

**MINUTES  
REGULAR SESSION  
ST. MARY'S COUNTY METROPOLITAN COMMISSION  
JULY 23, 2015**

Following a one-hour work session on Section 113 Code Revisions for the 2016 Legislative Session, the regular session of the meeting commenced at 3:03 p.m. In attendance were Commissioners Willing, Russell, Barthelme, Mummaugh, Pessagno, Thompson, and Oliver (On behalf of Captain Heidi Fleming, Commanding Officer, NAS Patuxent River). MetCom staff in attendance included Ichniowski, Cullins, Shick, Elberti, Sullivan, Meiser, Lewis, Potter, Brown, Smouse, and Comeau-Stanley. Others present included Lynne Putnam (*Dewberry*), Jason Babcock (*The Enterprise*), Dick Myers (*The BayNet*), and Scott Bundy.

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

**MOTION TO APPROVE AGENDA**

**Commissioner Russell moved to approve the draft Agenda, as presented. Commissioner Barthelme seconded the motion. Motion carried 5-0.**

**APPROVAL OF CONSENT AGENDA**

Request made by Commissioner Pessagno that the procurement memorandums presented to the Board also include the amount of remaining funds in the budget for an item or service. Mr. Ichniowski indicated that staff could and would present that information for the Board's consideration in the future.

Commissioner Mummaugh inquired if we knew how many paid connection fees in July and Ms. Shick advised that we do not have that data yet, but she does not believe that is was as many as last year.

**Commissioner Russell moved to accept the Consent Agenda as presented, and to hereby approve all matters contained upon the Consent Agenda. Commissioner Barthelme seconded the motion. Motion carried 5-0.**

**APPROVAL OF MEETING MINUTES**

**Commissioner Russell moved to approve the minutes of the May 28, 2015 meeting, as presented. Commissioner Thompson seconded the motion. Motion carried 4-0-1. Commissioner Pessagno abstained, as he was not present for the May 28, 2015 meeting.**

**Commissioner Russell moved to approve the minutes of the June 11, 2015 meeting, as presented. Commissioner Thompson seconded the motion. Motion carried 4-0-1. Commissioner Barthelme abstained, as he was not present for the June 11, 2015 meeting.**

**Commissioner Russell moved to approve the minutes of the June 18, 2015 meeting, as presented. Commissioner Barthelme seconded the motion. Motion carried 5-0.**

## **PRESENTATION: MARLAY-TAYLOR WATER RECLAMATION FACILITY (WRF) ENHANCED NITROGEN REMOVAL (ENR) UPGRADE PROJECT UPDATE**

Mr. Ichniowski advised that in light of the ongoing construction at Marlay-Taylor, it is difficult to visit the site, but staff believed it would be beneficial to see the construction progress to date. Mr. Ichniowski turned the presentation over to Mr. Elberti. Mr. Elberti addressed the Board members and recognized Ms. Joanna Lewis, Summer Engineering Intern, for her work on the presentation.

Using the overhead monitor, Mr. Elberti's presentation provided an overview of the construction progress at the Marlay-Taylor Water Reclamation Facility ENR Upgrade project. Photographs of various buildings, components and equipment were displayed, as well as site plans and aerial mapping depicting the location of all associated items at the facility.

Following the presentation, Mr. Elberti fielded a variety of questions from the Board members regarding the removal and use of existing structures. Brief discussion ensued amongst the group on the required nitrogen limits, existing consent order and the anticipated construction completion date.

## **EXECUTIVE DIRECTOR'S REPORT**

### **A. Update: St. Clements Shores Treatment Plant**

Mr. Ichniowski performed a brief overview of the issue surrounding the St. Clements Shores Treatment Plant and the ongoing correspondence and dialogue between MetCom, the Commissioners of St. Mary's County, Land Use and Growth Management (LUGM), the Health Department (HD) and the Maryland Department of the Environment (MDE). Mr. Ichniowski noted that we are still awaiting results from the Health Department on the number of failing septic systems in the area. Mr. Ichniowski indicated that he has asked for this matter to be discussed at a meeting set to occur August 11 on another topic with the HD and LUGM. Following a brief discussion amongst the group, Board members suggested that a separate meeting on this topic be held amongst key MetCom staff and Board members to review and consider all data, options and costs. Mr. Ichniowski agreed and suggested that we establish that meeting following the receipt of the Health Department report.

On a separate matter, Mr. Ichniowski advised the Board that the Commissioners of St. Mary's County approved the Bond Refinancing Resolution at their meeting on Tuesday, July 21, 2015.

## **CHIEF ENGINEER'S REPORT**

### **A. AMR Water Meter Project: Purchase of Meters & Meter Interface Units**

Mr. Elberti performed a review of the scope of purchase for this agenda item, citing that it includes the last purchase of Neptune radio read water meters and meter interface units at a cost of \$29,808.73. Mr. Elberti noted that the end of the term for the contractors, National Metering Services, Inc., is August 31, 2015. However, there is a need to extend the project through December 31, 2015 in order to complete the last 5% of the work. Mr. Elberti indicated that he plans to present a contract extension for the Board's consideration in August. In closing, Mr. Elberti noted that it is anticipated that this project, once complete, will come in under budget.

**Commissioner Barthelme moved that the Commission authorize the purchase of approximately 33 Neptune Radio Water meters and Meter Interface units, for the AMR Water Meter Project (Project #WO1112), from HD Supply Waterworks of Martinsburg, West Virginia, for a total estimated cost of \$29,808.73, pursuant to Contract No. 10-04-F, which was awarded by this Commission on June 24, 2010, as recommended by the Chief Engineer. Commissioner Pessagno seconded the motion. Motion carried 5-0.**

**B. Interceptor Rehabilitation NAS: Change Order No. 1 Revised**

Mr. Elberti advised the Board that this agenda item represents a little project housekeeping to complete a final quantities change order, as required by MDE, which results in a decrease in the total contract amount by \$62,395.14. For the benefit of the Board, Mr. Elberti performed a review the items associated with the revised change order.

**Commissioner Russell moved to approve and accept Change Order No. 1 Revised, dated June 11, 2015, from Gradient Construction, LLC of Chesapeake Beach, Maryland, decreasing the contract amount by \$62,395.14 from \$2,110,663.00 to \$2,048,267.86, based on the five (5) items outlined on Exhibit A, for the Interceptor Rehabilitation NAS, Contract #8122SR, as recommended by the Chief Engineer. Further move that Change Order No. 1 Revised, replace Change Order No. 1, as approved by this Commission on April 9, 2015. Commissioner Barthelme seconded the motion. Motion carried 5-0.**

**C. Marlay-Taylor WRF ENR Upgrade Project: Change Order No. 9**

For the benefit of the Board, Mr. Elberti performed a detailed review of all ten (10) items associated with Change Order No. 9 for the Marlay-Taylor WRF ENR Upgrade Project with MEB Contractors, which results in a contract cost decrease of \$145,653.00 and a contract time extension of 133 calendar days.

Mr. Elberti, Mr. Sullivan, as well as Ms. Lynne Putnam of Dewberry, fielded questions from the Board members on various elements of the change order and impacts of the time extension, as it relates to inspector costs, start-up of the BioMag process, and the project budget.

Discussion ensued amongst the group on the typical nature of change orders that occur throughout the course of a contract of this magnitude, the winter weather delays encountered, as well as the MDE funding delays, which caused delays in the Notice to Proceed (NTP).

**Commissioner Barthelme moved to approve Change Order No. 9, dated July 23, 2015, to Contract #8-38-S (Marlay-Taylor WRF ENR Upgrade) with MEB General Contractors of Chesapeake, Virginia, to incorporate the ten (10) items as described on Exhibit A, thereby resulting in a contract cost decrease of \$145,653.00 and a contract time extension of 133 calendar days, with a revised completion date of March 25, 2016, all as recommended by the Chief Engineer. Commissioner Thompson seconded the motion. Motion carried 5-0.**

D. Little Flower School Sewer Lateral Replacement Contract Award

Using the overhead monitors, Mr. Elberti displayed a site map exhibit depicting the area and performed a review of the scope of the work associated with the Little Flower School Sewer Lateral Replacement project, which includes the replacement of an existing 6" sewer lateral with an 8" sewer in a casing under Maryland State Route 5 to provide adequate capacity for the current flow. Mr. Elberti advised that the contract duration is just 60-days and cited that a local contractor provided an excellent price to perform the work.

**Commissioner Russell moved to approve and accept the bid dated July 7, 2015, from Dirt Works Excavation & Crane, LLC of Leonardtown, Maryland, in the amount of \$172,900.00, for the Little Flower School Sewer Lateral Replacement Contract #8151SR, as recommended by the Chief Engineer. Commissioner Barthelme seconded the motion. Motion carried 5-0.**

**GENERAL LEGAL COUNSEL'S REPORT**

A. Update: Melissa Jerdon

Ms. Meiser provided the Board with a brief update on the matter surrounding the Wicomico Shores resident, Ms. Jerdon, regarding the alleged damage that occurred in her home several years ago. Ms. Meiser noted that based upon the Board's recommendation, Ms. Jerdon contacted her homeowners insurance provider regarding the matter, who then made a claim against MetCom and indicated that the date of the incident was May 2015, when in fact it occurred in April 2011. Ms. Meiser advised that the claim was forwarded to the Local Government Insurance Trust (LGIT), who again denied liability. Brief discussion ensued amongst the group on the matter and Ms. Meiser advised that she would keep the Board apprised of any new developments.

**EXECUTIVE SESSION**

**Commissioner Barthelme moved to go into Executive Session at 4:22 p.m. to discuss personnel matters. Commissioner Russell seconded the motion. Motion carried 5-0.**

Meeting reconvened at 4:57 p.m.

**APPROVAL OF EXECUTIVE SESSION MINUTES**

**Commissioner Mummaugh moved to approve the Executive Session minutes of May 28, 2015. Commissioner Barthelme seconded the motion. Motion carried 4-0-1. Commissioner Pessagno abstained, as he was not present for the May 28, 2015 meeting.**

**Commissioner Mummaugh move to approve the Executive Session minutes of June 18, 2015, amended to add that he asked Mr. Ichniowski if Mr. Barthelme had done anything wrong and he said no. Commissioner Russell seconded the motion. Discussion ensued amongst the Board. Commissioner Pessagno moved to further amend the minutes to reflect that he was present at the June 18, 2015 meeting. Motion seconded by Commissioner Barthelme.**

**Ms. Meiser noted to let the record reflect that there is a motion on the floor and a second to that motion to modify the Executive Session minutes to indicate that somebody said something, which that person has no recollection of saying or not saying. Chairman Willing called for the vote. Motion carried 5-0.**

**Commissioner Russell moved to make an offer to the candidate for the Executive Director position, as discussed in Executive Session; Further, move to appoint an Acting Director, with commensurate salary increase temporarily, as also discussed in Executive Session. Commissioner Mummaugh seconded the motion. Motion carried 5-0.**

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

Mr. Thompson advised that there has been much discussion in recent months regarding vacant positions within MetCom. Following those discussions, he requested that Ms. Cullins provide a detailed listing of the current openings at MetCom, to include title, paygrade, date vacated, and date advertised to serve as a record, as he was concerned with the near 10% vacancy in MetCom's workforce. Ms. Cullins performed a brief review of report updates and discussion ensued on the varied vacancies and targeted advertising venues.

Chairman Willing announced that this is Mr. Ichniowski's last Commission meeting prior to his retirement and he thanked him for his service to the Metropolitan Commission and thanked him for his patience and tutelage. Commissioner Barthelme offered his thanks to Mr. Ichniowski as well.

In closing, Chairman Willing took a moment to thank Ms. Cullins for her dedication and effort during her vacation to help expedite the process of finding a new Director candidate. Chairman Willing also noted his thanks to all those who served on the panel for their time and commitment.

#### **ADJOURNMENT**

**There being no further business, Commissioner Russell moved to adjourn the meeting at 5:13 p.m. Commissioner Mummaugh seconded the motion. Motion carried 5-0.**

  
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Laura Comeau-Stanley, Corporate Secretary