

**MINUTES
REGULAR SESSION
ST. MARY'S COUNTY METROPOLITAN COMMISSION
MAY 26, 2016**

The regular session of the St. Mary's County Metropolitan Commission meeting commenced at 3:04 p.m. In attendance were Commissioners, Willing, Russell, Barthelme, Gaskin, Mummaugh, Pessagno, and Thompson. MetCom staff in attendance included Bundy, Cullins, Shick, Fehn, Meiser, Hallissy, Engleson, Edwards, and Comeau-Stanley. Others 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 Gaskin moved to approve the Agenda, as presented. Commissioner Thompson seconded the motion. Motion carried 6-0.

APPROVAL OF CONSENT AGENDA

Commissioner Mummaugh inquired about the addition of the engineering projects status report, as discussed at a prior meeting. Mr. Bundy indicated that the addition of that data would be reflected in next month's reports.

Commissioner Russell moved to accept the Consent 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 MEETING MINUTES

Commissioner Russell moved to approve the meeting minutes of April 28, 2016, as presented. Commissioner Thompson seconded the motion. Motion carried 6-0.

EXECUTIVE DIRECTOR'S REPORT

A. Overview: FY 2017 – FY 2022 Capital Improvement Budget & Plan Presentation to CSMC

Mr. Bundy reported that on May 24th, the Commissioners of St. Mary's County (CSMC), approved the FY 2017 Capital Improvement Budget and the FY 2018 – FY 2022 Capital Improvement Plan.

B. Emergency Declaration

Mr. Bundy advised that an Emergency Declaration was made on May 13 at the Marlay-Taylor Plant, citing that contractor made changes to piping and chemical feed systems caused a loss in the bacteriological process. Mr. Bundy noted that a significant expense incurred to bring raw sewage into the plant and the contractor was advised that they would be responsible for all costs associated with this incident. Mr. Bundy noted that the matter is being addressed and MetCom staff has done a good job trying to get it back under control. Brief discussion on the incident

ensued amongst the Board and staff and Mr. Bundy advised that it would likely be a month before plant operations are optimal.

C. Commission Meeting & Schedule Format

Mr. Bundy recommended a change to the format of the Commission meetings to allow Board members sufficient time and thoughtful consideration to matters before taking formal action. Mr. Bundy indicated that an agenda meeting would occur, providing an opportunity for staff and Board members to have more substantive discussion of matters; then, the following week, a regular meeting would occur to consider and formally take action on items. Discussion ensued amongst the group, including By-Laws requirements, length of meetings, capturing discussion in minutes, and benefits of greater discussion of materials between Board and staff. Mr. Bundy advised that more detailed discussion on the proposed format change would occur during the upcoming Commission meetings and noted that if approved, it is his recommendation that the change be implemented in July.

D. Grease Interceptor Requirement & Waiver Policy

Mr. Bundy advised the Board that the County Health Department, which had previously indicated that they were in agreement with our Grease Interceptor Requirement and Waiver Policy, have now provided a letter indicating their concurrence. Mr. Bundy noted that he was awaiting their formal acceptance prior to seeking the Board's approval of the policy. Brief discussion ensued between Mr. Bundy and Board members regarding the frequency of waiver application requests and the ability for the Director to a waiver under this policy.

Commissioner Barthelme moved that the Commission approve and adopt the Great Interceptor Requirement and Waiver Policy, as presented, to become effective immediately. Commissioner Mummaugh seconded the motion. Commissioner Thompson initiated discussion and requested that staff notify the Board when waivers are granted. Mr. Bundy advised that the information could be included in the standard monthly reports. Following discussion, Chairman Willing called for the vote. Motion carried 6-0.

E. Employment Contract

Mr. Bundy reminded the Board that on several occasions, they expressed a desire to explore the possibility of employment contracts with exempt employees. As that represented a large number of employees, Mr. Bundy suggested that the Board consider a contract with just those who directly report to the Board and performed a brief review of an employment contract he would like the Board to enter into with him. Mr. Bundy noted that the contract does not include a term or time frame, as he is an At-Will employee, but defines conditions of employment. Mr. Bundy advised that the contract was modeled from the County's.

Discussion ensued amongst the group on the conditions, including outside employment, cause and no-cause termination, compensation and severance pay. Mr. Bundy noted that up until a few weeks ago, he did not care about a contract; however, his preference now is to have a contract. Commissioners Mummaugh and Pessagno expressed their interest to enter into a contract with Mr. Bundy, while Commissioners Thompson and Gaskin noted their desire to defer any action

until the next meeting, to allow for more consideration. Chairman Willing advised that the matter would be tabled until the next meeting.
Legal Services RFP

Mr. Bundy announced that as requested, he prepared a Request for Proposal (RFP) for Legal Services and identified two options; a monthly retainer or an hourly rate. Mr. Bundy noted that on the quantity of easements processed are significantly higher than the number included in the RFP and will require a change. Discussion ensued on the number originally identified in the scope, which Mr. Bundy advised were developer oriented. Ms. Meiser advised that 160 easements have been recorded over the past two-years, which we needed for work we are performing, but does not have anything to do with old easements.

Commissioner Pessagno inquired as to whether or not either option reflects the Attorney reporting to the Director and Mr. Bundy indicated they do not and further indicated that General Counsel should answer to the Board. Commissioner Pessagno noted his concern with the ability for the Board to evaluate the Attorney, based on just one or two meetings a month. Mr. Bundy reiterated the matter of his previous discussions with the Board regarding expectations for the Legal Counsel position and discussion ensued amongst the group on the topic. At the request of Mr. Bundy, Ms. Meiser provided an explanation of the role of Legal Counsel as an employee and a contractor, citing the differences between the employer and employee relationship versus the contractor relationship. Some discussion ensued amongst the group on employment law, as well as the duties currently performed by Ms. Meiser, which do not appear in the RFP, which includes bond counsel work, insurance, public relations, etc.

Commissioner Pessagno recommended that the Board review the RFP further, following changes made by Mr. Bundy, and come back and consider it for action at the next meeting. Commissioner Mummaugh voiced his support of the retainer option. Mr. Bundy advised that he would make the updates and then bring it back for the Board's consideration at the next meeting.

F. Salary Survey RFP

Mr. Bundy reported that he is preparing the scope for the Salary Study in anticipation of issuing a Request for Proposal (RFP), noting that once prepared, it would be sent prior to the next Commission meeting, at which time he will request Board authorization to issue the RFP.

CHIEF FINANCIAL OFFICER'S REPORT

A. FY 2016 Third Quarter Financial Statements

Ms. Shick performed a review of the third quarter financial statements for FY 2016, for the period ending March 31, 2016, detailing the revenues and expenses for the Water, Sewer, Engineering, General and Administrative Division, as well as Other Income and Debt Service. Ms. Shick noted that overall expenses are under budget, which helps offset the revenue shortfall. Chairman Willing inquired about the ability to report the recent emergency incident separately, which Ms. Shick reported that 21 Sewer Capital Contribution EDUs and 12 Water Capital Contribution EDUs have been paid through this period, which is fewer than budgeted.

CHIEF ENGINEER'S REPORT

A. Interceptor Rehabilitation NAS: Design Services Contract Award

In Mr. Elberti's absence, Ms. Hallissy, Assistant Engineer, provided Board members with a brief overview of the ongoing coordination with Naval Facilities Engineering Command on the Interceptor Rehabilitation NAS project. Ms. Hallissy detailed the work associated with the services, which includes revisions to and issuance of new easement plats for the site. Ms. Meiser provided some historical background on the project spanning a four (4) year period, which included an explanation of various project delays and the nature of those delays. Brief discussion ensued amongst the Board and staff on the project.

Commissioner Barthelme moved to accept and approve the proposal dated April 12, 2016, from Dewberry Consultants LLC, of Baltimore, Maryland in the amount of \$3,500.00, under the Engineering Services Contract 16-07-E for professional engineering services required to complete easement plats for the Interceptor Rehabilitation NAS, Project #8122SR, as recommended by the Chief Engineer. Further move that staff be authorized and directed to sign all documentation relating to this Contract award, including but not limited to the contract, any contract renewals and all approved change orders. Commissioner Mummaugh seconded the motion. Motion carried 6-0.

GENERAL LEGAL COUNSEL'S REPORT

A. Mold Remediation

Ms. Meiser presented the laboratory results for the mold inspection of the recently acquired property in Piney Point and sought direction from the Board on mold remediation. Ms. Meiser presented options for the Board's consideration, which included selling the property in as-is condition or wait until there is a contract purchaser that would conduct their own mold inspection; at which time we could address the issues identified by their contractor. Brief discussion ensued amongst the group on the likelihood of remediating the mold, only to have a separate inspection identify the existence of mold. Additional discussion ensued on the risk of the mold becoming worse over time if not remediated, which could become a costly problem.

Ms. Meiser advised the Board of the need to complete a boundary line adjustment plat prior to the sale of the property and indicated that the timing of that work is 90-120 days from the initiation of the survey work. Following additional discussion on the risks and costs of mold remediation, Board members in collective agreement to forego that work now, but asked that necessary measures be taken to keep the home climate controlled as a means to prevent additional mold growth. Mr. Bundy advised that staff would do what is necessary to protect the property.

Commissioner Barthelme moved to direct staff not to proceed with any further inspection or remediation of any existing mold as may be present in the MetCom property located at 17323 Piney Point Road, Piney Point, Maryland, until further directed by the Board. Commissioner Gaskin seconded the motion. Motion carried 6-0.

Chairman Willing called for a brief recess to allow the Board members to review the Executive Session minutes of April 28, 2016. Commissioner Barthelme inquired about the possibility of staff providing the Executive Session minutes in advance of the meeting, which would prevent from having to stop the meeting each time to review the minutes before voting on them. Chairman Willing advised that due to the confidential nature of Executive Session minutes, they cannot be transmitted electronically in advance of the meeting.

APPROVAL OF EXECUTIVE SESSION MINUTES

Commissioner Russell moved to approve the April 28, 2016 Executive Session minutes, with one minor typographical correction. Commissioner Gaskin seconded the motion. Motion carried 6-0.

COMMISSION MEMBERS' TIME

No items to address at this time.

ADJOURNMENT

There being no further business, **Commissioner Russell moved to adjourn the meeting at 4:51 p.m. Commissioner Thompson seconded the motion. Motion carried 6-0.**



Laura Comeau-Stanley, Corporate Secretary