

MINUTES
ST. MARY'S COUNTY METROPOLITAN COMMISSION
REGULAR MEETING
JULY 28, 2016

The regular session of the St. Mary's County Metropolitan Commission Meeting commenced at 3:04 p.m. In attendance were Chairman Barthelme, Commissioners Gaskin, Mummaugh, Thompson, Willing and Oliver (on behalf of Captain Starkey, USN, Commanding Officer, NAS Patuxent River). MetCom staff in attendance included Bundy, Cullins, Elberti, Sullivan, Fehn, Meiser, Thomas and Comeau-Stanley. Others present included Kelly Nahaj, Jason Babcock (*The Enterprise*) and Dick Myers (*Reporter, The BayNet*).

Chairman Barthelme welcomed everyone to the meeting and announced the names of Board members present. Chairman Barthelme performed a review of the agenda.

APPROVAL OF AGENDA

Commissioner Thompson moved to approve the agenda, as presented. Commissioner Gaskin seconded the motion. Motion carried 4-0.

APPROVAL OF MEETING MINUTES

Commissioner Mummaugh moved to approve the meeting minutes of May 26, 2016. Commissioner Thompson seconded the motion. Motion carried 4-0.

Commissioner Willing moved to approve the meeting minute of June 1, 2016. Commissioner Thompson seconded the motion. Motion carried 4-0.

Commissioner Gaskin moved to approve the meeting minutes of June 9, 2016. Commissioner Thompson seconded the motion. Motion carried 4-0.

Commissioner Willing moved to approve the meeting minutes, as edited. Commissioner Gaskin seconded the motion. Motion carried 4-0.

EXECUTIVE DIRECTOR'S REPORT

1. Cobb Property Status

Mr. Bundy identified that there may be further use for the property recently purchased in Piney Point and rather than subdividing and selling the portion of the property not intended for use, he would like to come up with a conceptual plan to present to the Board for their consideration at a future meeting.

2. Fee Waiver

Mr. Bundy recommended that the Board waive all of the fees charged to the account in St. Clements Shores, which has recently had its Equivalent Dwelling Unit (EDU) rescinded by the Department of Land Use and Growth Management (LUGM), as it is not a buildable lot. Brief discussion ensued amongst the Board and Mr. Bundy.

Commissioner Thompson moved that the Commission authorize MetCom staff to regard account number 91705-31704 as an uncollectable account receivable through June 30, 2016, in the amount of \$1,727.38; and further move that the subject account be closed. Commissioner Mummaugh seconded the motion. Motion carried 4-0.

PROPOSED CONSENT AGENDA

1. Operating Budget Purchase: MicroC 2000™
2. Fiscal Standard Report – June 2016
3. Engineering Standard Report – June 2016
4. Operations Standard Report – June 2016
5. Check Registers 6/23, 6/30, 7/07, 7/14, 7/21
6. MDE Stipulated Penalty: MTWRF 2015 Total Nitrogen Violations

Commissioner Gaskin moved to accept the Consent Agenda as presented, and to hereby approve all matters contained upon the Consent Agenda.

PROPOSED NEW BUSINESS

1. Department of Housing and Community Development (DHCD) Prior Intent Resolution 2016-01

Mr. Bundy presented a Resolution declaring the official intent of the St. Mary's County Metropolitan Commission to reimburse expenditures to be incurred with respect to certain projects with the proceeds of certain debt.

Commissioner Thompson moved to approve and adopt Resolution 2016-01, as recommended by the Commission staff, which resolution authorizes the use of proceeds from the Department of Housing and Community Development (DHCD) 2013 Series A Loan to reimburse the Commission for project costs incurred prior the completion of the loan reprogramming, for the projects more particularly specified within the said Resolution. Commissioner Willing seconded the motion. Motion carried 4-0.

2. Water Quality Financing Administration (WQFA) of the Maryland Department of the Environment (MDE) Prior Intent Resolution 2016-02

Mr. Bundy presented a Resolution declaring the official intent of the St. Mary's County Metropolitan Commission to reimburse expenditures to be incurred with respect to certain projects with the proceeds of debt to be issued at a future time.

Commissioner Gaskin moved to approve and adopt Resolution 2016-02, as recommended by the Commission staff, which resolution authorizes the use of proceeds from future Maryland Department of the Environment (MDE) loans or bonds, the proceeds of which have not been received, be used to reimburse the Commission for project costs incurred prior to the loan or bond closing for the projects more particularly specified within the said resolution. Commissioner Willing seconded the motion. Motion carried 4-0.

3. Oversize Meter Project, Phase 2 Surveying Services

Mr. Elberti performed a review of the scope of work associated with the Oversized Meter Project, Phase 2 Surveying Services.

Commissioner Thompson moved to accept and approve the proposals dated:

- (1) April 4, 2016, in the amount of \$2,666.62;**
- (2) May 24, 2016, in the amount of \$2,332.66; and**
- (3) June 20, 2016, in the amount of \$5,444.56;**

From Mudd Engineering, LLC of Tall Timbers, Maryland, for Professional Surveying Services required to prepare easement documents for the Oversize Meter Project Phase 2, Project #8121MW, as recommended by the Chief Engineer. Commissioner Mummaugh seconded the motion. Motion carried 4-0.

4. Patuxent Park Phase 4 Design Services Award

Mr. Elberti detailed the scope of services associated with the Patuxent Park Phase 4 Design Services contract.

Commissioner Thompson moved to accept and approve the proposal dated July 8, 2016, in the amount of \$111,428.71 from Whitman, Requardt & Associates, LLP of Baltimore, Maryland, for Professional Engineering Services required to prepare contract documents for the replacement and rehabilitation of existing water and sewer lines for Patuxent Park Phase 4, Project #8161WR and 8161SR, as recommended by the Chief Engineer. Further move to authorized and direct the Executive Director to execute all documents as may be necessary to execute this Professional Engineering Services contract. Commissioner Gaskin seconded the motion. Motion carried 4-0.

Chairman Barthelme acknowledged the audience presence of Ms. Kelly Nahaj, who requested to address employee related concerns with the Board. Chairman Barthelme noted that she did not submit her written request in advance of the deadline for placement on the agenda, so staff was directed to notify her that the Board would allow her presentation at the next meeting. Chairman Barthelme advised that he wanted to point this out now, rather than hold her up any longer today. Brief discussion ensued between Chairman Barthelme and Ms. Nahaj, followed by discussion amongst the Board members and staff on the long-standing practice of allowing members of the public to address the Board at public meetings, with and without advance notice, at the Chairman's discretion.

Chairman Barthelme asserted that he received an email yesterday regarding the request and as he is the Chairman, he does not want it on his agenda today. Following additional discussion, Chairman solicited a motion from the Board on the matter. Commissioner Willing moved to allow Ms. Nahaj to address the Board today. Motion seconded by Ms. Gaskin. Vote resulted in a 2-2 tie; Chairman casts his vote against the motion to break the tie. Motion fails 2-3.

5. St. Mary's Square WWPS Replacement Design Services Change Order No. 1

Mr. Elberti detailed the work associated with Change Order No. 1 for the St. Mary's Square Wastewater Pump Station (WWPS) Replacement Design Services.

Commissioner Thompson moved to accept and approve Change Order No. 1, dated June 8, 2016, in the amount of \$24,496.00, to Contract No. 12-12-E, with Rummel, Klepper & Kahl, LLP (RK&K) of Baltimore, Maryland, for professional engineering services required to revise the design of a replacement waste water pump station under Project #8121SS, as recommended by the Chief Engineer. Further move to authorize and direct the Executive Director to execute all document as may be necessary to execute this Change Order. Commissioner Mummaugh seconded the motion. Motion carried 3-0-1; Abstention by Commissioner Willing.

6. Lynn Drive WWPS & Force Main Upgrade & Replacement Change Order No. 1

Mr. Elberti detailed the work associated with Change Order No. 1 for the Lynn Drive Wastewater Pump Station (WWPS) and Force Main Upgrade and Replacement.

Commissioner Gaskin moved to accept and approve Change Order No. 1, to Contract #8122SS & 8121FM, with JLW Associated, Inc., of Leonardtown, Maryland, to deduct \$3,586.00 and add an additional 120 days to the project completion date to replace the cast-in-place wet well with a pre-cast wet well, as recommended by the Chief Engineer. Further move to authorize and direct the Executive Director to execute all documents as may be necessary to execute this Change Order. Commissioner Willing seconded the motion. Motion carried 4-0.

7. Great Mills WWPS Change Order No. 2

Mr. Elberti detailed the work associated with Change Order No. 2 for the Great Mills Wastewater Pump Station (WWPS). Brief discussion ensued amongst the group on the status of land acquisition and preparation of Boundary Line Adjustment Plat (BLAP). Mr. Elberti advised that the proposal for Surveying and plat preparation would be presented to the Board at the August meeting.

Commissioner Thompson moved to accept and approve Change Oder NO. 2, dated July 2016, to Contract 12-12-E, with CH2M, of Silver Spring, Maryland, in the amount of \$49,565.84, for professional engineering services required to relocate the force main and gravity sewer of the Great Mills Wastewater Pump Station, Project #8081SS, as recommended by the Chief Engineer. Further move to authorize and direct the Executive Director to execute all documents as may be necessary to execute all documents as may be necessary to execute this Change Order. Commissioner Willing seconded the motion. Motion carried 4-0.

8. Charlotte Hall Tower & Hollywood Tower Change Order No. 2

Mr. Elberti detailed the items associated with Change Order No. 2 for the Charlotte Hall Water Tower.

Commissioner Willing moved to approve Change Order No. 2, dated June 30, 2016, to Contract #8292WT & 0091WT (Hollywood & Charlotte Hall Water Towers), with Caldwell Tanks, Inc. of Louisville, Kentucky, in the amount of \$39,603.00, for foundation over-excavation and stone replacement, as recommended by the Chief Engineer. Further move to authorize and direct the Executive Director to execute all documents as many be necessary to execute this Change Order. Commissioner Thompson seconded the motion. Motion carried 4-0.

9. Charlotte Hall Tower & Hollywood Tower Change Order No. 3

Mr. Elberti detailed the items associated with Change Order No. 3 for the Charlotte Hall Water tower. Brief discussion ensued amongst the group on the elimination of the copper down leads for grounding in favor of using the tanks as the pathway.

Commissioner Gaskin moved to approve Change Order No. 3, dated July 6, 2016, to Contract #8092WT & 0091WT (Hollywood & Charlotte Hall Water Towers), with Caldwell Tanks, Inc., of Louisville, Kentucky, in the credit amount of \$3,434.40, to eliminate the copper down leads specified in the contract documents, as recommended by the Chief Engineer. Further move to authorize and direct the Executive Director to execute all documents as may be necessary to execute this Change Order.

10. Marlay-Taylor Water Reclamation Facility ENR Upgrade: Design Services Change Order No. 10

Mr. Elberti detailed the items associated with the Consultants Change Order No. 10 for the Marlay-Taylor Water Reclamation Facility ENR Upgrade. Some discussion ensued amongst the group on the nature and extent of Change Orders to date on the contract and the likelihood that this should be the last Dewberry Change Order.

Commissioner Thompson moved to accept and approve Change Order No. 10, dated July 7, 2016, to Contract No. 8-38-S, with Dewberry Consultants LLC, of Baltimore, Maryland, in the amount of \$165,781.00, for additional Construction Phase Engineering Services required to complete the MTWRF ENR Upgrade under Project #8-38-S, as recommended by the Chief Engineer. Further move to authorize and direct the Executive Director to execute all documents as may be necessary to finalize this Changer Order. Commissioner Gaskin seconded the motion. Motion carried 4-0.

11. Chopper Pumps for California Run WWLS

Mr. Sullivan cited the scope of the Chopper Pumps procurement, which includes the replacement of two (2) existing pumps in California Run Wastewater Station.

Commissioner Willing moved that the Commission accept and award the procurement of two (2) Homa 800 gallon-per-minute chopper pumps for the California Run Wastewater Pumping Station to Fluid Solutions, Inc. of Westminster, Maryland, for the total price of \$62,674.00, as submitted in their bid dated April 19, 2016. Further move that staff be authorized and directed to sign all documentation relating to this Contract award, including but not limited to

the contract, and contract renewals and all approved change orders. Commissioner Gaskin seconded the motion. Motion carried 4-0.

COMMISSION MEMBERS' TIME

No items to address at this time.

CLOSING STATEMENT

No items to address at this time.

ADJOURNMENT

There being no further business, **Commissioner Willing moved to adjourn the meeting at 3:57 p.m. Commissioner Mummaugh seconded the motion. Motion carried 4-0.**



Laura Comeau-Stanley, Corporate Secretary