

**MINUTES
REGULAR SESSION
ST. MARY'S COUNTY METROPOLITAN COMMISSION
MARCH 31, 2016**

The meeting commenced at 3:03 p.m. In attendance were Commissioners Willing, Russell, Barthelme, Gaskin, Mummaugh, Pessagno, Thompson, and Oliver (On Behalf of Captain Heidi Fleming, Commanding Officer, NAS Patuxent River). MetCom staff in attendance included Bundy, Cullins, Shick, Elberti, Fehn, Sullivan, Meiser, Edwards, and Comeau-Stanley. Others present included Jason Babcock (*Reporter, The Enterprise*) and Dick Myers (*Reporter, The BayNet*).

Chairman Willing welcomed everyone and performed a review of the meeting agenda.

MOTION TO APPROVE AGENDA

Commissioner Russell moved to approve the Agenda, as presented, and to hereby approve all matters contained upon the Consent Agenda. Commissioner Gaskin seconded the motion. Motion carried 6-0.

APPROVAL OF CONSENT AGENDA

Commissioner Russell moved to accept the Consent Agenda, as presented. Commissioner Gaskin seconded the motion. Motion carried 6-0.

APPROVAL OF MEETING MINUTES

Chairman Willing noted that he found minor typographical and non-substantial errors, which have been pointed out to the Secretary.

Commissioner Gaskin moved to approve the meeting minutes of February 25, 2016, as amended. Commissioner Russell seconded the motion. Motion carried 6-0.

EXECUTIVE DIRECTOR'S REPORT

Mr. Bundy announced that the three dates proposed for a Joint Meeting with the Commissioners of St. Mary's County are May 3, 10 and 17. The meeting would begin between 9:00 and 9:30 am and agenda topics would include the St. Clements Shores Feasibility Study and the Connection Policy. Mr. Bundy advised that an email would be sent to solicit input from the Board members on which date works best for all or most.

Mr. Bundy provided an update on Ms. Schamu, who addressed the Board at the last MetCom Meeting to request a Sewer Connection Waiver for her property, noting that staff spoke to Land Use and Growth Management (LUGM) on the matter and there is nothing more that we can do to assist this business owner.

Commissioner Pessagno made a lengthy statement regarding the proposed Operating Budget presented at the last meeting, citing his displeasure with the surplus in the budget being used for employee Cost of Living Allowance (COLA) and Step increases, additional position requests,

and equipment, rather than reducing rates or giving customers a credit on their bills. Brief discussion ensued amongst the Board members on the matter.

CHIEF FINANCIAL OFFICER'S REPORT

A. Presentation of FY 2017-2022 Capital Improvement Budget & Plan to Planning Commission

Ms. Shick reported that staff presented the FY 2017-2022 Capital Improvement Budget and Plan to the Planning Commission on Monday, March 28 and they voted to accept the budget and plan, as being consistent with the Comprehensive Plan and the Comprehensive Water and Sewer Plan, recommending approval to the Commissioners of St. Mary's County. Ms. Shick noted that the next step in the budget process is the Public Hearing, scheduled for April 7 at 6:00 p.m., which will cover the Operating and Capital Improvement Budget, followed by the presentation to the Commissioners of St. Mary's County on April 19.

B. Tax Sale Update

Ms. Shick provided a detailed overview of the Tax Sale, citing the sale of 39 residential properties and 1 commercial property. Ms. Shick advised that 31 of those properties sold were bank owned or involved in a foreclosure process and 1 property was occupied by a tenant. Ms. Shick advised that following the sale of properties at Tax Sale, the owners have a 6-month window where they can redeem the property. Brief discussion ensued amongst the Board and Ms. Shick regarding the tax sale process.

CHIEF ENGINEER'S REPORT

A. Hollywood Water Tower at Broad Creek: SMECO Work Request

Mr. Elberti performed a review of the scope of work associated with the SMECO Work Request for the Hollywood Water Tower at Broad Creek, which includes the installation of a new transformer, meter and meter base, and wiring of conduit. Using the overhead monitor, Mr. Elberti displayed photographs of the site and brief discussion ensued amongst the Board members and Mr. Elberti regarding the work and the associated well.

Commissioner Russell moved to accept and approve the Work Request No. 94200, dated May 1, 2013, in the amount of \$43,594.56 from SMECO of Hughesville, Maryland, for new electric service to the proposed Hollywood Water Tower at Broad Creek, Project #8092WT, as recommended by the Chief Engineer. Commissioner Barthelme seconded the motion. Motion carried 6-0.

B. Charlotte Hall Water Tower: SMECO Work Request

Mr. Elberti performed a review of the scope of work associated with the SMECO Work Request for the Charlotte Hall Water Tower and using the overhead monitor, displayed renderings and photographs of the site. Mr. Elberti provided details regarding the location of the Water Tower and well site and fielded a few questions from the Board members regarding the work.

Commissioner Russell moved to accept and approve the Work Request No. 94199, dated August 21, 2012, in the amount of \$15,888.70 from SMECO of Hughesville, Maryland, for new electric service to the proposed Charlotte Hall Water Tower, Project #0091WT, as recommended by the Chief Engineer. Commissioner Thompson seconded the motion. Motion carried 6-0.

C. Marlay-Taylor Water Reclamation Facility ENR Upgrade: Dell Server Purchase

Mr. Elberti performed a review of the scope of purchase for this item, citing that the sole source procurement is a server to host the Wonderware Historian and Dream Report software for the ENR Upgrade. Chairman Willing sought clarification of the purchase item, as the support materials contained in the meeting binder make reference two (2) tablets and not a server. Following some discussion amongst Mr. Bundy, Mr. Elberti, Mr. Fehn and Board members, action on this matter was deferred until the next meeting, to allow staff to present the correct support materials for the Board's consideration.

D. Marlay-Taylor Water Reclamation Facility ENR Upgrade: Change Order No. 12

Mr. Elberti advised the Board members of the proposed Change Order request to reduce the retainage amount from 5% to 2.5% of the total contract amount, noting that the remaining retainage would be released as part of the final payment. Discussion ensued on the Change Order with Ms. Meiser noting that this is a good faith offering, though there are no guarantees that with the reduction in the retainage, the contractor will not file any claims for contract delays. Further discussion ensued on the warranty, which will not begin until the project is complete and up and running.

Commissioner Gaskin sought Mr. Bundy's opinion on this matter and he advised that he is not opposed to this action. Following additional discussion, Board members recommend that Mr. Elberti discuss this matter with the contractor and attempt to negotiate an agreement that would guarantee no charges for contract delays if the retainage were to be reduced and released. Mr. Elberti agreed to approach the contractor to discuss this further and would present the matter for the Board's consideration at a later date.

CHIEF OF FACILITIES & OPERATIONS REPORT

A. Grinder Pump Replacement Project: Change Order No. 1

Mr. Sullivan performed a review of the scope of purchase associated with the Grinder Pump Replacement project Change Order No. 1, noting that it involves pumping out grinder pump vaults, as the contractor begins each replacement unit, as well as providing emergency pump outs. Mr. Sullivan advised that these services are an expansion of the scope of work contained in the original contract with Schummer, Inc. Board members and Mr. Sullivan discussed the work and other options, believed to be less expensive, to include using the Septage Hauling contractor. Mr. Sullivan cited cost comparison data and further advised that using our staff to complete this work is not convenient, as it ties up our truck and an operator, who would otherwise be performing sewer line cleaning.

Commissioner Russell moved to approve Change Order no. 1, dated march 10, 2016, to Contract #13-19-F, (Grinder Pump Replacement Contract), with Schummer, Inc., of Mayo, Maryland to:

- 1. Pump out existing grinder pump vaults at a cost of \$300.00 each; and**
- 2. Provide emergency pumping at a cost of \$175.00 per hour, per truck, portal to portal.**

All as recommended by the Chief of Facilities and Operations. Further move to authorize and direct the Executive Director to execute all documents as may be necessary to execute this Change Order. Commissioner Thompson seconded the motion. Motion carried 5-1-0. Commissioner Pessagno opposed the motion.

B. FY 2016 Grinder Pump Replacement Project

Mr. Sullivan performed a review of the scope of purchase for the Grinder Pump Replacement Project, which includes the installation of 50 complete grinder pump simplex units, which will be installed in the Piney Point area, where grinder pump vaults have deteriorated. Mr. Sullivan advised that the Commission is supplying the grinder pumps, which were ordered a few months ago and delivery is expected the end of April.

Commissioner Barthelme moved that the Commission approve the Purchase Order for the Grinder Pump Replacement Services Project (SM1609), for work to be completed in Fiscal Year 2016, to Schummer, Inc. of Mayo, Maryland, under the existing multi-year Contract Number 13-19-F, for a total cost not to exceed \$360,000.00. Commissioner Gaskin seconded the motion. Motion carried 6-0.

C. FY 2016 Manhole Rehabilitation Services

Mr. Sullivan identified the scope of work associated with the Sanitary Sewer Manhole Rehabilitation and Sealing services, which includes preparation and sealing of manholes, rebuilding and installation of manhole benches for prevention of inflow and infiltration (I&I). Mr. Sullivan noted that the rehabilitation of approximately 450 vertical feet of manholes under this contract would occur in the Barefoot Acres, Discovery, Tubman Douglass, California Run and Wildewood areas.

Commissioner Russell moved that the Commission approve the Purchase Order for the Sanitary Sewer manhole Rehabilitation & Sealing Services Project (SM1605), for the work scheduled to be completed during Fiscal Year 2016, to D&S Contractors of Ashland, Virginia, under multi-year Contract Number 14-12-F, for a total current cost not to exceed \$95,000.00. Commissioner Thompson seconded the motion. Motion carried 6-0.

EXECUTIVE SESSION

Commissioner Russell moved to go into Executive Session at 3:56 p.m. to discuss Personnel Matters. Commissioner Gaskin seconded the motion. Motion carried 6-0.

The meeting reconvened into regular session at 4:05 p.m.

APPROVAL OF EXECUTIVE SESSION MINUTES

Commissioner Gaskin moved to approve the Executive Session Meeting minutes dated February 25, 2016. Commissioner Russell seconded the motion. Motion carried 6-0.

COMMISSION MEMBERS' TIME

Exempt Employees

Commissioner Thompson initiated the dialogue, noting that he made the request for a discussion on changing the pay schedule or method of contracts for Exempt Employees, as there seems to be disparities in some of the pay schedules and the only thing that corrects those disparities is longevity. Commissioner Thompson advised that it is his opinion that the Director should be paid as much as anyone in the organization, but noted that is not the case at MetCom. Commissioner Russell noted that the Board has the authority to increase the salary of the Executive Director, which prompted extensive discussion amongst the Board members on the proposed increase in salaries identified in the proposed FY 2017 Operating Budget, contracts executed between the County and its exempt employees, and placing MetCom Department Heads on similar employment contracts. Specific discussion ensued amongst Commissioners Barthelme, Mummaugh, and Chairman Willing on the salaries of the MetCom Executive Director and Attorney and comparison made to the salary of the County Attorney.

Commissioner Russell offered that making the Managers Contract Employees does not accomplish anything different than can already be done by the Board and noted concern over moving in that direction, as it could cause some discontent amongst the employees. Commissioner Mummaugh and Barthelme noted their disagreement with Commissioner Russell's statement and Chairman Willing sought clarification from those in support of Contracts for Exempt Employees, as to what the end goal is. Commissioner Mummaugh indicated that he wants to provide raises to only those Managers he believes are entitled to a raise and not to everyone across the board, noting that based upon the budget presented, COLA and Step increases would be given to all eligible employees, which he is opposed to. In response to the discussion, Mr. Bundy noted a distinction between exempt employees and director level positions, noting that there are 22 exempt employee positions at MetCom and he does not believe the Board members are looking to address all of those positions. Mr. Bundy also clarified that based upon the contracts executed between the County and their Director positions; all are entitled to the same raises issued to all County employees (*equivalent Merit/Step increases and Cost of Living Increases*), at minimum, and are eligible to receive more above that, at the discretion of the County Commissioners.

Commissioner Barthelme made additional statements regarding the County Attorney's salary compared to the salary of MetCom's Attorney and Mr. Bundy noted that he does not know what the County Attorney's salary is and that this is the first that he is hearing that the focus was to be on MetCom executive salaries as compared to the Counties. Mr. Bundy advised that if the Board

wishes to discuss terms and conditions of contracts, that can be achieved; however, he does not believe that we can compare the salaries, as the positions and circumstances are different.

Commissioner Thompson inquired about the Exempt positions within MetCom and if they are determined by specific grade or position. Mr. Bundy read aloud a full list of all 22 Exempt positions, which reflected a varied number of positions, noting that these positions do not receive overtime and are strictly salaried employees.

Chairman Willing indicated a concern and the complexities of establishing terms on contracts if we were to execute contracts for exempt employees, as there are no terms identified in the County contracts. Additional discussion ensued amongst the Board members on what purpose is served by making MetCom executives contract positions, namely how and who would make the decision to issue raises for executives, in light of the fact that Board members are not involved in the day-to-day operations and performance review of the executives.

Commissioner Barthelme returned to the topic of MetCom Attorney and cited that back in 1999, Mr. Mitchell was the Attorney for MetCom, that work was put out for bid, and Ms. Meiser bid less than Mr. Mitchell and was hired as the contract Attorney. Mr. Barthelme suggested that we put this work out for bid. Chairman Willing provided more recent historical data regarding the last time the Board bid on the Legal Services work on a contractual basis in 2013, it was significantly higher and for far less hours. Commissioner Barthelme continued to assert that we should attempt to bid out this work and attempt to achieve a price that is less than what it was in 2013 and save MetCom money. Commissioner Gaskin sought clarification of Commissioner Barthelme's request; inquiring if this is to put work out for bid as a contract for a position that we already have in place. Commissioner Gaskin went on to ask where are the employees taken into consideration, noting that she believes that Commissioner Barthelme is being very unfair to the employees and regardless of what happened in 1999, she does not believe that anyone would work under those conditions. As discussion continued between Commissioners Gaskin, Barthelme and Mummaugh, it was noted by Commissioner Gaskin that their work in the private sector does not provide them perspective on the matter.

As discussion continued to occur amongst subgroups within the Board and in a variety of directions, Mr. Bundy noted the difficulty in capturing the information in the minutes. Ms. Stanley noted that she is not able to follow the discussions, but will do her best to create the minutes using the data captured on the recording device.

Ms. Meiser clarified to the Board that in the past, this Board and other Boards for many budget years, have chosen to give raises to some, but not all employees. Ms. Meiser noted that there have been instances when Department Heads have not received raises, while all other employees have; or instances where certain Department Heads did not get a raise, while others did, and there is no underlying obligation to give a raise to all employees. Further discussion ensued amongst the Board members on the present MetCom framework and how it differs from the County. Chairman Willing voiced his concern over how the Board makes that determination and Mr. Bundy noted that there is a very extensive evaluation process that occurs at MetCom.

Commissioner Thompson advised that it was not his intention to cause dissension and noted that there is sentiment around that this has to be discussed as adults in a reasonable fashion. Commissioner Thompson further noted that he is satisfied that if the Board can have the maturity to make the decision that we think should be made, then we should do that as a Board. Commissioner Thompson indicated that at this point, he does not want to make a motion. Commissioner Mummaugh advised that he would like to read the County's Employment Contract and noted that people in the community, politicians and lawyers, who know more than about government than he does, provided him information on this. Commissioner Mummaugh indicated his intention to read the employment contract, go back and talk to them again, and then he would like to address the matter further at the next meeting.

Commissioner Barthelme announced that he is not against Mrs. Meiser, but her salary versus the rest of the staff at MetCom is so different and although he thinks that she is doing a great job, he claims that one person at MetCom making that kind of money is hurting other people at MetCom. Chairman Willing addressed the comment, citing that no one is being hurt and indicated that he has not heard any complaints from anyone at MetCom. Commissioner Barthelme said that no one is complaining, but indicated that it hurts his decision as a Board member to give everyone else raises, including a \$15K raise to the Director to catch up to Mrs. Meiser. Additional discussion ensued between Chairman Willing and Commissioner Barthelme, who advised that he is doing what he thinks is right and asserted that he will stand up for what he thinks best for the customers and if it causes a lawsuit, so be it. As discussion continued on the Attorney's salary, Mr. Bundy interjected that he has not asked for, nor will he accept a \$15K pay increase; he was hired at a salary that he agreed to, knowing what other employee salaries were. Commissioner Barthelme continued to comment on the MetCom Attorney's salary compared to the County Attorney's salary, claiming that he hears comments from the public all of the time.

Commissioner Gaskin added that we need to take care of our customers, but she is a firm believer that we need to take care of our employees, too. Chairman Willing indicated his agreement with Commissioner Gaskin's sentiment and added that if employees are not happy, we are not going retain them or get their best efforts. Commissioner Barthelme asked how many employees have left in the last year. Chairman Willing advised that there have been several who have left MetCom's employ because they did not feel as though their jobs were secure and found that they could make more money elsewhere. More discussion ensued on that topic and Commissioner Barthelme asked that Human Resources provide a list of those who left in the last year, due to salaries. Mr. Bundy noted that we might not necessarily know the reason for their departure. Commissioners Barthelme and Mummaugh collectively advised that they did not know that this was a problem and Chairman Willing stated that he believes that the dissention felt by staff following the budget cycle last year prompted some to evaluate their options and find higher paid positions elsewhere. Chairman Willing requested that staff provide the Board members with a listing of the positions vacated over the last year and, if known, the reason for their departure.

Chairman Willing noted that on a related subject, he would like to revisit discussion on an independent salary study, which he believes should be performed for MetCom by an outside consultant. Chairman Willing noted that the County just completed one last year, while the last one performed for MetCom was in 2006. Commissioner Russell advised that he would like to

see this topic as an agenda item at the next meeting and Chairman Willing concurred. Brief discussion ensued amongst the group on this topic and Chairman Willing asked Mr. Bundy to locate the cost estimate obtained last year for the salary study, so that further discussion could occur at the next meeting.

ADJOURNMENT

There being no further business, **Commissioner Russell moved to adjourn the meeting at 4:47 p.m. Commissioner Gaskin seconded the motion. Motion carried 6-0.**



Laura Comeau-Stanley, Corporate Secretary