and Shady Mile Drive): an 8" main has been installed under Rt 235 but has not been connected at this time. The main will be connected during Phase 3 of the project (residential development)
  - The new main will service the Commercial section of Park Place as well as North Town Creek residential
  - Future plan (capital project) is to look at the Town Creek system which must be replaced; it is one of the oldest systems in use and can not be metered
- MetCom completed a facilities plan study to prioritize future upgrades / replacements; pump stations will need to be replaced prior to line replacements
- 2007 rate restructure had a lot to do with anticipated cost of replacing systems
- Future water reuse (recycled water) is in the plans for the Navy base; projected for 2013/2014
- Reuse will be used for industrial items such as tower cooling (air conditioners)
- Cost for reuse project will be shared between MetCom and Navy base; unsure of the percentage for each
- Current water reuse projects are Wicomico Shores Golf Course and Breton Bay Golf Course

No action items from this section of the overview

**Break**

The MetCom overview could not be completed in the time allocated. Members agreed to move on to the Land Use / Comp Plan portion of the presentation. MetCom Binder Review will be carried over to the next meeting.

**Comprehensive Plan**

Mr. Derick Berlage and Mr. Jeff Jackman (both of Land Use and Growth Management) provided a briefing on the new Comp Plan. Discussion centered on EDUs and how they were allocated. Mr. Berlage explained that the process to change how EDUs are allocated is very complex and will take time. A copy of the Comp Plan was provided to the members on CD.

**MetCom Comparisons**

Due to time constraints, Mr. Richard Lawrence, UMD Support Staff, was unable to present the MetCom comparisons. This item will be carried over to the October 14 agenda.

**Calendar Items**

Ms. Robin Parker Cox asked the members for clarification concerning the scheduling of public meetings. Members agreed that there is a need for public hearings during this process, however, that a public meeting would not be appropriate until the membership had an opportunity to gather more background information.

The members were asked if they wished to tour the Marlay Taylor facility and all responded favorably. Ms. Meiser stated that they can arrange a flexible schedule with three separate dates to accommodate the members. Ms. Cox will query the membership for available dates and make arrangements for the tour with Ms. Meiser or Mr. Sullivan.

Ms. Cox also provided members with an updated contact list and provided the meeting schedule for the remainder of the calendar year:

Wednesday	October 14, 2009	6:00 PM to 9:00 PM
Wednesday	October 28, 2009	9:00 AM to 12:00 PM
Friday	November 20, 2009	9:00 AM to 12:00 PM
Friday	December 18, 2009	9:00 AM to 1:30 PM

All meetings will be held in the Commissioner's Meeting Room of the Chesapeake Building.

**Presenters for the October 14, 2009 meeting**

Ms. Cox asked the group if they would like all of the MetCom Department Heads to return to the next meeting or just the individual departments that did not have an opportunity to present during tonight's meeting. The task force members determined that they would like the Human Resources Department Head to brief during the next meeting. Ms. Meiser stated that she and Mr. Ichniowski would be available during all meetings to answer questions. If the members should have a specific question that Ms. Meiser or Mr. Ichniowski could not answer, the appropriate Department Head would be made available to address the issue with the task force members.

Members were asked to send any agenda items to Ms. Stone prior to the next meeting.

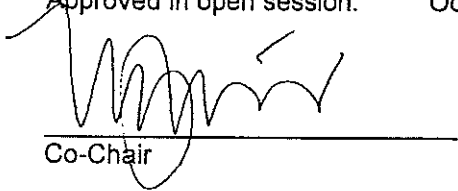
**Adjournment**

The meeting was adjourned at 9:02 p.m.



Sarah Cannavo  
Recording Secretary

Approved in open session:      October 28, 2009

  
Co-Chair

**MINUTES OF THE METCOM TASK FORCE**  
**CHESAPEAKE BUILDING \* LEONARDTOWN, MARYLAND**  
**Wednesday, October 14, 2009**

Members present were Elliott Burch, Ford Dean, Shelby Guazzo, Joe Densford, Mary Lynn Stone, Robert Jarboe, Susan McNeill, James Spence, and Frank Taylor. Support Staff present were Derick Berlage, Director of Land Use & Growth Management; Jackie Meiser, Metcom Director; Robin Parker Cox, UMD; and Richard Lawrence, UMD.

Ms. Stone called the meeting to order at 6:03 p.m.

**Opening and Approval of Minutes**

It was the consensus of the Task Force to have the minutes of September 21, 2009 redrafted to include more detail.

**Human Resources Department Overview**

Ms. Anne Mary Cullins gave an overview of the Human Resource Department stating there are currently 74 full time employees. Ms. Cullins stated Metcom established an internship program and currently has two interns employed. Ms. Cullins explained the 4 classifications of employees at Metcom as being full time (40 hours minimum with benefits), part-time (20 hours minimum, eligible for benefits at a prorated rate), contract positions (as needed, typically inspectors, no benefits and not approved by County Commissioners), and interns (must be enrolled at a 2-4 year college maintain 2.2 GPA etc.). Ms. Cullins stated every position contains a job description including duties which are periodically reviewed to ensure accuracy.

Ms. Cullins explained the salary structure and available benefits through Metcom including COLA raises, evaluations for step increases, annual leave, sick leave, administrative leave, bereavement leave, tuition reimbursement, 457B through Nationwide Solutions, Flex Spending, AFLAC, short term disability, group health vision and dental, state retirement, and retirees medical insurance.

Mr. Dean asked if the health insurance is separate from the County insurance program. Ms. Cullins stated these are the same. Ms. Stone asked how close everything is to that of the County. Ms. Cullins stated they are pretty much parallel to the County benefits. Ms. Stone questioned the hiring procedures for all employees including senior employees. Ms. Cullins gave an overview of the hiring procedures. Mr. Densford asked if there is a personnel policy that details all this information. Ms. Cullins stated there is an employee's orientation manual; hiring procedures is a policy which is internal. Ms. Guazzo stated a hiring procedure manual is very important to any business or agency and asked for a copy of the policy. Ms. Guazzo asked for copies of the odd months meeting minutes from September 2008. Ms. Meiser stated these can be provided. Mr. Densford asked if a new hire always begins at the lowest step. Ms. Cullins stated it would depend on experience. Ms. Stone stated the Task Force is interested in all that Metcom has in regards to the hiring process, payroll, and benefits. Ms. Meiser stated this information can be provided.

Mr. Burch asked why the BOCC has to vote on a new position but they don't approve the Metcom budget. Ms. Meiser stated this is a written condition within the County Code and this has been an issue in the past. Mr. Dean asked if a comparison has been done for Metcom versus the County as far as benefits and the pay scale. Ms. Cullins stated a study was done. Mr. Dean asked for a copy of this study.

**Engineering Department Overview**

Mr. Chet Frederick gave an overview of the engineering department stating they are responsible for planning, construction, construction inspection, and field services. Mr. Jarboe asked if the planning department follows along with LUGM. Mr. Frederick stated we do not determine where growth goes, we retain information from LUGM regarding where the growth is going. Mr. Jarboe questioned who determines and signs off on the amount of Equivalent Dwelling Units (EDUs)

needed for a project. Mr. Frederick explained Land Use and Growth Management (LUGM) tracks the EDUs and determines how many EDUs are needed for a project and we validate it. Mr. Frederick clarified Metcom determines the flow and sends a letter validating the EDU amounts however LUGM tracks the overall EDU numbers.

Ms. Guazzo and Mr. Densford questioned the future replacements of lines and their possible location and how this is determined. Mr. Frederick stated future replacements are based on when and where new growth will occur which is determined by the reports provided by LUGM. Ms. Guazzo asked if this could be provided as she did not know there was a mechanism in place. The Task Force questioned how a new line is paid for and if/when surrounding property owners must connect to the new line. Ms. Meiser stated developers are required to pay for the new line and surrounding property owners must connect within six months. Ms. Meiser stated Metcom can also build a line when we know property owners are going to be there to connect to it in order for us to set the rates to handle our debt service.

Ms. Guazzo asked if Metcom has ever gone to the County Commissioners and asked for a forward funding. Ms. Meiser stated this is not an occurrence that happens often. Ms. Guazzo stated if there is a mechanism why this hasn't been utilized. Mr. Frederick stated we do participate in cost share. Mr. Taylor stated there should always be communication between all who are involved. Ms. Meiser stated everyone is paying a share, irrespective of what it costs to build the structure. Ms. McNeill asked how other jurisdictions deal with this. Ms. Meiser stated in a number of different ways, however, many of them operate just like we do.

Mr. Taylor stated many facilities have these types of mechanisms in place versus isolated pockets with different rates for each pocket. Ms. Meiser stated we are trying to move away from this way of billing. Ms. McNeill asked if Metcom still has the authority to go to the County for additional bonds. Ms. Meiser stated it is required that if we borrow money we have to have County Commissioner approval. Ms. Guazzo asked that we call the question forward funding "bridge funding" and take it up at a different time so to move on with the agenda. Ms. McNeill stated she is concerned with the accidental joiners of the water and sewer lines i.e. a person forced to connect to a line just because the developer placed it there. Mr. Jarboe asked if information on how close we are to exceeding the capacity at the Piney Point sewer line can be provided at the next meeting. Ms. Stone asked for any guidelines that may be used for these deferrals. Mr. Frederick stated he would gladly provide this information at the next meeting.

## **BREAK**

### **Comprehensive Plan and EDU Questions**

Mr. Berlage stated based on tonight's conversation he would like to elaborate on who does what. Mr. Berlage stated when it comes to how many EDUs a system can support Metcom handles this. Mr. Berlage stated LUGM decides who gets the EDUs and where.

Ms. McNeill stated she is confused as to what comes first in this and asked how and when Metcom should respond to the Comp Plan. Ms. McNeill asked where the facilities plan fit into this. Mr. Chapman stated the Comp Plan lays the groundwork for the re-zoning and is revised every 7 years during this time the water and sewer plan is revised every 8 years and the facilities plan is revised whenever deemed principal facilities are approaching their limits.

Ms. Guazzo asked about EDUs that are allocated but not used right away. Mr. Chapman stated once the EDU is allocated Metcom is able to bill for a portion of the system improvement charge which generates income for Metcom. Ms. Guazzo asked for update on the Woods at Myrtle Point EDU status. Ms. Meiser stated we can look into which EDUs are being billed for and provide this information at the next meeting. Mr. Dean referenced pg. 4 of 7 of the Water and Sewer Facilities Plan which indicates we are approaching a crisis situation for approval of projects. Mr. Chapman stated if development resumes to its previous level this may become a problem. Mr. Chapman stated this is a number that gives us an indication for planning future expansions.

Mr. Savich stated this is really the first discussion of these technical issues. Ms. McNeill stated there are some developers and holders of EDUs who are turning them back in. Mr. Chapman stated on occasion we will have a developer turn in EDUs if they are unable to develop the property however we would have to de-plate the property in order for this to happen. Mr. Chapman stated this is a very rare occurrence.

**METCOM Comparisons**

Moved to next meeting 1<sup>st</sup> on the agenda.

**Planning Commission**


Moved to next meeting 2<sup>nd</sup> on agenda.

**Closing**

Ms. Parker-Cox reminded the Task Force of the next meeting to be held on Wednesday, October 28, 2009 at 9:00 a.m.

**Adjournment**

The meeting was adjourned at 8:52 p.m.

  
Jada Stuckert  
Recording Secretary

Approved in open session:      October 28, 2009

  
Co-Chair

**MINUTES OF THE METCOM TASK FORCE**  
**CHESAPEAKE BUILDING \* LEONARDTOWN, MARYLAND**  
**Wednesday, October 28, 2009**

Members present were Elliott Burch, Ford Dean, Glen Ives, Shelby Guazzo, Joe Densford, Mary Lynn Stone, Robert Jarboe, and Susan McNeill. James Spence and Frank Taylor were excused. Support Staff Present were Jacki Meiser, Metcom Director; Dan Ichniowski, Metcom; Chet Frederick, Metcom; Phil Shire, LUGM Deputy Director; Dave Chapman, LUGM; Robin Parker Cox, UMD; and Richard Lawrence, UMD.

Mr. Densford called the meeting to order at 9:06 a.m.

**Opening & Approval of Minutes**

Ms. Guazzo made a motion to approve the minutes of September 21, 2009 and Ms. Stone seconded. The motion passed by an 8-0 vote. Mr. Burch made a motion to approve the minutes of October 14, 2009 and Mr. Ives seconded. The motion passed by an 8-0 vote.

**METCOM Comparisons**

Ms. Cox gave an overview of the Water and Sewer Service in Maryland Counties handout stating there are seven (7) other counties in Maryland that have a separate entity like Metcom distributing their water and sewer services.

Mr. Lawrence gave an overview of the Comparative Review: Metcom and Charles, Calvert, and Somerset handout and the Comparative Review: Metcom and Cooperative Model handout including population, water/sewer provider, creation, governance, powers, staff size, and geographical scope of operations, total customers, and capacity in million gallons per day, operating budget, funding, user rates, and EDU allocation.

Ms. Stone asked where the cooperative model information was collected and if this is a typical model. Mr. Lawrence stated the information was received from Co-Chairs Mr. Densford and Ms. Stone and the chart is a conceptual representation of the cooperative model. Ms. Stone asked if any feedback was given as to why some of these counties converted. Ms. Cox stated she can obtain this information. Ms. Stone asked that the strengths and weaknesses, before and after the transition be included in this information. Mr. Densford asked that the reasoning for the transfer also be included in this information. Ms. McNeill asked that the percentage of services provided by the County versus the water and sewer authority be included as well. Ms. Guazzo asked what cities have independent operations and if the County has any type of governance on that operation. Ms. Guazzo stated if the County has any governance on the operation can we find out which department has the governance i.e. public works, etc.

**Planning Commission**

Ms. Guazzo submitted an outline of historical data pertaining to the implementation of Metcom and how it meshes with County Government. Ms. Guazzo gave a brief historical overview from the 1640s through today. Ms. Guazzo described the duties of the Planning Commission when reviewing water and sewer amendment and the two ways to change a parcel of land. Ms. Guazzo gave an overview of the Metcom service categories for times/staged growth in growth areas and in the rural preserve areas. Ms. Guazzo highlighted some quirks in the system and the challenges to come in the future. *Ms. Guazzo's full testimony can be found on file at the Department of Land Use and Growth Management.*

Ms. McNeill gave an overview of Planning Commission CWSP hearings held over the past five years providing details on the prerequisites for a hearing, duties of the Planning Commission during the hearing, timeline for commercial and multi-family projects, timeline for subdivision projects, major issues or tensions, legal standards, and practical considerations. Ms. McNeill used Glazed Pine, Mohawk Drive, Mill Cove Manor, and Mill Cove Harbor as examples. Ms.

*McNeill's full testimony can be found on file at the Department of Land Use and Growth Management.*

#### **BREAK**

Ms. Meiser clarified that Metcom does not have anything to do with the Leonardtown facilities and that the Comprehensive Water and Sewer Plan is a County document, Metcom does not prepare or warrant this document. Ms. Meiser stated the bay interceptor is not "access denied"; it is the zoning that does not support connection to this line.

#### **Q&A on County Code Sect. 113-5 and 113-26**

Ms. Meiser stated both provisions provide that the BOCC has the authority to pay for a project in advance and Metcom would reimburse the county. Ms. Meiser stated this does not happen frequently but the ability to operate this way is there. Ms. Meiser stated the BOCC has never expressed an interest in working this way. Ms. Guazzo asked if Metcom is required to pay the BOCC back. Ms. Meiser stated 113-5C states Metcom is required to pay back the monies however the BOCC can waive this requirement. Mr. Jarboe stated he would like to see the difference between the language in the past and the language now as far as a liaison goes. Ms. Guazzo stated 113-1 was repealed in 1979 and Chapter 417 took over and asked if the Task Force could have history as to why this was done. Ms. Cox stated this would be provided.

#### **Q&A on Rate Payer Deferral Guidelines**

Ms. Becky Shick of Metcom gave an overview of the rate payer deferral guidelines stating there are two mechanisms. Ms. Shick stated there are the capital contribution payment plan and a system improvement deferral plan. Ms. Shick stated we also give applicants a list of other organizations that may be able to help with the payments such as local churches, etc. Ms. Shick stated the Capital Contribution Plan is 24 months. Ms. Stone asked what happens if you become delinquent in this plan. Ms. Meiser stated this is not possible.

#### **Q&A on HR Internal Policies and 2007 Comparative Pay Scale Study**

Ms. Cullins asked for specific questions regarding the information submitted. Mr. Dean recommended time be given for the Task Force to review all the items provided prior to the next meeting. Mr. Densford recommended leaving 15 minutes on the next agenda to discuss this item. Ms. Guazzo asked that the hiring and recruitment policies also be deferred to the next meeting.

#### **Additional Questions & Comments**

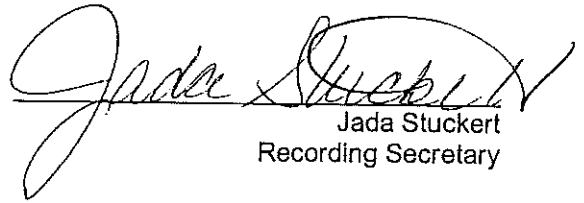
Mr. Dean asked if the right to establish a private system is written in the state law. Ms. Meiser stated the right is under section 113 of the County Code as well as in state law. Ms. Meiser clarified if a system is owned by more than one owner it then becomes a public system. Mr. Dean asked to establish a private system if you have to get a water and sewer category change. Ms. Meiser stated this is for public systems only. Mr. Dean asked about the policy requiring a property owner to connect to a public system. Ms. Meiser stated this would depend on the zoning category. Mr. Dean asked anytime a line is proposed to be built regardless of who pays for it, if it is in the right zoning etc. if an abutting property owner is required to hook up to the system. Ms. Meiser stated an area where system is failing it comes to Metcom for a special taxing district and the debt is divided between all persons in the taxing district. Mr. Jarboe asked if the Health Department determines the failing systems and how. Ms. Meiser stated she would rather this question be asked of the Health Department as she does not know the standards they use to determine what is failing. Ms. Cox stated she would obtain this information from the Health Department. Mr. Jarboe stated these failing systems are determining where water and sewer is going in certain districts and he does not feel this is the correct course of action.

#### **Closing**

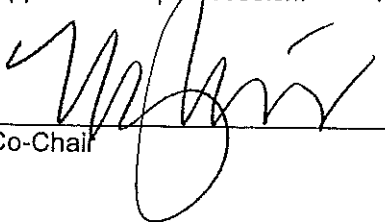
Ms. Cox stated the next meeting is Friday, November 20, 2009 at 9:00 a.m. the Task Force discussed possibly holding additional meetings on Wednesday evenings and Friday mornings.

**Adjournment**

The meeting was adjourned at 12:00 p.m.

  
Jada Stuckert  
Recording Secretary

Approved in open session: November 20, 2009

  
Co-Chair

**MINUTES OF THE METCOM TASK FORCE**  
**CHESAPEAKE BUILDING \* LEONARDTOWN, MARYLAND**  
**Friday, November 20, 2009**

Members present were Frank Taylor, James Spence, Susan McNeill, Robert Jarboe, Mary Lynn Stone, Joe Densford, Shelby Guazzo, Glen Ives, Ford Dean, and Elliot Burch. Support staff present was Dan Ichniowski, Metcom; Mary Ann Cullins, Metcom; Derick Berlage, LUGM Director; Robin Parker Cox, UMD; and Richard Lawrence, UMD.

Ms. Stone called the meeting to order at 9:04 a.m.

**Opening and Approval of Minutes**

Mr. Taylor made a motion to approve the minutes of October 28, 2009 as amended and Mr. Burch seconded. The motion passed by a 10-0 vote.

**Q&A on HR Internal Policies and 2007 Comparative Pay Scale Study**

Ms. Cullins gave an overview of the amended pay scale stating a salary study was completed in 2006 and determined 52% of our positions were below market. Ms. Cullins stated the pay scale was compared to other counties and utility districts. Ms. Cullins stated the new pay scale was implemented in two phases in 2007. Ms. Stone asked if everyone was adjusted up and down. Ms. Cullins stated none were adjusted down; however some positions remained the same. Ms. Stone asked if any position was paid at a higher rate than what the study suggested. Mr. Taylor stated he is unaware of any position which was paid at a higher rate than what was suggested by the study. Mr. Taylor explained further that over a period of time, it became clear that Metcom found it difficult to find qualified applicants based on the then pay scale. Mr. Taylor stated this was a principal reason for the salary study. Ms. Stone asked for the amount of the overall increase. Ms. Cullins stated the overall increase in pay for all positions was \$300,000. Ms. Stone asked if the Metcom pay scale is now comparable to the County's pay scale. Ms. Cullins stated yes, the two are comparable.

Mr. Ives stated the process Metcom went through is pretty consistent with what other companies do to be competitive with other jurisdictions. Mr. Taylor stated another reason to conduct the salary study was employee retention because Metcom was losing talent to other jurisdictions. Ms. McNeill asked if the new pay scale has improved Metcom's ability to retain qualified employees. Ms. Cullins stated we have successfully been able to fill positions and keep qualified employees.

Ms. McNeill asked how positions are advertised. Ms. Cullins stated Metcom uses newspapers, websites etc. for advertising their available positions. Ms. McNeill asked if most engineers commute or do they live in the County. Ms. Cullins stated at the time most live in the County.

Mr. Jarboe asked if job descriptions for upper level positions are included in the overview that was provided. Mr. Ichniowski stated they should be included, however if any are missing, please let him know and he will provide them. Ms. Stone asked if general counsel was estimated within these amounts. Ms. Cullins stated there is no contract for general counsel; at this time both the director position and the general counsel position are combined in the same salary.

Mr. Densford asked how positions are filled in most departments and who decides whether or not to advertise the position. Mr. Densford asked if hiring management without advertising a position is common practice for a public agency. Mr. Ichniowski stated he believes the County hires from within the same way, as they have hired public works directors, the county attorney and others without advertising positions. Mr. Densford asked who makes the decision to hire within for certain positions. Ms. Cullins stated we advertise the position, which is a common practice everywhere, and explained that in most cases it would be the department head, director, and human resources who make the decision to hire from within. Mr. Ives asked if there is a written

policy for this. Ms. Cullins stated yes and it is included in the packet. Ms. Cullins stated it was provided as supplemental information in an email.

Ms. Stone stated she does not recall this information being provided. Ms. Cullins read the policy aloud. Ms. Stone asked if this is consistent with a public agency. Mr. Ichniowski read the County policy to compare the two.

#### **METCOM Comparisons**

Mr. Lawrence gave an overview including new information on the Comparative Review: Metcom and Charles, Calvert, and Somerset Counties. Mr. Lawrence stated there is not a uniform rate structure; rates vary across the service areas.

Mr. Lawrence gave an overview of St. Mary's, Somerset, Dorchester, and Caroline Counties, stating these counties have outside authorities that are not operated under county government. Mr. Lawrence described a Dorchester County shared facility which is a water or sewer system that serves more than one lot or a series of water or sewer systems that each serves one lot. Mr. Lawrence explained a shared facility may only be built outside an incorporated area.

Ms. McNeill asked why Caroline County converted. Mr. Lawrence stated for the most part it had to do with the failing septic systems. Mr. Dean asked if Calvert and Charles had a functioning sanitary commission or other entity handling water and sewer. Mr. Lawrence states as far as he knows all the counties that began with a separate entity have since combined with county governments. Mr. Lawrence state a presentation regarding this will be given at the next meeting. Mr. Jarboe asked if the statutes repealing the separate status of these public water and sewer authorities, bringing them under County government, could be provided at the next meeting.

#### **Next Steps**

Ms. Cox gave an overview of the next steps, explaining upcoming presentations for the December meeting, forming recommendations for the future of Metcom, and discussion of public hearings to gather input. Ms. Cox asked that the task force think about other information they would like provided. Ms. Cox stated a calendar will be sent around to schedule meetings from January to June and be decided on at the next meeting.

#### **Input from Members**

Mr. Taylor stated he looks forward to discussing whether or not the service currently being provided by Metcom is sufficient. Mr. Taylor stated from this discussion, members can focus on the Task Force's purpose and make what suggestions the members feel is appropriate. Mr. Ives recommended laying out the questions we have which are relevant to the task at hand. Ms. Stone stated we have an opportunity today to define what these questions are. Ms. McNeill stated she would like to know where the communication break-down is between Metcom and Land Use and Growth Management.

Mr. Spence recommended getting guidance from the County as to whether or not they would want to assume responsibility for Metcom. Mr. Densford stated figuring out the impact to the County may be the hardest part. Mr. Dean stated he sees three options: 1) leaving Metcom intact; 2) doing away with Metcom and making it a department in county government; and 3) a combination of the two. Mr. Dean stated he feels we need to make a determination as to what the recommendation might be prior to having the recommendation reviewed by a fiscal specialist. Mr. Densford stated we would need to know the fiscal impact prior to making a recommendation. Ms. Guazzo stated she would like to hear from the County's Finance Director, Elaine Kramer prior to making a recommendation.

Mr. Burch stated he does not want Metcom to feel they are here on trial and this needs to change as they have bent over backwards to provide all the information we've requested. Ms. Stone agreed stating it is not the intent of the Task Force to make Metcom feel this way. Mr. Ives stated

he hopes Metcom doesn't feel like they're on trial and he appreciates all the work and effort they have provided.

Ms. Stone stated we are at a turning point and need to look at our next phase. Mr. Burch stated he would like to know if there are specific issues between the county and Metcom and/or Land Use and Growth Management and Metcom. Ms. Stone stated this may come out during the public hearing process. Mr. Taylor stated he feels this opportunity for open dialogue is very important in our process. Mr. Taylor also commented about Delegate Bohannon's remarks to the Task Force members at the first meeting in August when Delegate Bohannon stated that Metcom was driving development rather than the Planning Commission. Mr. Taylor stated Metcom is responsible for putting into place the infrastructure for water and sewer where directed by the County Commissioners through the input of the Planning Commission. Mr. Taylor advised, as the Task Force moves forward into the public hearing phase, the Task Force members temper what they are hearing with the entire process and incorporate the information we have received to this point.

Mr. Taylor stated those entities such as the County Commissioners, Land Use and Growth Management, Metcom, the Planning commission and others involved with directing growth should meet jointly on a periodic basis to discuss various issues. When Mr. Dean had served on the Board of County Commissioners it had been the practice that a County Commissioner member served on each of the major boards and commissions. Mr. Ichniowski explained joint meetings are held between Metcom and the County Commissioners on a pretty regular basis. Mr. Ichniowski stated that while Metcom and the Planning Commission do not normally meet, Metcom always has a representative at the Planning Commission meetings and participates in the preparation of the Capital Budget. Ms. Stone stated she understands which meetings Metcom attends and asked who attends Metcom's meetings. Mr. Ichniowski stated no representatives from other Board, Committees, or Commissions attend Metcom's meetings. Ms. Guazzo asked if the Metcom meeting minutes are sent to anyone in the County. Mr. Ichniowski stated they are posted on the website and sent to the County Commissioners. Ms. McNeill stated she is concerned as a Planning Commission member that there is no input from Metcom for the overall Comprehensive Planning process.

Ms. Guazzo stated she sees a lack of communication between the Planning Commission, Land Use and Growth Management, Board of County Commissioners and Metcom. Ms. Guazzo stated the Metcom website even states "we are not a county government agency" which is not something to be proud of. Mr. Ives asked if there is a policy in place to describe how these entities communicate. Mr. Ives asked if Metcom has ever placed water or sewer lines in an area of the County that the Planning Commission or the Board of County Commission did not recommend and/or approve. Ms. McNeill stated there was the Mohawk Drive project, which was described in documents distributed at the last meeting.

Ms. Stone asked that information be provided at the next meeting on how commissions or services that are separate from county government communicate with other boards and entities.

## **BREAK**

### **Leonardtown Sewage Treatment Plant**

Ms. Laschelle McKay gave an overview of the Leonardtown sewage treatment plant, stating it is nearing capacity as far as allocations. However, operationally, we are at 63% of our design capacity. Ms. McKay stated we are working with the County Commissioners to free up capacity for the expansion of the Detention Center. Ms. McKay stated after meeting with Metcom staff there isn't really any additional capacity available at this time under the old agreement. Ms. McKay stated the only additional allocations within the past year have been allocations which we haven't used. Ms. McKay stated we were given a list of allocations in 1989 from Metcom and we have tracked them from that point on. Ms. McKay stated Land Use and Growth Management tracks and assigns the Equivalent Dwelling Units (EDUs). Ms. McKay stated we've met probably

three times over the past 10 years with Metcom and Land Use and Growth Management to make sure all our numbers are in line with one another.

Ms. McKay stated our debt service is based on the actual number of allocations. Ms. McKay stated we upgraded in 2003 to ENR which Metcom paid a percentage of based on the percentage of allocation. Ms. McNeill asked how many customers receive services. Ms. McKay stated our plant serves approximately 2,720 EDUs. Mr. Burch asked if the town controls the EDUs. Ms. McKay stated yes. Ms. Guazzo stated it is her understanding that the expansion is on hold and asked if all the approvals have been received for the expansion when it comes time to expand. Ms. McKay stated we were in the first phase of grant funding for the ENR upgrade; the expansion portion would be paid for by impact fees. Ms. McKay stated our design is 90% complete so when development moves forward we may be able to move forward with the expansion. Ms. Stone asked how the fee schedule compares to the Metcom fee schedule. Ms. McKay stated she has not seen recent numbers and would rather not compare the two. Ms. McKay stated we are in the process now of installing water meters and should be completed by the end of the year. Ms. McKay stated we will monitor the meters and come up with a new rate structure for residential units. Mr. Jarboe asked if the town is tied to both water and sewer. Ms. McKay stated yes except for Bannaker and a few customers north of town and by the fairgrounds.

Mr. Dean asked for an elaboration on how the system works. Ms. McKay stated our utility department reviews everything yearly and places it into a report for tracking throughout the year. Ms. McKay stated it is a per EDU flat fee. Ms. Guazzo asked if 2% is an automatic increase. Ms. McKay stated we have a resolution which establishes this. Ms. McKay stated yes and our impact fee is now paying a higher impact fee in anticipation of development coming in.

Ms. Stone asked about Leonardtown's budget standings. Ms. McKay stated we are on currently track. Ms. McNeill asked if Leonardtown has a Comprehensive Water and Sewer Plan. Ms. McKay stated no, however we have a water and sewer study.

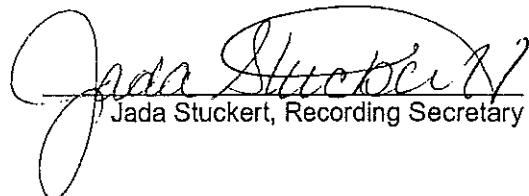
Ms. Stone asked how projects are funded. Ms. McKay stated it depends on our budget standings however we normally do not have to borrow the money for these projects as they are paid for by the impact fees.

#### Closing

The next meeting will be held on Friday, December 18<sup>th</sup> from 9:00 a.m. to 1:30 p.m. Ms. Cox asked that the members please respond to the 2010 calendar for scheduling possible upcoming meetings. Ms. Cox stated the public hearing process needs to have some level of guidance and asked that the members think about this for the next meeting. Mr. Densford asked if we could find out who makes the decision as to how other jurisdictions handle forward-funding for public water and sewer projects. Ms. Cox stated her staff would look into this.

#### Adjournment

The meeting was adjourned at 11:38 a.m.

  
Jada Stuckert, Recording Secretary

Approved in open session: December 18, 2009

  
Co-Chair

**MINUTES OF THE METCOM TASK FORCE**  
**CHESAPEAKE BUILDING \* LEONARDTOWN, MARYLAND**  
**Friday, December 18, 2009**

Members present were Frank Taylor, James Spence, Susan McNeill, Robert Jarboe, Mary Lynn Stone, Joe Densford, Shelby Guazzo, Ford Dean, and Elliot Burch. Glen Ives arrived at 10:00 a.m. Support staff present was Jackie Meiser, Metcom Director; Becky Shick, Metcom Finance; Derick Berlage, LUGM Director; Dave Chapman, LUGM Capital Improvement Planner; Daryl Calvano, Health Department Director; Robin Parker Cox, UMD; and Richard Lawrence, UMD.

Mr. Densford called the meeting to order at 9:05 p.m.

**Opening and Approval of Minutes**

Mr. Burch made a motion to approve the minutes of November 20, 2009 as amended and Mr. Taylor seconded. The motion passed by a 9-0 vote.

**Criteria for Failing System**

Mr. Calvano stated the Health Department operates under the authority of COMAR 2604.02. Mr. Calvano gave an overview of the criteria for a failing septic system including the State recognized failures, how the failing systems are reported, inspected and repaired or replaced.

Ms. Guazzo stated Mr. Calvano referenced a four foot separation and asked what the separation is for. Mr. Calvano stated this is specifically for drain fields; a four foot separation from the water table and the drain fields. Mr. Spence asked if research has been done for mound systems and their capabilities. Mr. Calvano stated he has not researched mound systems however the Maryland Department of the Environment may have the research.

Mr. Jarboe asked if the Health Department looks at the water and sewer system for upgrades. Mr. Calvano stated we are one of the agencies involved in the building permit process with the Department of Land Use and Growth Management and explained the review process. Mr. Jarboe asked if there is a mechanism for reworking an old system rather than replacing it. Mr. Calvano stated we look at conventional technologies to do this however it depends on the circumstances.

Mr. Jarboe asked if there is an educational process in place to make people aware of how to use and maintain septic systems properly. Mr. Calvano stated we have DVD's available upon request as well as running this information on the County's Channel 95 from time to time. Mr. Calvano stated we are always looking for more ways to get this information out to the public. Ms. McNeill asked if there is a standard publication which recommends how often to empty your septic tank. Mr. Calvano stated the Health Department recommends pumping the system every 3 to 5 years. Ms. McNeill asked what the percentage of septic failures is for not maintaining it properly. Mr. Calvano stated a septic system has a finite amount of years it will last if maintained properly.

Mr. Densford asked which agencies are the key players for a regional problem where several septic systems fail in one area. Mr. Calvano stated all three agencies play a roll with the key player being the Health Department, then Metcom, and LUGM. Mr. Calvano stated we identify the areas of need. Mr. Densford stated in designing a solution of a situation like this would the Health Department play a key roll. Mr. Calvano stated yes, we are part of the discussion of recommending public water and sewer for areas in need. Mr. Densford asked if a public sewer line is extended, does the agency have any authority to inform persons that they must hook into the new line and abandon their septic system. Mr. Calvano stated the Health Department is obligated to follow the Comprehensive Water and Sewer Plan.

Ms. Stone asked when and where the Health Department gives their input towards the Comprehensive Water and Sewer Plan. Mr. Calvano stated we are involved in the re-write of the Plan, we look are areas we feel should be looked at as areas of need. Mr. Calvano stated we work with LUGM and Metcom on properties for waivers for certain projects. Ms. McNeill asked if

he is a strong advocate for the public water and sewer. Mr. Calvano stated public water and sewer is better for the environment and he is a strong supporter.

Mr. Dean stated at one point in time the State regulations on the Eastern Shore allowed for septic system effluents to be discharged into the surface water tables and asked if this is still the case. Mr. Calvano stated this is still the case on the Eastern Shore. Mr. Calvano stated if a jurisdiction chooses to have a ground water penetration report prepared by qualified consultants. Mr. Calvano stated that water has already been ruled out for human consumption on the Eastern Shore due to their ground water penetration reports.

Mr. Taylor asked for an outline of the steps for someone in the RPD with the availability for public sewer if their system is failing. Mr. Calvano stated once we are notified, an evaluation is done; if the soils are insufficient for conventional system we would make a recommendation to LUGM for public sewer. Mr. Burch stated we are not allowed to use shallow wells anymore and asked if this is our County or Statewide. Mr. Calvano stated no new shallow wells are allowed in the State unless done by a licensed well driller.

#### **Financing Overview and Questions**

Ms. Becky Shick gave an overview of Metcom's debt structure including benefit assessments under front foot approach and under EDU approach. Ms. Shick discussed problems with repair and replacement of aging structures, the 2007 rate re-structure, and when and for what purpose does Metcom now incur debt. Mr. Spence asked how the public reacted to the change from the front foot method to the EDU approach. Ms. Meiser stated everyone became a uniform rate therefore the changeover went very smoothly.

Mr. Spence asked what source of grant monies is available other than State and/or Federal monies. Ms. Shick stated other than Federal and State monies there are very few sources available. Mr. Dean asked what the current amount of the system improvement charge and the capital contribution charge per EDU. Ms. Shick stated the system improvement charge for sewer is \$8.75 and \$5.27 for water per EDU per month. Ms. Shick stated the capital contribution charge for residential sewer is \$1774.78 and \$774.81 for water. Mr. Dean stated at some point in time these charges are looked at to make sure they are in line. Ms. Shick stated this is looked at yearly along with the Capital Improvement Plan to calculate our debt service. Mr. Spence asked if other jurisdictions are looked at to make sure Metcom is comparable. Ms. Meiser stated yes and ours were the lowest. Mr. Dean asked about the monthly service charge. Ms. Shick stated the residential water is \$15.71 per month per meter and includes 6,000 gallons. Ms. Shick stated sewer is non-metered at \$25.00 per month, per EDU. Mr. Dean asked if all these rates are uniform. Ms. Meiser stated yes except there is a difference between commercial rates and residential rates.

Mr. Jarboe asked if Metcom were to default how the deficit would be dealt with by the County. Ms. Meiser stated the code provides that in the event Metcom were to default and need to rely on the full faith and credit of the County that a County wide tax would be imposed to meet whatever the deficit is at the time. Mr. Jarboe stated it was his understanding that the deficit would be covered by individual sanitary districts rather than County wide. Ms. Meiser stated when we set the different rate of debt we couldn't change the sanitary districts so we had to make sure we set the rate to cover our debt. Ms. Meiser stated we now set our rates annually and uniformly to eliminate the possibility of being in a default state.

Ms. Guazzo stated part of the basis for incoming funds should include new customers and due to the economy monies should be tight therefore it concerns her that the dues are reviewed annually. Ms. Guazzo stated Leonardtown has an annual 2% increase and have the option to raise this percentage if necessary. Ms. Guazzo asked if Metcom has considered doing this. Ms. Meiser stated all factors are considered for any increase; we calculate our customers with an increase of 1.9% per year however, our rates do not automatically go up 1.9% every year.

Mr. Densford referenced the Metcom handout entitled "Discussion of Metcom's Debt Structure" stating he does not agree with the section "What would happen if Metcom constructed system expansion to accommodate new development?" Mr. Densford stated he disagrees with the list of reasons for maintaining the status quo. Mr. Densford stated it is inefficient to build several smaller facilities that are turned over to Metcom rather than expanding on the larger facilities. Ms. Meiser stated these were intended to be points of consideration and not as gospel by any means.

Ms. Stone asked why residents who front a new line and have a perfectly good system are required to hook to the central line. Ms. Meiser stated this requirement comes from Section 113 of the County Code. Ms. Meiser stated this code can be changed at any time. Ms. McNeill stated generally there are very few persons that are made to connect.

Ms. Guazzo stated we are providing a public service with water and sewer and waiting for developers to fund a little patch of land and pay for the nearest hookup is ridiculous. Ms. Guazzo stated we need to do this in a forward thinking manner rather than waiting on construction. Ms. Guazzo stated Metcom has to have forward thinking as their guiding principal. Ms. Meiser stated Metcom is not opposed to this way of thinking; considerations have to be made as to who is going to pay for the expansions and where the forward funding is going to come from. Ms. Meiser if we start paying for expansions we will have to go before the County Commissioners for funding. Ms. Guazzo stated approaching the County Commissioners is one of the problems in the execution of Metcom's capital budget; there is a lot of room in the collaboration. Ms. Guazzo stated there would need to be a significant amount of collaboration between the County Commissioners and Metcom. Ms. Guazzo stated there has not been a good explanation as to why these two boards do not communicate with each other.

Mr. Jarboe asked if there are persons in the growth areas who do not have water and sewer. Ms. Meiser stated yes. Mr. Jarboe asked if there is an appeal process for persons required to hook up to a new line. Ms. Meiser stated Metcom adopted a Connection Deferral Guideline which sets an amount of time by which people are required to connect to the new line. Mr. Taylor stated in his experience Metcom has worked extensively with customers to work out the details of hooking up to a line. Ms. Meiser stated there are also other programs in place to spread your capital contributions out over 24 months to ease the burden of a lump sum payment. Mr. Jarboe stated if you choose to live in the RPD you should be prepared to live with well water and septic systems and not come running to the County when one of the two fails. Ms. McNeill stated we may be able to give incentives to developers to build where we want them to build and do joint financing. Ms. Meiser stated she has not discussed this possibility with LUGM however it is definitely something to be discussed.

## **BREAK**

### **County-Operated Services Overview**

Ms. Cox stated she was tasked with finding out why sanitation districts converted over to municipal agencies and introduced Mr. Ed Donahue of the Municipal and Financial Services Group. Mr. Donahue gave an overview of how rates are set historically stating rates are basically an average of costs. Mr. Donahue stated when setting these fees you need to make sure you set them based on your capacity rather than basing them on new services.

Mr. Densford asked if these counties had a negative impact financially. Mr. Donahue stated no, however, they felt there was not enough accountability. Mr. Donahue warned \$8,000 to \$12,000 is the estimated cost for water and sewer services to build a new home. Ms. McNeill asked if the scope is based on the debt service. Mr. Donahue stated impact fees can and should be raised to handle the cost of water and sewer services.

Mr. Ives stated based on Mr. Donahue's experience what are his thoughts about Metcom's current structure. Mr. Donahue stated we need certified persons handling these issues and the

County may not be able to deal with this whereas Metcom can. Mr. Donahue stated he feels Metcom should remain as is, but receive more bonds from the County for further expansions.

**Public Hearing Discussion**

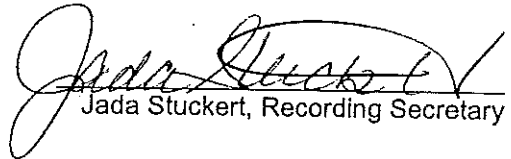
After discussion it was decided to hold the public hearing on January 27, 2010 from 6:30 p.m. to 8:00 p.m. with a snow date of February 10, 2010 for the purpose of soliciting comments of any interested party as a public forum. Mr. Densford recommended identifying issues during the lunch break and inviting developers, engineers, surveyors, and other members of the building trades.

**Closing**

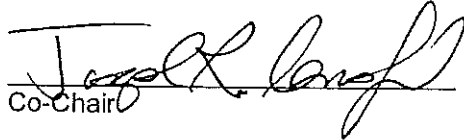
Ms. Cox provided the tentative schedule for 2010 meetings and asked that the members review this schedule and send comments to her. Ms. Cox stated the next meeting will be held on January 27, 2010 from 6:30 p.m. to 9:00 p.m.

**Adjournment**

The meeting adjourned at 12:15 p.m.

  
Jada Stuckert, Recording Secretary

Approved in open session:      January 27, 2010

  
Co-Chair

**MINUTES OF THE METCOM TASK FORCE**  
**CHESAPEAKE BUILDING \* LEONARDTOWN, MARYLAND**  
**Wednesday, January 27, 2010**

Members present were Frank Taylor, James Spence, Susan McNeill, Robert Jarboe, Mary Lynn Stone, Joe Densford, Shelby Guazzo, Glen Ives, Ford Dean, and Elliot Burch. Staff Support present were John Savich, County Administrator; Jackie Meiser, Metcom Director; Dan Ichniowski, Metcom Deputy-Director; Mary Ann Cullins, Metcom Human Resources; Derick Berlage, LUGM Director; Dave Chapman, LUGM Capital Facilities Planner; Robin Parker Cox, UMD; and Richard Lawrence, UMD.

Ms. Stone called the meeting to order at 6:35 p.m. and gave an overview of the structure and charge of the Task Force.

**Opening and Approval of Minutes**

Mr. Taylor made a motion to approve the minutes of December 18, 2009 as presented and Mr. Burch seconded. The motion passed by a 10-0 vote.

**Public Forum**

Mr. Densford opened the public forum.

Commissioner Larry Jarboe

Commissioner Jarboe thanked the Task Force for their service and stated we must put the people of St. Mary's County first. Commissioner Jarboe stated the Task Force has several difficult decisions to make in the near future and he is here tonight to listen.

Dan Morris

Mr. Morris he feels we have some of the finest people working on this Task Force and thanked each member for their service. Mr. Morris asked the Task Force when considering any rate increases to consider tightening the belt.

Chris Graham

Mr. Graham read a statement on behalf of his father Mr. David Graham. Mr. Graham stated his father has been working to hook up to the sewer line for the past three years. Mr. Graham stated he bought the grinder pump and paid the permit fees. Mr. Graham stated when no action was taken by Metcom he personally went to the Metcom office and was told he had apparently fallen through the cracks. Mr. Graham stated this is an issue that has been ongoing for three years now and he would like to see a change in Metcom's process and management.

Henry Camaoni

Mr. Camaoni stated he has watched the Task Force meetings and would like to address some of the issues discussed in the past. Mr. Camaoni stated Metcom did not hook up all the grinders in the St. Georges Island area. Mr. Camaoni stated property owners not only have to pay to connect to the main line but also pay to run the line down to their property.

Mr. Camaoni stated LUGM is supposed to grant EDU's but he has evidence that it is actually Metcom who does this. Mr. Camaoni stated if Metcom is granting EDU's it is in fact unethical for Ms. Meiser to hold the Director position as well as the Legal Council position. Mr. Camaoni stated the Metropolitan Commission asked the Ethics Board for direction on Ms. Meiser's dual positions and it seems the Ethics Board left the decision up to Ms. Meiser. Mr. Camaoni stated he believes Ms. Meiser holding both positions is possibly illegal according to MD law 1.11.d.2. Mr. Camaoni asked why Ms. Meiser is making \$140,000 per year for a part-time position. Mr. Camaoni stated former Director, Steve King was in the office all the time and Ms. Meiser is not. Mr. Camaoni referenced Section 2 of the County Ethics Ordinance stating he believes this section would not support Ms. Meiser holding the dual positions.

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Mr. Camaoni referenced that Metcom owned 110 acres in the Breton Bay area which they are now going to lease for commercial use. Mr. Camaoni stated the engineering documents provided were based on false information for the proposed monopoly. Mr. Densford asked if Mr. Camaoni has pending litigation with Metcom. Mr. Camaoni stated yes. Mr. Densford stated the Task Force will not be able to help with any of this. Mr. Camaoni stated the Task Force should know the truth about Metcom and LUGM. Mr. Densford stated this is not the proper form to be discussing these issues.

#### Joanne Coombs

Ms. Coombs stated she has issues with Section 113 of Metcom's revised guidelines. Ms. Coombs stated under the new guidelines you only have 8 months to abandon your well and connect to the main line. Ms. Coombs stated the previous guidelines allowed persons 5 years to connect to the line. Ms. Coombs stated there was also a change in the 50 foot span between the water line and the sewer system; it is a 10 foot separation. Ms. Coombs asked that the Task Force review these new guidelines.

#### Steve King

Mr. King stated the St. George's Island system was built utilizing a federal grant due to environmental constraints. Mr. King stated this project underwent a very long public hearing process and the issue of which properties to connect was part of this process. Mr. King stated a group of properties towards the end of the island were not included as well as some properties that did not want to connect to the system. Mr. King stated the system was designed as it is now and records pertaining to this are in the files at Metcom. Ms. Stone asked what the alternative was for properties that were excluded. Mr. King stated there was no real hardship so these people stayed with their well water and septic systems. Mr. Spence asked what percentages of properties were served. Mr. King stated approximately 95% of properties are being served. Ms. Guazzo asked about the monopole proposed for Breton Bay. Mr. King stated Metcom owns 110 acres in Breton Bay that has been used as a spray irrigation system since 1982. Mr. King stated the residents of Breton Bay contacted the BOCC and asked for support of a cell tower being placed on this property considering their lack of cell service in the area. Mr. King stated Verizon was required to go through the Board of Appeals process.

Mr. Densford closed the forum to public comment leaving the record open for written comments for the next 10 business days.

#### **Calendar**

Ms. Cox asked that the meeting calendar be finalized. After discussion it was confirmed that the Task Force will meet on February, 12, 2010 from 9:00 a.m. to 12:00 p.m. and again on February 24, 2010 from 6:00 to 9:00 p.m. Meetings in March will be held on March 3, 2010 from 9:00 a.m. to 12:00 p.m. and again on March 12, 2010 from 9:00 a.m. to 12:00 p.m.

#### **BREAK**

#### **Forum Discussion**

Ms. Stone asked if Ms. Coombs was correct in her statements regarding the amendments to the guidelines. Ms. Meiser stated no, the guideline is just that, a guideline and this guideline exists for Ms. Coombs very requests. Ms. Meiser stated the Commission gave Ms. Coombs an additional 6 months on top of the original six months therefore she has a total of 12 months to connect to the water line. Ms. Stone asked about the change in distance from 50 feet to 10 feet. Ms. Meiser stated she is unaware of this and stated Metcom would be providing a written rebuttal to all testimonies given tonight.

Mr. Joe St. Claire stated at the last Board of Director's Meeting a vote was taken to send out certified mailings to every property owner affected by anything of Metcom. Mr. St. Claire stated this would be discussed again tomorrow.

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Ms. McNeill asked if there is a policy that deals with outside employment. Ms. Cullins stated the employee is required to disclose any and all additional employment which is reviewed by Human Resources. Ms. Cullins stated if it is the Director or Assistant Director Position the Board reviews this.

Ms. Guazzo asked if she could receive a list of all the contract positions. Ms. Cullins stated she would provide a list of contract employees reiterating they are mostly inspectors. Ms. Guazzo asked if the Director and/or Assistant Director positions are contract positions. Ms. Cullins stated no they are not contract positions. Ms. Guazzo asked if these are merit positions. Ms. Cullins states yes they are merit positions. Ms. Stone asked if either of the regulations cited tonight in regards to Ethics and MD law were looked at and/or reviewed. Ms. Cullins stated this was brought forth to the Ethics Commission.

#### **Memorandum**

Mr. Densford stated Ms. Cox wrote a memorandum which summarizes potential issues for discussion and asked that Ms. Cox review this with the Task Force. Ms. Cox gave an overview of the list and asked if the items listed are still points of interest for the Task Force for discussion at future meetings.

Mr. Dean stated we should turn our attention to the report that is due in June. Mr. Dean stated he would like to provide each member with a copy of his proposal which includes a summary of the items discussed and the findings that have been made to date as well as a set of proposed recommendations. Mr. Dean stated the purpose it to focus the committee's attention on finishing the report. Mr. Dean asked that this document be placed on a future agenda for discussion.

Ms. Guazzo asked that Metropolitan Commission meeting minutes and any legislation dealing with Metcom be provided. Ms. Meiser stated the legislative amendments are all conceptual however she will go back and review the minutes and provide copies of minutes pertaining to legislative changes to the Task Force.

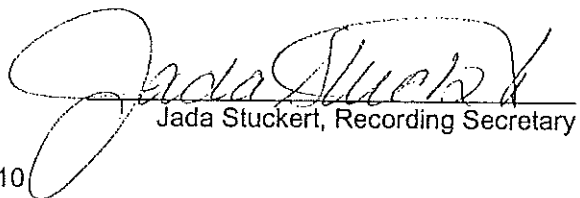
Mr. Burch commended Mr. Dean for starting the process.

#### **Closing**

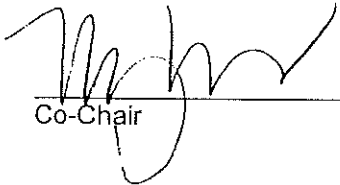
Ms. Cox reminded the Task Force that the next meeting will be held on Friday, February 12, 2010 from 9:00 a.m. to 12:00 p.m.

#### **Adjournment**

The meeting was adjourned at 8:54 p.m.

  
Jada Stuckert, Recording Secretary

Approved in open session: February 24, 2010

  
Co-Chair

**MINUTES OF THE METCOM TASK FORCE**  
**CHESAPEAKE BUILDING \* LEONARDTOWN, MARYLAND**  
**Wednesday, February 24, 2010**

Members present were Elliot Burch, Ford Dean, Joe Densford, Shelby Guazzo, Robert Jarboe, Mary Lynn Stone, and James Spence. Frank Taylor arrived late. Support Staff Present were John Savich, County Administrator; Jackie Meiser, METCOM Director; Derick Berlage, LUGM Director; Dave Chapman LUGM Capital Facilities Planner; Robin Parker Cox, UMD; and Richard Lawrence, UMD.

Mr. Densford called the meeting to order at 6:10 p.m.

**Opening & Approval of the Minutes**

A motion was made and seconded to approve the meeting minutes of January 27, 2010. The motion passed unanimously.

**Questions and Answers on Responses to Public Forum**

Ms. Meiser referred to Metcoms' responses to questions raised at the public forum dated February 2, 2010 and asked if there were any specific questions. Mr. Jarboe asked if there has been any additional contact from Mr. Graham concerning his issue. Ms. Meiser stated there has been no additional contact made.

Mr. Densford stated he believes there is an error in Metcoms' response as far as Ms. Meiser maintaining the position of Metcom Director and Metcom General Counsel. Mr. Densford stated Metcom's response was that "You may recall that a former County Administrator also continued to serve as the County Attorney." Mr. Densford stated he believes this to be an error because when Mr. Lacer was County Administrator and served as counsel however Mr. Norris III was the County Attorney at that time. Mr. Densford stated the next issue of Ms. Meiser maintaining the position of Metcom Director while continuing to own her private practice of law, Metcoms response was "You may recall that two attorneys who formerly filled the positions of County Attorney and Director of Housing and Community Development also operated their respective private practices of law, without, controversy, while maintaining these County employment positions." Mr. Densford stated this practice ended in 1995 and since that time we've had four County Attorneys who did not have private practices.

Mr. Densford stated Metcom included public hearing notices for the work at Chancellor's Run Road waterline and upgrade extension stating this is the notice given to the public that they may be required to hook into the new line. Mr. Densford stated the responsibility and liability of the homeowners is not adequately spelled out in the notice. Mr. Densford stated the public notice could have been drafted in a way that would have given fair warning that it's not just a new water line coming in, that some people would be required to become customers.

Mr. Spence asked what the term "at will employee" means. Ms. Meiser stated it means that employment is not subject to an employment contract. Ms. Meiser stated it further means at any time an employee could quit or the employer could terminate the employee's employment. Ms. Guazzo asked where this policy is spelled out. Ms. Meiser stated Maryland is an "at will" employment state so in the absence of an employment contract and employee is presumed to be an at will employee in this state. Ms. Guazzo asked what Metcoms procedure is for terminating an at will employee. Ms. Meiser stated the employee would be subject to counseling's to correct a deficiency and as a result of the counseling's, if there are no signs of improvement, the employee would be terminated. Ms. Guazzo asked who determines if termination if necessary. Ms. Meiser state Human Resources and the Department Head would make this decision. Ms. Guazzo referenced Section 113.c and asked if the Metropolitan Commission is involved with the hiring or firing of employees. Ms. Meiser stated they are only involved in the hiring or firing of the Director, Deputy Director and Department Heads.

### **Public Forum Comments**

Mr. Densford stated based on some of the testimony we heard at the public forum it seems clear that if Metcom is going to engage in a project in which people may be required to hook into a line the public hearing notice should be clearly written to explain what will be asked of surrounding homeowners. Mr. Densford stated it may be wise that Metcom send out notices via certified mail like the Planning Commission and Board of Appeals do for their public hearings. Ms. Guazzo, Mr. Bruch, and Mr. Dean agreed with Mr. Densford's comments regarding notices to the public.

Mr. Dean questioned the letter received from Mike Mummaugh regarding lots he had purchased in St. George's Beach. Mr. Dean asked how this situation could occur. Ms. Meiser stated Mr. Mummaugh's lots are in St. George's Beach down towards Piney Point where 15 years ago a sewer system was installed that was never intended to have capacity for all the lots or even the existing homes in that area. Ms. Meiser stated after time passed there can a time when it was not apparent to LUGM or Metcom that there was no capacity in that area. Ms. Meiser stated due to this there were permits that were inadvertently issued to build on lots in this area. Ms. Meiser stated when the error was recognized building permits were revoked due to the capacity issue. Ms. Meiser stated Metcom, LUGM, Public Works and the Health Department are in the process of addressing the issue of increasing the sewer capacity as well as the pump station. Ms. Meiser stated they are hoping to have a public meeting the week of March 15, 2010 to discuss this issue with the community.

### **BREAK**

Mr. Frank Taylor arrived during the break.

### **Issues Development**

Ms. Cox reviewed the following topics for further discussion at upcoming meetings.

1. Change SMC code section 113:
  - a. requiring FTE approval
  - b. issuing revenue bonds
  - c. mandating connections
2. Undertake complete review and update of entire section 113 by ad hoc committee that includes Metcom, BOCC, and LUGM
3. Metcom to schedule structured, regular meetings twice per year with the Metcom Board of Directors, BOCC, Planning Commission and LUGM
4. Increase news releases to inform public of Metcom activities and any water/sewer items of interest
5. Define roles and responsibilities and increase communication, accountability, and reporting among entities: Metcom BOD, BOCC, Planning Commission, LUGM, SMC Health Department
6. BOCC representative on:
  - a. Metcom BOD
  - b. Planning Commission
  - c. Development Review Board/Technical Review Committee
7. BOCC to approve:
  - a. Metcom budget
  - b. Rate changes
  - c. Capital Improvement Plan
  - d. Facilities Plan

- e. all contracts/agreements with federal, state, local entities within SMC boundaries
- f. water/sewer appeals from Metcom
8. BOCC to initiate investment in funding water/sewer infrastructure via some mechanism in specified situations, e.g., forward funding, taxing district approach for failing septic
9. Director and General Counsel positions not held by same individual
  - a. Director prohibited from outside employment
  - b. Director and Assistant Director to file same financial disclosure as BOCC with State Ethics Commission
  - c. All Metcom management positions to be filled through publicly advertised application process
  - d. BOCC to interview new Metcom employees
10. Metcom to continue operating as a separate entity
11. BOCC to review Metcom Capital Budget
12. Policy to give first-in developers option to receive money from subsequent connection fees
13. Procedure for appointing Commission members
14. Review by-laws
15. Examine PAX River negotiations without SMC involvement
16. Review Comprehensive Water/Sewer Plan to be consistent with Comprehensive Plan
17. Establish group to study process improvements to achieve timely final approval of engineering plans to avoid need for modification after final approval

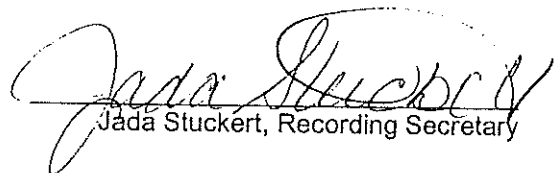
Ms. Cox asked that the members check yes or no for each item on the list. The members reviewed the list and made language amendments as necessary while each personally marking their answers for compilation and review at the next meeting.

#### **Closing**

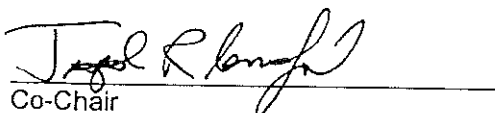
Ms. Cox stated she would compile all the answers to the above mentioned items and bring them to the next meeting for further discussion. The next meeting will be held on Wednesday, March 3, 2010 from 9:00 a.m. to noon.

#### **Adjournment**

The meeting was adjourned at 9:03 p.m.

  
Jada Stuckert, Recording Secretary

Approved in open session:      March 3, 2010

  
Co-Chair

**MINUTES OF THE METCOM TASK FORCE**  
**CHESAPEAKE BUILDING \* LEONARDTOWN, MARYLAND**  
**Wednesday, March 3, 2010**

Members present were Elliott Burch, Ford Dean, Glen Ives, Shelby Guazzo, Joe Densford, Mary Lynn Stone, Robert Jarboe, Susan McNeill, James Spence, and Frank Taylor. Support Staff Present were Jackie Meiser, Metcom Director; Dan Ichneowski, Metcom Deputy Director; Robin Parker Cox, UMD; and Richard Lawrence, UMD.

Mr. Stone called the meeting to order at 9:01 a.m.

**Opening and Approval of Minutes of 2.24.10**

These minutes will be approved at the next meeting.

**Issues Development**

Ms. Stone asked for a summary from the last meeting and thanked Ms. Meiser for inviting all of the members to have open dialog with Metcom staff. Mr. Taylor stated he met briefly to discuss the appeal process through the County Commissioners. Ms. Stone asked that Mr. Taylor share the discussion on County Commissioner appeals. Mr. Taylor stated there has never been an appeal to the County Commissioners and it is not part of the process. Ms. Meiser stated the code allows for the appeal process but only for a specific instance for new projects and whether or not a person agrees with the plans submitted for that project. Ms. Meiser stated this is not a general appeal provision. Mr. Burch commended Ms. Meiser for offering the time to meet unfortunately he was unable to make a scheduled time.

Ms. Guazzo stated she met with Ms. Meiser and Mr. Ichneowski to discuss furthering Planning Commission communications. Ms. Guazzo stated after reviewing the past two years of audits she was surprised at the amount of money being paid for salaries. Ms. Guazzo stated 45% is a lot considering this is blue collar work. Mr. Taylor stated many of these employees have engineering backgrounds etc. Ms. Guazzo stated she would be going back to Metcom to further inquire about the salaries.

Ms. McNeill stated she attended a Chesapeake Bay Water Quality Seminar and it gave her perspective as to the work that Metcom really does. Ms. Stone asked that Ms. McNeill provide a summary of the seminar to the members for their review. Mr. Burch stated we have seen massive changes on water quality in the past and he does not feel that is not something we should be involved in at this point.

Ms. Cox gave an overview of the last meeting stating the goal is to get a sense from the members of what areas need to be covered in the final recommendation. Ms. Cox reviewed the summary of top areas for task force recommendations as follows.

1.
  - a. Amend section 113 to delete requirement that BOCC approve new Metcom FTE positions.
  - b. Request County bond counsel to evaluate Metcoms issuance of revenue bonds with BOCC approval.
  - c. Examine mandated connection requirement
2. Undertake complete review and update of section 113 in light of Task Force recommendations by ad hoc committee that includes Metcom, BOCC, and LUGM.
3. Metcom to schedule structures, regular meetings 2x per year with Metcom BOD, BOCC, Planning Commission, and LUGM.
4. Increase news releases to inform public of Metcom activities and any water/sewer items of interest.

5. Define roles and responsibilities and increase communication, accountability, and reporting among entities: Metcom BOD, BOCC, Planning Commission, LUGM, and SMC Health Department.
6. BOCC to appoint non-voting representative to serve as liaison to Metcom BOD.
7. Amend section 113 to have BOCC approve Metcom capital budget, Capital Improvement Plan, and Facilities Plan.
8. Recommend BOCC use existing authority in section 113 to fund water/sewer infrastructure
9.
  - a. Director and General Counsel position not held by same individual.
  - b. Director prohibited from outside employment.
  - c. Director and Assistant Director to file same financial disclosure as BOCC with State Ethics Commission.
  - d. All Metcom management positions to be filled through publicly advertised application process.
  - e. BOCC to interview new Metcom employees.
10. Metcom to continue operating as a separate entity.
11. BOCC to review Metcom capital budget.
12. Policy to give first-in developers option to receive money from subsequent connection fees.
13. Procedure for appointing Commission members.
14. Review by-laws.
15. Examine PAZ River negotiations without SMC involvement.
16. Revise Comprehensive Water/Sewer Plan to be consistent with Comprehensive Plan.
17. Set up group to study process improvements to achieve timely final approval of engineering plans to avoid changes after final approval.

Mr. Burch asked if number seven (7) will help clarify whether the County Commissioners have to approve the Capital Budget. Ms. Meiser stated the State of Maryland, Section 113 creates a difficult process because they do not approve the CIP even though it would make perfect sense for the County Commissioners to approve the CIP, the budget and the Facilities Plan. Ms. Stone stated she is confused as to the laws/code that is written but is not complied with. Ms. Stone asked if Ms. Cox could pull the laws/code and provide it to the members at the next meeting. Ms. Stone stated we need to know exactly what is written versus what is practiced. Mr. Ives asked that the County Administrator also be in attendance to respond to Ms. Meiser's statements. Ms. Stone stated there seems to be an efficiency issue in the current process due to lack of official process regulations. Ms. Stone asked that Ms. Cox review #7 for the points of intersection in the sections of the code. Mr. Ives stated this should also include other sections of any code dealing with the County Commissioner approval process of Metcom items. Mr. Ives again recommended that Mr. Savich attend the next meeting to help answer questions in regards to the County Commissioner process. Ms. Cox stated she would revise this for review at the next meeting.

**BREAK**

#### **Issues Development**

Ms. Cox continued the review of the recommendation beginning with number nine (9). Ms. Stone stated the letter from the Ethics Commission recommends 9.c. Mr. Dean asked if County government

directors file financial disclosures. Mr. Savich stated he believes that they are all required to file these disclosures.

Ms. Guazzo stated one individual holding two different positions takes away from the attention of the business. Mr. Taylor stated he sees no issue for the review however he feels being an attorney and a director at the same time are not an issue. Mr. Taylor stated if there is a conflict outside representation can be utilized. Ms. Stone asked who makes the decision that outside counsel is needed. Mr. Taylor stated he believes in the past it has been decided by the Metropolitan Commission and/or the Director. Mr. Densford stated the Metropolitan Commission is in charge of Metcom as far as employees, financials, etc. Mr. Densford stated for the Board to fill its legally mandated responsibilities it's important for them to have separate legal counsel.

After further discussion the members made the following findings regarding the recommendations.

- 1a Agree with concept
- 1b Agree with concept
- 1c Study further
- 2 Study further
- 3 Agree with concept
- 4 Agree with concept
- 5 Agree with concept
- 6 Study further
- 7 Study further
- 8 Agree with concept
- 9a Study further
- 9b Study further
- 9c Agree with concept
- 9d Add "vacant" to read "All vacant management positions etc." Study further
- 10 Study further
- 11 Remove Item
- 12 Study further
- 13 Remove Item
- 14 Remove Item
- 15 Corrected and Study further
- 16 Remove Item
- 17 Remove Item

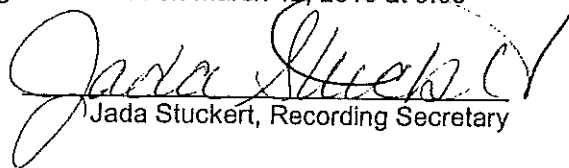
Add – Reviewing appeals process – Study

#### Metcom Comparisons

No discussion.

#### Adjournment

The meeting was adjourned at 12:02 p.m. The next meeting will be held on March 12, 2010 at 9:00 a.m.

  
Jada Stuckert, Recording Secretary

Approved in open session: March 12, 2010

  
\_\_\_\_\_  
Cb Chair

MINUTES OF THE METCOM TASK FORCE  
CHESAPEAKE BUILDING \* LEONARDTOWN, MARYLAND  
Friday, March 12, 2010

Members present were Elliott Burch, Ford Dean, Glen Ives, Shelby Guazzo, Joe Densford, Mary Lynn Stone, Robert Jarboe, Susan McNeill, James Spence, and Frank Taylor. Support Staff present were John Savich, County Administrator; Jacki Meiser, MetCom Director; Dan Ichneowski, MetCom Deputy Director; Robin Parker Cox, UMD; and Richard Lawrence, UMD.

Mr. Densford called the meeting to order at 9:00 a.m.

**Opening and Approval of Minutes of 2.24.10 and 3.3.10**

Mr. Taylor moved to accept the minutes as written. Motion seconded and carried.

Mr. Densford asked if the Task Force members felt it necessary to add a meeting due to the large number of issues to be resolved prior to preparing the recommendations. All members agreed that an additional meeting would be beneficial; meeting added for Thursday, April 1, 2010 from 9:00 a.m. to 12:00 p.m. Mr. Taylor will be unable to attend the April 1 meeting due to a scheduling conflict.

**Capital Budget Approval (John Savich, County Administrator)**

Mr. Savich provided a brief overview on the Capital Budget process as it pertained to the relationship between the Board of County Commissioners (BOCC) and MetCom. MetCom's Budget is reviewed by the BOCC but the BOCC has not exercised approval (or disapproval) authority.

MetCom is a separate entity and not included in the County's Capital Budget process because they do not receive funds from the County. However, MetCom does require BOCC approval for new positions and this is done through a separate review of position requests in MetCom's operating budget.

There are no formal requirements for MetCom and the BOCC to meet. However, two work sessions between MetCom and BOCC are scheduled each year. These meetings are not for "actions", but an opportunity for MetCom to update the BOCC on activities. There are another two to four meetings during the year for budget review or loan requests, as needed.

Formalizing a meeting schedule between MetCom and the BOCC was discussed. Members thought a formalized process would be a good idea as long as clear expectations (purpose and desired outcome of the meetings) were included in the written requirement. Discussion focused on an MOU between MetCom and the County rather than a legislative requirement. An MOU would clarify interaction between staff and result in better communications between the two entities.

There was also discussion concerning the County's recent adoption of a mandatory 3-year review of the Water and Sewer Plan; the review ensures the Water Sewer Plan is in alignment with the County's Comp Plan. This is a critical process in terms of providing guidance and direction to MetCom for future development and growth.

**Process Flowcharts (John Savich, County Administrator and Jacki Meiser, MetCom Director)**

**i. Capital Planning Process:**

- a. **Capital Plan and Budget:** Discussion focused on instituting a requirement that the BOCC approve the MetCom Capital Plan and Budget.

BREAK

- b. **Financing Requirements:** BOCC involvement only occurs if MetCom should require funding from an outside source (such as MDE or DHCD). Code requires MetCom to get BOCC support (full faith pledge) as part of the funding application process. If BOCC does not approve the proposed MetCom borrowing, that portion of the CIP will be deferred.

Ms. Meiser suggested, and Mr. Savich concurred, that the requirement for the County to approve/provide a Full Faith Pledge is no longer needed in the Code. The 2007, the

procedure for MetCom Rate changes has eliminated the need for County backing; MetCom has the ability to increase rates to cover their debt payments. There is also enough in MetCom reserves to cover debt payment should a situation arise where revenue was not high enough to cover the debt.

The critical approval, as noted above, is BOCC approval of the Capital Plan and budget. By eliminating the requirement, MetCom would be able to obtain their own funding from MDE and DHCD without involving the BOCC at that stage. Removal of the requirement from the code would not prevent MetCom from obtaining County backing for specific projects if desired for future funding.

Ms. Meiser will draft a proposal for changing the code requirement asking for the County's Full Faith and Credit. The Task Force members will review the proposal for possible inclusion in the final recommendations.

- c. **Rate Determination:** To be covered during the next meeting.
- II. **Operating Budget:** The Operating Budget is presenting to the BOCC only for approval of new full-time equivalent positions. The BOCC does not approve any other portion of the Operating Budget.
- This is an area that may warrant change and should be considered in the task force recommendation.
- III. **Development Review Process:** Discussion of this topic focused on suggestions that MetCom staff provide a periodic report to the Planning Commission on the status of projects and availability of treatment capacity.

**Issues Development (Robin Parker Cox, UMD)**

Due to time limitations, Issue Development will be carried forward to the next meeting.

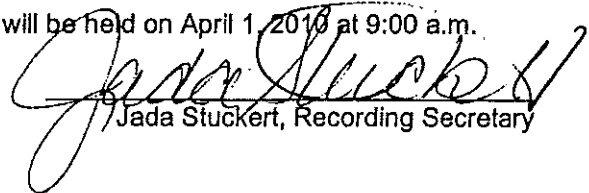
**MetCom Comparisons**

Task Force members feel comfortable with the data provided and will not require any additional comparison data at this point.

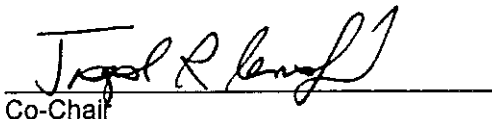
**Adjournment**

Mr. Densford asked the membership what they thought about inviting the MetCom Board members to attend a future meeting. All members agreed that the MetCom Board should be invited to provide their thoughts and insight to the process. It was suggested that the invitation be for the next meeting; it is important to get the Board member's input prior to making any recommendations. Ms. Cox will make sure the MetCom Board of Commissioners is invited to the April 14<sup>th</sup> meeting.

The meeting was adjourned at 12:00 p.m. The next meeting will be held on April 1, 2010 at 9:00 a.m.

  
Jada Stuckert, Recording Secretary

Approved in open session: April 14, 2010

  
Co-Chair

**MINUTES OF THE METCOM TASK FORCE**  
**CHESAPEAKE BUILDING \* LEONARDTOWN, MARYLAND**  
**Wednesday, April 14, 2010**

Members present were Elliott Burch, Ford Dean, Joe Densford, Shelby Guazzo, Glen Ives, Robert Jarboe, Susan McNeill, James Spence, Mary Lynn Stone, and Frank Taylor. Metropolitan Commission members present were Tom Tudor, Thomas C. Lancaster, Joe St. Clair, Katy Werner, Mike Oliver representing Captain Schmeiser, and Brenda Hansen. Support Staff Present were John Savich, County Administrator; Jackie Meiser, METCOM Director; Dan Ichniowski, Metcom Deputy Director; Chet Frederick, Metcom; Dave Chapman, LUGM; Robin Parker Cox, UMD; and Richard Lawrence, UMD.

Ms. Stone called the meeting to order at 6:03 p.m.

**Opening & Approval of the Minutes**

The meeting minutes of March 12, 2010 were approved as presented.

**St. Mary's County Metropolitan Commission**

Mr. Densford stated we have two lists of issues we've been working on and asked if the Metropolitan Commission had any questions. Mr. Tudor asked if there is a clear understanding that Metcom is a stand alone utility and is not a part of County Government. Mr. Spence stated yes this is the understanding of the Task Force. Mr. Tudor stated this may not be clear in the taxpayer's eyes therefore maybe Metcom needs to do more public relations work to get this statement out to the tax-payers. Ms. Stone stated one of the items for discussion is weather or not Metcom should come under the umbrella of the County. Mr. St. Clair stated every meeting he's ever been on the Metropolitan Commission the hearings are opened with the mission statement for explanation to the public. Ms. Stone stated some of the association with the overall capital budget and connectivity with LUGM may be some of the things that cause confusion.

Mr. Jarboe asked who determines where the water and sewer lines are placed. Mr. St. Clair stated Metcom does not determine where the water and sewer lines go within the County this is based on the Comprehensive Plan. Mr. St. Clair stated this process begins with the Planning Commission who makes recommendations to the County Commissioners, who review and approve the Comprehensive Plan. Mr. Densford asked for the percentage of water and sewer lines introduced by a developer rather than line extensions or new lines proposed by Metcom. Mr. St. Clair stated unless this is a failed system we do not ask that you come in and hook into the system. Mr. Densford all sewer line systems are initiated by private development. Mr. Tudor stated someone has to have allocated EDU's prior to line extension and LUGM makes this decision.

Ms. Guazzo stated she is hearing that Metcom only responds and does not initiate any new water or sewer lines. Ms. Guazzo stated the contract with Pax River Navy Base seems to be forward planning that Metcom alone has initiated in private contract negotiations. Ms. Guazzo stated she would like Metcom to do some forward planning for the citizens of the County by working with LUGM to serve the core of St. Mary's County. Mr. Oliver stated he was privy to this and it was a competitive bid process. Ms. McNeill stated in her experience DOD normally goes with the nearest provider. Ms. Stone asked weather or not there are continuing negotiations with Pax River and Metcom for the privatization of their water and sewer service. Mr. Oliver stated no.

Mr. St. Clair stated he does not want to see a public utility come under the political umbrella of County government. Mr. Tudor compared Metcom to SMECO whereas when a new development comes in SMECO services are requested and paid for up front. Mr. Tudor stated he would not agree on Metcom building thousands of dollars of infrastructure for development that may never come. Mr. Tudor stated by forward funding infrastructure you place the payment burden on the

existing customers. Ms. Stone questioned the appointments of the Metropolitan Commission members.

Mr. St. Clair stated he would like to have the Metropolitan Commission along with the County Commissioners, Delegates etc in a meeting while we present the CIP and budget so they can all see how these items reflect the Comprehensive Plan which we need funding for. Mr. St. Clair stated the Metropolitan Commission extensively reviewed Chapter 113 of the Annotated Code and made recommended corrections however the Bill was rejected by the Senate without explanation. Mr. Dean asked if a comprehensive review of Section 113 needs to be done by the County Commissioners, LUGM, and Metcom. Mr. St. Clair recommended the Delegates and the Planning Commission is included in this process as well.

Ms. Guazzo stated it seems that the trend is County governments overtaking water and sewer utilities and that such overtaking is a product of a certain amount of growth or population in a particular area. Ms. Cox clarified that there is a current trend toward the separation of County governments and water and sewer utilities and that the water and sewer utilities that have become part of County government in other jurisdictions have done so out of financial instability rather than population counts.

Mr. Dean asked if the Metropolitan Commission is comfortable with the level of communication between the County Commissioners, Planning Commission and LUGM. Mr. St. Clair stated the Metropolitan Commission has already begun implementing more meetings with the County Commissioners as well as the Planning Commission and LUGM. Mr. Tudor stated semi-annual joint meetings would be useful.

Ms. McNeill questioned misallocated EDUs and asked how this happens. Mr. Tudor stated his assumption is that some EDUs are allocated but never used because the property is not developed. Mr. St. Clair stated the Planning Commission actually gave LUGM the authority to tract and allocates EDUs. Ms. Meiser stated the disparity in tracking EDUs is not the result of any single item. Ms. Meiser stated part of the issue is the EDU being allocated at the time a preliminary plan is approved but never moving on to final record plat and development. Ms. Meiser stated this creates a situation where we have EDUs hanging out there which have been allocated but are not being used. Ms. Guazzo stated it is her understanding that this process is also complicated by the requirement of de-platting a subdivision. Mr. Chapman stated this is more an issue of accommodating the developer. Mr. Chapman stated revisions to the Ordinance have recently been made to allow an approval to be extended due to the economic conditions. Mr. Chapman stated this is a cross between accurate record keeping in terms of what the demand is likely to be and facilitating development during difficult times.

Mr. Tudor stated Metcom is financially sound as it operates on its rate payer base from the customers it serves. Mr. Tudor stated there are no County dollars flowing in and out. Mr. Tudor stated the operations are sound and in compliance with all regulatory requirements. Mr. Tudor stated he sees no reason for Metcom to be moved under the County umbrella.

Ms. Stone asked about the structure of Metcom and the Metropolitan Commission. Mr. Tudor stated he is very comfortable that he is getting the information he needs and has not seen any issues. Ms. McNeill asked if each Metropolitan Commission member is appointed by district. Mr. St. Clair explained we are elected by election district.

#### **Rate Determination Process**

Ms. Meiser gave an overview of the rate determination process flow chart for capital contribution and system improvement charges. Ms. Meiser stated the County does not have involvement in setting the rates however they have involvement with the Capital budget process. Mr. Ives asked if there have been any issues with this process. Ms. Meiser stated no however there is a very small turnout for the public hearings. Ms. Guazzo asked if the charge is the same for everyone. Ms. Meiser explained the system improvement charge is the same per EDU for all residential

customers and for all commercial customers. Ms. Meiser stated the charge is different for residential and commercial.

Ms. Guazzo asked which category a new well would fall under. Ms. Meiser stated if it is a new well to replace an old well it would fall under system improvement however if it is simply a new well it would fall under system expansion. Mr. Densford asked if Metcom were forward funding an expansion project; who would be paying for it until the development comes on line. Ms. Meiser stated this would be debt service which rate payers would pay for. Mr. Densford asked how the decision is made to extend or expand a line. Ms. Meiser stated this is based on the Facilities Plan.

#### **BREAK**

#### **Issues Development**

Ms. Cox stated the issues sheet has been modified and re-sent to the members over the past couple meetings and asked that the Task Force review the issues once again. The Task Force members made recommendations. Ms. Cox stated she would incorporate the amendments for the next meeting.

#### **Adjournment**

The meeting was adjourned at 9:02 p.m. The next meeting will be held on Friday, April 23, 2010 from 8:00 a.m. to 12:00 p.m. in the Commissioners meeting room.

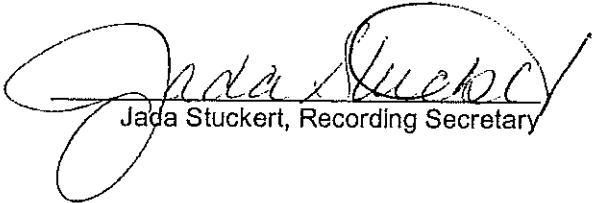
*Additional meetings are as follows:*

*April 30, 2010 from 8 am to 12 pm*

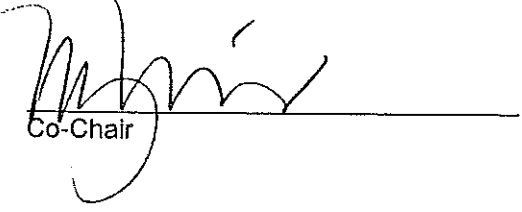
*May 14, 2010 from 9 am to 12 pm*

*May 21, 2010 from 9 am to 12 pm*

*May 26, 2010 from 6 pm to 9 pm*

  
Jada Stuckert, Recording Secretary

Approved in open session:      April 23, 2010

  
Co-Chair

**MINUTES OF THE METCOM TASK FORCE  
CHESAPEAKE BUILDING \* LEONARDTOWN, MARYLAND  
Friday, April 23, 2010**

Members present were Elliott Burch, Ford Dean, Joe Densford, Shelby Guazzo, Robert Jarboe, Susan McNeill, James Spence, Glen Ives, Mary Lynn Stone, and Frank Taylor. Support Staff Present were John Savich, County Administrator; Jackie Meiser, METCOM Director; Derick Berlage, LUGM Director; Robin Parker Cox, UMD; and Richard Lawrence, UMD.

Mr. Densford called the meeting to order at 8:02 a.m.

**Approval of Meeting Minutes**

The meeting minutes April 14, 2010 were postponed to the end of the meeting.

**Financing Briefing**

Mr. Savich and Ms. Meiser presented a brief overview on Metcom borrowing backed by the full faith and credit of the County. Mr. Savich stated the County Code section requiring Metcom bonds to be backed by the full faith and credit of the County has been deemed by interpretation to apply to all Metcom borrowings. Mr. Savich stated that since the legislative changes in 2007, Metcom can adjust its own rates and, the full faith and credit of the County is no longer required to cover Metcom's debt service. Metcom's debt is within established limits and Metcom has never failed to make a debt service payment. However, the law still requires the full faith and credit backing of the County. Mr. Savage stated that the higher level priority on infrastructure issues should be to approve the capital budget and that should take precedence over approval of the specific financing arrangements of a specific project. Therefore, the joint recommendation of his office and Metcom would be to eliminate or clarify that Metcom borrowing must be approved and backed by the County's full faith and credit in all circumstances. There may be certain circumstances where the full faith and credit of the County might be beneficial to Metcom and it should, therefore, be an option to do so rather than a requirement

Ms. Guazzo asked about revenue bonds. Mr. Savich stated these are bonds that are backed by a revenue source. Mr. Densford asked if Metcom had ever issued bonds or whether it had been rated. Mr Savich said no. and because the existing state financing programs Metcom uses could eventually go away, there may be some in some instances in which relying on the County's full faith and credit backing might be necessary.

Ms. McNeill asked what the present debt servicing and borrowing procedures in dealing with the State, and how often this is presented to the BOCC. Ms. Meiser stated that every year at various times, proposed borrowings are presented to the County Commissioners based upon the projects in the capital budget and State loan offerings. The BOCC do not approve the capitol projects although a formal request is made to approve the financing by means of a resolution. Mr. Savich stated that amendment of Section 113 (as proposed) would mean there would be a deeper review when the capital budget was presented and formal approval by the BOCC would eliminate the need for bond council and finance staff to do a duplicate review of the specific financing for Metcom. Mr. Savich stated the operating budget is not approved by the County Commissioners; it is simply presented for review except when new positions are to be included.

Ms. McNeill asked if a public hearing might be necessary if Section 113 were to be amended to require BOCC review of the Capital Budget/Plan. Ms. Meiser stated she is unsure if a public hearing would be necessary. Ms. Guazzo stated she agrees with Ms. McNeill that there should be a public hearing for the public to review the budget and rate setting. Ms. McNeill stated that if the present rate hearings were to include more than an incidental hearing on the capital budget, it should be made very clear in the public notice to gain more attention. Mr. Densford asked if there is a Metcom Board hearing for the operating budget. Ms. Meiser stated yes all the budgets and all the rates have a hearing.

Ms. McNeill asked if we could still institute a public facilities impact fee to help raise funds for Metcom projects for the benefit of the entire county. Mr. Savich stated this would require separate legislation. Ms. McNeill stated expecting the Metcom customers to pay the entire cost of future infrastructure could place a huge burden on the payees.

### Issues Development

Ms. Cox gave an overview of the 4.23.10 version of the "Study Areas for Recommendations" and the "Recommendation Areas" worksheets. The Task Force made the following recommendations:

### Study Areas for Recommendations

1. Ms. Guazzo stated connection should be made however there should be some type of relief as to when they have to connect and begin payment and the relief process needs to be more formal in it's accommodations for the persons required to connect. Ms. Guazzo stated a policy should be drafted to support this. It was decided to amend this language.
2. This item has been moved to "Recommendation Areas" as #9.
3. Mr. Taylor stated he does not feel it is necessary to have another person on the panel. Mr. Burch agreed. Mr. Ives stated he is not in support of this item. **Mr. Taylor made a motion to remove this item and Mr. Burch seconded. The motion passed unanimously.**
4. This item has been moved to "Recommendation Areas" as #8.
5. Mr. Taylor asked if this would affect the current Director. Mr. Densford stated he sees this as either the Director or General Council would have to be hired. Ms. Guazzo stated a Corporation this size needs to have separate people doing these jobs. Mr. Dean clarified we are examining the governance and structure of Metcom not any individual person. **Mr. Jarboe made a motion to move this item to the "Recommendation Areas" and Ms. Stone seconded. The motion passed by a 9-1 vote with Mr. Taylor opposed.**
6. Ms. Meiser stated General Council has always had outside employment. Mr. Densford stated he doesn't have any issues with this item as it has already been addressed. Ms. McNeill stated she would be in favor of a ban on incidental and on-going employment that would create a potential conflict of interest. Ms. Guazzo agreed only that incidental employment should be allowed. **Mr. Dean made a motion to strike #6 from the recommendations and Mr. Taylor seconded. The motion passed by an 8-2 with Ms. Guazzo and Ms. McNeill opposed.**
7. **Ms. Stone made a motion move this item to the "Recommendation Areas" and Ms. Guazzo seconded. The motion passed by a 10-0 vote.**
8. This item to be discussed last.
9. **Mr. Dean made a motion to move this item to the "Recommendation Areas" and Mr. Burch seconded. The motion passed by a 9-1 with Ms. McNeill opposed.**
10. **Ms. Guazzo made a motion to amend and move this item to the "Recommendation Areas" and Ms. McNeill seconded. The motion passed by a 10-1 vote.**
11. Mr. Taylor stated the current appeals can be made to the Metcom Board. Ms. Guazzo stated this standard is for new facilities and she feels this item is appropriate. Mr. Dean stated he does not feel this item should be moved to the "Recommendation Areas". **Ms. McNeill made a motion to move this item to the "Recommendation Areas" and**

*further define at a later date and Ms. Stone seconded. The motion passed by a 10-0 vote.*

- 12. Mr. Taylor made a motion to move this item to the "Recommendation Area" and Ms. Stone seconded. The motion passed by a 10-0 vote.**

Ms. Stone thanked Ms. Meiser for distributing the 2009 Legislative Proposal Package and asked if the Task Force would like to take time to review this. Mr. Dean stated as we review #9 on the "Recommendation Areas" worksheet, it would be wise to reference this document.

Ms. Cox stated we have been examining how infrastructure specifically water and sewer is ran within county government or as its own entity. Ms. Cox stated the data suggests that water and sewer should be its own entity and free of political input. Ms. Cox stated there are several reasons as to why it's this way and she further explained.

8. Ms. Guazzo stated she is not in favor of placing Metcom under the County umbrella however, would like to see Metcom be more transparent in their workings. Ms. Guazzo stated she would like to see more public relations and policies, etc. **Mr. Taylor made a motion to move this item to the "Recommendation Areas" and Mr. Spence seconded. The motion passed by a 10-0 vote.**

**Mr. Burch made a motion to allow Mr. Dean to draft the initial draft report incorporating all the corrections and Mr. Taylor seconded. The motion passed.**

#### **Closing**

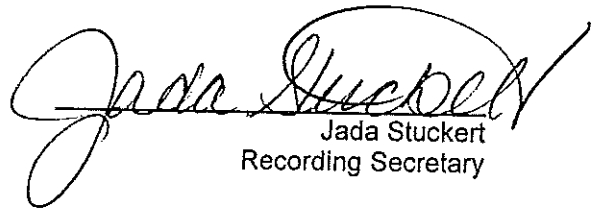
Ms. Cox gave an overview of the meeting and stated the next meeting will be held on May 14, 2010 to begin at 9:00 a.m.

#### **Adjournment**

The meeting adjourned at 12:10 p.m.

Date approved: May 26, 2010

  
Co-Chair

  
Jada Stuckert  
Recording Secretary

**MINUTES OF THE METCOM TASK FORCE  
CHESAPEAKE BUILDING \* LEONARDTOWN, MARYLAND  
Friday, May 14, 2010**

Members present were Elliott Burch, Ford Dean, Joe Densford, Shelby Guazzo, Glen Ives, Robert Jarboe, Susan McNeill, and James Spence. Members excused were Mary Lynn Stone and Frank Taylor. Support Staff present were Jackie Meiser, METCOM Director; Dan Ichniowski, Metcom; Phil Shire, Deputy Director of LUGM; Dave Chapman, Capital Facilities Planner of LUGM; Robin Parker Cox, UMD; and Richard Lawrence, UMD.

Mr. Densford called the meeting to order at 9:00 a.m.

**Opening and Approval of the April 23, 2010 Minutes**

Ms. McNeill asked that the minutes be tabled to the next meeting for additional clarification of her comments. The minutes of were tabled to the next meeting.

**Draft Report Discussion**

The Task Force reviewed the draft report. Ms. Guazzo asked that "Task Force Establishment and Purpose" be included on page 1 of the report and that Ms. Parker be referred to as "Doctor". Ms. Guazzo also recommended that each member be listed as to how they were appointed and what qualification they possess.

Ms. McNeill asked if appendices would be included to list which persons or groups came before the Task Force to testify. Ms. Cox recommended attaching the meeting minutes as appendices. Ms. Guazzo asked that Mr. Ed Donahue be included in the list of persons whom gave testimony. Ms. McNeill stated the reference to the 2009 Capital Facilities Plan should be more specific as to what we actually studied. Ms. Meiser stated there is only one Facilities Plan that is of significant at this time. Ms. Meiser stated this Task Force reviewed the 2009 Capital Facilities Plan for the 5<sup>th</sup> and the 8<sup>th</sup> Sanitary Districts.

Ms. Meiser asked that references to "Corporation" be further clarified. Mr. Jarboe asked that the bottom of page three be further clarified. Ms. McNeill stated we never actually discussed the continuation of the sanitary districts therefore we should mention that we did not find any issues with the current districts. Mr. Dean stated he would work on clarifying this item.

Ms. Guazzo stated this is a perfect opportunity to clarify that the 3-year review of the Comprehensive Water and Sewer Plan is the responsibility of LUGM, with the assistance of Metcom and adopted by the County Commissioners. Ms. McNeill asked if this sentence is correct that an annual amendment is made. Ms. McNeill stated the amendment requires an amendment but one is not currently made, rather the PC and the BOCC write a letter. Ms. McNeill stated this needs to be clearly stated in this section. Ms. McNeill stated it needs to be stressed what actually happens and what is sent to the State. Mr. Densford asked that any specific language should be sent to Mr. Dean on this particular paragraph.

Ms. Guazzo stated the next paragraph regarding jurisdiction is misleading and she will send him an email regarding this. Mr. Dean stated he has no issues with Ms. Meiser's recommendations on page five. Ms. McNeill stated the rates listed on page six of the report do not match the rates sent out in the mail. Ms. Meiser stated this is due to the recommended rates for FY2010 proposed rates. Ms. McNeill recommended that the actual rate schedule and the supporting documentation be included in the report and or a footnote that puts the rates in context. Ms. Meiser stated she would provide Mr. Dean with language for a footnote. Ms. Guazzo asked that the date of the current salary study should be included in this reference.

Ms. McNeill suggested page seven include information the Task Force did not look thoroughly at the question that Metcom financially would be better under the County. Ms. McNeill stated the financial aspect is an important factor. Ms. McNeill stated we should mention that we did look at

other counties similar to our own and also that the current trend is now for utilities to be stand alone. Ms. Guazzo and Mr. Ives stated we did not look at the financial implications of this as it was not our charter therefore we should not reference it in the report. Mr. Densford agreed. Ms. McNeill stated this should at least be referenced. Mr. Densford stated our records on the financial side were not commented on in our meetings. Ms. McNeill stated she would attempt to put something together for Mr. Dean.

Mr. Jarboe stated LUGM continually messes up the allocation of EDU's and he believes Metcom should be allocating and issuing the EDU's so that we do not have this problem. Ms. McNeill stated page eight is where she might make her comments on cost efficiency. Ms. Guazzo stated Ms. Meisers comments on St. Mary's College should be omitted. Ms. McNeill stated the contention with the Navy should be further explained.

Ms. Guazzo stated it would be useful to have the 15 recommendations highlighted in the report and then supporting testimony to follow. Mr. Dean asked if the recommendation is to rewrite the report entirely to follow the 15 recommendations by number. Ms. Guazzo stated yes. Mr. Dean disagrees. Mr. Ives recommended simply highlighting the 15 motions within the existing report. Mr. Densford stated the list of 15 recommendations could be included as an appendix and referenced by footnotes. It was the consensus of the Task Force to include the list as an appendix. Ms. Cox stated she feels the list of issues would be useful to have but the numbers should be replaced with more contexts. Mr. Burch disagreed with the inclusion of this item as an appendix.

***Ms. Guazzo made a motion that the Recommendation Areas be included as an appendix to the final document and Ms. McNeill seconded. After discussion the motion and second were withdrawn.***

***Ms. Guazzo made a motion that the update and review of the 4/29/10 transmittal be included in the minutes of this meeting and Mr. Ives seconded. The motion passed by a 7-1 vote with Mr. Jarboe opposed. "The 4/29/10 Report Recommendation Areas are included on page 4 of these meeting minutes".***

#### **5 MINUTE BREAK**

Mr. Ives asked that page eight read "Patuxent River Naval Air Station". Mr. Dean recommended deleting the 1,200 number and just saying an excess of EDU's. Ms. Guazzo asked that clarification be made to the list of recommended meetings and communication between each Board, committee and commission. Mr. Dean agreed. Mr. Jarboe referenced the 500 EDUs for the college. Ms. Meiser clarified. Mr. Dean asked if these EDUs go back into the pot for re-allocation in the future. Ms. McNeill stated in every place where we can emphasize that the BOCC should take the lead roll it should be clearly stated and recommended in the report. Mr. Dean stated if these meeting are already being held this paragraph should be deleted. Ms. McNeill disagreed stating this should be listed in the report for reinforcement measures. Ms. Guazzo recommended we include we realize there has been an issue and Metcom and LUGM are working on this however there should be a formal policy on the issue. Mr. Dean stated he will attempt to re-write this paragraph to reflect the comments made today.

Ms. Guazzo referenced #3 on page nine stating the last line should include after 40 + years in operation Metcom can best enforce how and when they need more staff. Ms. Guazzo recommended authority exists should the occasion arise for a cooperative effort. Ms. McNeill requested an additional paragraph asking the county to review and revise the Water and Sewer Plan to add the updated water and sewer categories and should not depend on financing by developers.

Ms. Guazzo referenced bullet #3 on page eleven stating this should be every three years. Ms. Meiser pointed out this depends on what the definition of "amend" is. Mr. Dean stated he is

Metcom Task Force  
5.14.10

requesting the BOCC to abide by what MDE is requiring for Metcom's funding. Ms. Guazzo stated we need to separate that this does not need to be done annually. Mr. Dean stated this says the plans need to be revised when they need to be revised. Ms. Guazzo recommended changing "shall" to "may".

**Closing**

Ms. Cox gave an overview of the meeting and stated the next meeting will be held on Friday, May 21, 2010 from 8:00 a.m. to 12:00 p.m.

**Adjournment**

The meeting was adjourned at 12:00 p.m.

Date approved: May 26, 2010

  
\_\_\_\_\_  
Co-Chair

  
\_\_\_\_\_  
Jada Stuckert  
Recording Secretary



INSTITUTE FOR  
GOVERNMENTAL  
SERVICE AND RESEARCH

## METROPOLITAN COMMISSION TASK FORCE REPORT RECOMMENDATION AREAS

1. MetCom to continue operating as a separate entity
2. MetCom to schedule structured, regular meetings, 2x per year with MetCom BOD, BOCC, Planning Commission, and LUGM
3. Define roles and responsibilities and increase communication, accountability, and reporting among entities: MetCom BOD, BOCC, Planning Commission, LUGM, SMC Health Department
4. Increase news releases to inform public of MetCom activities and any water/sewer items of interest
5. Director and General Counsel positions not held by same individual
6. All vacant MetCom management positions to be filled through publically-advertised application process
7. Director and Assistant Director to file financial disclosure with County Ethics Commission (as per 3.1.10 letter from SMC Ethics Commission Chair, R.W. Denning)
8. Amend section 113-1 (C) to delete requirement that BOCC approve new MetCom FTE positions
9. BOCC to approve all MetCom capital contracts funded in the capital budget with federal, state, and municipal corporations within County boundaries
10. Amend section 113 and any other pertinent statutes to have BOCC approve MetCom annual Capital Improvement Budget, Capital Project Plan, and Capital Facilities Plan (does not imply bonding approval)
11. Examine mandated connection requirement
12. MetCom and other agencies to develop policy to give first-in developers options to receive money from subsequent connection fees
13. Amend section 113-6 to delete language regarding uniform requirement that MetCom financing be backed by the full faith and credit of the County
14. Recommend BOCC use existing authority in section 113-5 (C) and 113-26 to fund water/sewer infrastructure
15. Undertake complete review and update of section 113, including review of appeal process, in light of Task Force recommendations by ad hoc committee that includes: MetCom, BOCC, LUGM, Planning Commission, and State Delegate

**MINUTES OF THE METCOM TASK FORCE**  
**CHESAPEAKE BUILDING \* LEONARDTOWN, MARYLAND**  
**Friday, May 21, 2010**

Members present were Elliott Burch, Ford Dean, Glen Ives, Shelby Guazzo, Joe Densford, Mary Lynn Stone, Robert Jarboe, Susan McNeill, James Spence, and Frank Taylor. Support Staff present were Dan Ichneowski, Metcom Deputy Director; Robin Parker Cox, UMD.

Mr. Densford called the meeting to order at 8:10 a.m.

**Opening and Approval of Minutes of 4.23.10 and 5.14.10**

Ms. McNeill made a motion to defer approval of the minutes. Motion seconded and carried.

Ms. Meiser was not available to attend the meeting; however, arrangements were made to include her in conversation via telephone as questions arose.

**Draft Report Discussion**

Members continued with review of the draft Task Force proposal prepared by Mr. Dean (draft #1).

**Item # 6:** Mr. Dean stated that he had received comments from Ms. Meiser and he would incorporate them into the next draft.

Ms. McNeill asked what the definition of "Designated Service Area" as it pertains to Section 113A. Mr. Chapman stated that there is no written definition of designated service area but it was his understanding that certain service categories equate to designated service areas (categories W/S 1, 6, and 10). Ms. McNeill asked if all categories within a growth area are designated as service areas W-3 or W-6 and Mr. Chapman responded that there should not be any areas within the growth area that are designated as "no planned service" area ( NPS). He will check to confirm. Mr. Chapman stated that all future growth areas should be designated 1, 6, or 10 for designated service.

Mr. Dean questioned if Ms. McNeill's concerns were related to recommendation # 6 and asked if they might fit elsewhere in the recommendation. Mr. Taylor stated that a clear definition should be placed in the LUGM water & sewer plan. Ms. McNeill feels that clarification is needed on this topic as the interpretation of "Designated Service Area" affects the mandate of connection.

Ms. Guazzo recommended changing Section 113.10.C to 113.10.A and B to cover the issue. Mr. Dean stated that he will remove Section C (there is no Section C).

Mr. Chapman stated that a service area is any area between what is currently served and any future "to be served" areas. Although some of these properties were never intended to be served, they now fall within the service area.

Ms. Stone asked that a recommendation be made for clarification in the next Water and Sewer Plan by LUGM. Mr. Dean agreed.

Mr. Dean discussed Metcom's 18 Month extension policy for citizens who are mandated to hook-up to public water and sewer. The Task Force discussion was to consider deferments based on the life of the current well or septic system. Ms. McNeill asked who has latitude to grant extensions to well users in the service area. Mr. Taylor said that the policy of Metcom for extensions is up to 18 months; no one has the authority at this time to extend past 18 months. Ms. Guazzo stated that Metcom has authority to determine who connects and currently there is no written policy defining "who" must connect. The guidance is very vague and would like to see specific requirements that can be given to citizens so they can determine if they "must" connect. Ms. McNeill would like the County to have some input as to who and when a hook-up is mandatory because she felt that extension to the service life of a well might be to long a time to meet the requirement in the Comprehensive Plan requirement of "immediate hook-up". Ms. Stone recommended that a review and reconsideration of the mandatory hook-up policy; she would like to see it more clearly defined. Ms. McNeill feels the County should have input into changing the

Metcom Task Force

5.21.10

policy to that extent. Ms. Guazzo disagrees; she feels Metcom is in the best position to determine who hooks up. Mr. Taylor reminded the group that this issue had already been voted on.

**Item 7:** There were no comments, suggestions, or changes to item 7.

**Item 8:** Ms. Guazzo asked that the first line be changed to include "After 50 years and over 20 amendments," All members agreed. Ms. Meiser also suggested a minor word change. The group unanimously agreed that Mr. Dean's verbiage would be used and Ms. Meiser's format for the actual recommendation would be used.

Ms. Meiser also submitted changes to the last paragraph; she believes that the timeline for implementation should be changed from "2011 Session" to "at least by the 2012 Session". All members agreed.

**Item 9:** There were no comments, suggestions, or changes to item 9.

**Item 10:** This item speaks for itself and does not need to have the information concerning the voluntary filing of the Financial Disclosure Statement. All agreed.

**Item 11:** Mr. Densford suggested deleting the last paragraph. Ms. Guazzo agreed and suggested adding the phrase "to avoid any appearance of conflict of interest". Mr. Densford stated that it was not an issue of "conflict of interest" as much as an issue of independent legal advice. He highlighted the example of being in Executive Session and the issue of confidentiality; if the legal counsel is also the director, how do you separate the two positions and duties? Everyone agreed that a rewording of the paragraph need to be clear on why the position of Metcom Director and Metcom Counsel needs to be two separate positions for the good of the company. Ms. Guazzo asked to use the word "recommend" rather than "encourage".

**Item 12:** Ms. Guazzo stated that all positions should be advertised publicly, not just the higher level positions. She asked that this item be put off until after the break so Mr. Savich could provide some insight as to how the County recruits for positions.

**Item 13:** Mr. Taylor believes that this item is too global. Ms. Guazzo stated that the Board of County Commissioners should not approve all Capital Projects, just those projects that require Capital funding. Ms. McNeill asked if the BOCC should approve the Capital Improvement Plan and Ms. Guazzo said she didn't think that would be a good idea. Ms. Guazzo feels that BOCC approval at the point of financing is too late in the process and approval should be done before the point the execution of a solid draft. Mr. Burch stated that there is no execution of a draft until the BOCC approves. Mr. Jarboe asked if projects can be "bumped" up from the 5 year plan to the current year if deemed appropriate. There was discussion as to Metcom Board and the Board of County Commissioners meeting to discuss Capital Projects and Funding. Ms. Guazzo explained that this is not possible due to Open Meetings Act (BOCC); Metcom conducts contract items in Executive Session. Ms. Guazzo would like to see some mechanism for the BOCC and Metcom Board to discuss capital projects prior to budget approval.

**BREAK**

**Ms. Meiser is on speaker phone to provide clarification to some of the previous items.**

Mr. Taylor asked Ms. Meiser to clarify the Capital Budget Process between Metcom and the BOCC. Ms. Meiser stated that although the BOCC reviews the 5-year plan, they only approve one year at a time. The BOCC can only discuss a project in Executive Session if they are a party to the contract. The County Attorney can provide further details on Executive Session rules as they pertain to contract negotiations. Mr. Savich stated that a change to the rules of Executive Session would require a change of law and would require extensive changes due to the restrictive nature of the current law governing Executive Session.

Ms. Meiser commented on the confusion of "Designated Service Area" and stated that there is clearly ambiguity in current policy. There is no correlation between designated service areas and the service