

**MINUTES  
REGULAR SESSION  
ST. MARY'S COUNTY METROPOLITAN COMMISSION  
OCTOBER 9, 2014**

The meeting commenced at 3:03 p.m. In attendance were Commissioners Willing, Gaskin, Mummaugh, Pessagno, Russell, and Oliver (On behalf of Captain Heidi Fleming, Commanding Officer NAS Patuxent River); MetCom staff in attendance were Ichniowski, Cullins, Shick, Elberti, Fehn, Meiser, Edwards, and Comeau-Stanley. Several MetCom staff members in attendance for the presentation of length of service awards, as well as the Executive Director's Report. Others present: Evelyn Taylor (joined the meeting at 3:35 p.m.)

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. Commissioner Mummaugh seconded the motion. Motion carried 4-0.**

**LENGTH OF SERVICE AWARDS**

Following a brief description of their long-standing service to the Metropolitan Commission by Ms. Cullins, Chairman Willing presented Mike Stroud, Utilities Maintenance Specialist, with a 10-Year Length of Service Award and Thomas Spalding, Maintenance Division Superintendent, with a 25-Year Length of Service Award.

**APPROVAL OF CONSENT AGENDA**

**Commissioner Russell moved to accept the Consent Agenda, as presented. Commissioner Mummaugh seconded the motion. Discussion initiated by Commissioner Pessagno regarding the hourly rate for Water Tanker Service consent agenda item, which he believes is high. Ms. Shick confirmed the rate and advised that we have an existing contract with this contractor and we are simply looking to utilize that contract. Following discussion, call for vote by Chairman Willing. Motion carried 4-0.**

**APPROVAL OF MINUTES**

**Commissioner Russell moved to approve the minutes of the August 28, 2014 meeting, as presented. Commissioner Gaskin seconded the motion. Motion carried 4-0.**

**Commissioner Russell moved to approve the minutes of the September 11, 2014 meeting, as presented. Commissioner Mummaugh seconded the motion. Motion carried 4-0.**

**EXECUTIVE DIRECTOR'S REPORT**

**A. 2014 Holiday Office Closures**

Mr. Ichniowski advised that a letter from the Ms. Sue Sabo, the County's Chief of Staff and Director of Human Resources, regarding additional County Government Holidays for 2014, which was

presented at the last meeting and Board members asked that staff bring this back for consideration today. Discussion ensued on the cost of granting two additional holidays to staff, which was noted to be approximately \$50,000.00 per day, without taking into account the savings in utilities and other resources. Additional discussion ensued amongst the Board members and staff on the past actions of the Board relating to holiday closures to correspond with those observed by the County. Mr. Ichniowski advised Board members that on-call staff would be available to handle any emergencies that occur during the office closures.

**Commissioner Gaskin moved that the Commission grant MetCom Employees two additional paid holidays on Friday, December 26, 2014 and Friday, January 2, 2015, for FY 2015. Commissioner Russell seconded the motion. Call for vote, which results in a 2-2 tie. To break the tie, Chairman Willing cast a vote in favor of the motion. Motion carried 3-2. Commissioners Mummaugh and Pessagno voted nay.**

#### B. Board Retreat

Mr. Ichniowski announced November 13 as the proposed date for the next Board Retreat, noting that it would be held here this year and lunch will be ordered in. Mr. Ichniowski solicited discussion topics from Board members and suggested that we consider a review of the Capital Budget process, as well as proposed revisions to Section 113. Brief discussion ensued on consideration of other dates in November and December and suggestion made by Chairman Willing that we select a date that accommodates all of the Board members. Mention by Ms. Meiser of the need to include time for the presentation of any Tax Sale Deferral requests in December, whether at the regular meeting on December 11 or a special meeting dedicated solely for that purpose. Mr. Ichniowski indicated that he would review the calendar and provide additional dates for consideration to the Board and requested that any suggestions for discussion topics be sent to him via email and a draft agenda would be presented for review at the next meeting.

### **DIRECTOR OF HUMAN RESOURCES REPORT**

#### A. Executive Director Position

Ms. Cullins announced that the Board approved the venues and advertisement for the Executive Director position the last meeting. Ms. Meiser noted that following the action, there was subsequent discussion on the requirement for a Master's Degree. Therefore, we are bringing this matter back for consideration, noting that if all of the Board members are happy with the advertisement as it appears, then no action is required today and Ms. Cullins would begin to run the advertisement. However, if the Board intends to undo that prior action to remove the requirement or make any other changes, then notice is required to rescind that action, which could be made today and action taken at the next meeting. Brief discussion ensued amongst the Board members and staff on the language of the advertisement at the time that Mr. Ichniowski was hired and Board members in agreement to keep the advertisement, as written.

## **CHIEF ENGINEER'S REPORT**

### **A. Automatic Meter Read (AMR) Water Meter Project, Phase 2, Change Order No. 7**

Mr. Elberti announced that based upon the direction of the Board at the last meeting, the scope of Phase 2 of the AMR Water Meter Project will be incorporated into the scope of the current project, which will add 2,041 meters/customers into Phase 1 with the creation of Change Order No. 7. Mr. Elberti provided additional details of the Change Order noting that the current contractor has agreed to hold the current unit prices to accomplish this work and along with the addition of 289 calendar days, the work would be complete by August 31, 2015. Discussion ensued amongst the Board and staff regarding the work and the associated cost savings, which Mr. Elberti advised were \$39,000.00 in engineering costs alone. Additional discussion ensued on the loan already issued for this project and explanation by staff on the reprogramming of those funds, which will occur as part of the FY 2016 Capital Improvement Budget process. It was noted by Mr. Elberti that not included in this project are 180 customers in Town Creek, 60 customers in Piney Point, and 60 customers in Esperanza, as the diameter of the water lines in each system are presently too small to support the installation of meters.

**Commissioner Russell moved to approve change Order No. 7, to Contract #WO1112, (Radio Read Water Meters Project, Phase 1 – AMR Implementation), with National Metering Services, Inc., of Kearny, New Jersey, to:**

- (1) Increase the scope of services to include installation of AMR water meters and related services at the remaining 2,041 properties, which are currently included in a project identified on the FY 2015 Capital Improvement budget identified as “Radio Read Water Meter Project, Phase 2 – Optional Extension (Project No. WO1213);’ and**
- (2) Increase the completion date by 289 calendar days to complete the increase scope of work, with no projected contract cost increase.**

**All as recommended by the Chief Engineer. Commissioner Mummaugh seconded the motion. Motion carried 4-0.**

### **B. Piney Point Road Sewer Line Replacement**

Mr. Elberti reminded the Board members of the recent sewer line breaks in the Piney Point Road sewer line and the need to repair approximately 1,200 feet of force main sewer. Mr. Elberti proposed the addition of a Capital Improvement project in the FY 2015 budget to accomplish this work. Using the overhead monitors, an exhibit of the site where the breaks occurred and work would be performed was displayed for the Board members review. Discussion ensued on the efforts to determine the source of the break and Mr. Elberti advised that our Construction Foreman, Mr. Gibson, discovered stray current coming from SMECO's guide wires and believes this may be the cause, as soils testing performed did not reveal the presence of acidic soils. Mr. Elberti advised when speaking to the Electrical Engineer contracted by SMECO to provide a report on this matter, he was told that the ground grid was checked, but the guide wires were not.

Additional discussion ensued on further testing planned, pricing obtained from two on-call contractors for the directional drilling of 10” HDPE line and relining of the existing force main, along with

suggestion to seek out more competitive bids from other contractors by Commissioner Pessagno. Chairman Willing sought details of communication with SMECO to remediate this problem and Mr. Oliver encouraged staff to reengage SMECO, in light of our findings.

Following discussion, Mr. Ichniowski summarized the actions needed by staff moving forward on this effort and Commissioner Pessagno provided the name of a company based in Forestville who could provide a quote to perform the necessary testing.

#### C. Lynn Drive Wastewater Pump Station (WWPS)

Mr. Elberti advised the Board that the report item is for a proposed budget increase to the Lynn Drive Wastewater Pump Station (WWPS), an existing FY 2015 Capital Improvement Project. Mr. Elberti noted that this project was bid in conjunction with the Lynn Drive Force Main Upgrade and Replacement project, a companion Capital Improvement Project. Using the overhead monitors, Mr. Elberti identified the project location with site exhibits. Discussion initiated by Commission Mummaugh on the on the FY 2012 budget estimate and Mr. Elberti provided details of the original budget, which was based on the Facilities Plan; budget increases as the result of engineering design fees, escalation and design cost estimates from 2012 to January 2014. Mr. Elberti further advised that the increase proposed today is in response to the low construction bid received on 9/24/14.

Commissioner Pessagno inquired about the bidding of both projects together and Mr. Elberti, Mr. Hogan and Mr. Ichniowski collectively provided an explanation. Commissioner Mummaugh pointed out that the budget has increased by 60% since it was originally budgeted and indicated that he thinks that there is a need for a consultant to come in and look at the Capital Budget if we are going to better project the rates in the out years. Commissioner Mummaugh further noted that he thinks that funds should be allocated for that with the upcoming budget. Additional discussion ensued amongst the Board and staff on the Facilities Plan, which Mr. Elberti noted was performed by a consultant in 2009 and not in-house. Commissioner Mummaugh advised that he would like Ms. Shick to begin to tell the Board members what the original budget was and what the end cost is for project, so they can see a trend and see where we are on budget projections. Additional discussion ensued on that topic and Mr. Ichniowski noted that this could be an item for further consideration at our Board retreat. Chairman Willing inquired if the addition of engineering staff would benefit us in this effort. Mr. Elberti advised that he currently has a vacancy in the Engineering Department and once filled, it will certainly help. Mr. Elberti further advised that what may be needed is a more detailed analysis of each project by a large engineering firm and obtain a global price to look at all of the different types of projects.

Mr. Ichniowski advised that if the Board approves this budget increase, we are now required to take this to back to the Board of County Commissioners for their review and approval, per the County Administrator, based upon the legislation that passed, although the funds would come from our contingencies.

Ms. Meiser took a moment to explain the actions needed if the Board wishes to move forward with the addition of the Piney Point Road Sewer Line Replacement Project to the FY 2015 CIB (*Item B above*) and increasing the budget on the Lynn Drive Waste Water Pump Station. Board members deferred to Ms. Shick's presentation of a Capital Improvement Budget Amendment to allow them to take the necessary action on both engineering projects presented.

## **CHIEF FINANCIAL OFFICER'S REPORT**

### **A. FY 2015 Capital Improvement Budget Amendment**

Ms. Shick advised the Board that the proposed Capital Improvement Budget (CIB) Amendment would provide funding for the Piney Point Road Sewer Line Replacement Project and provides additional funding for the Lynn Drive Wastewater Pump Station Project, both of which Mr. Elberti has already detailed. Ms. Shick indicated that she is proposing the addition of a new project to the CIB with a proposed budget of \$288,420.00 for the Piney Point effort, noting that Sewer System Improvement Fund Reserves will be used to pay for the project.

Ms. Shick advised that the Inspections and Contingencies budget amounts for the Lynn Drive Wastewater Pump Station Project have been revised, based on current information, to keep the budget increase to a minimum. Further, there are sufficient loan funds from the last three DHCD loans to pay for the additional project funding of \$229,250.00. In closing, Ms. Shick noted that the FY 2015 CIB included \$1,076,000.00 in contingencies, which is being reduced by \$517,670.00 to cover the costs of these projects. Ms. Shick reiterated that if approved by the Board today, the next step in the process would be to take this to the BOCC for their approval.

Ms. Meiser advised the Board that the budget proposed for the new project is based upon the contract award that the Board did not seem interested in making today. Furthermore, the construction component on the budget sheet is based on the cost of the contract that was to be awarded today. Therefore, if we were to seek competitive bids, it is unknown where the construction cost would end up. Ms. Shick noted that if the bid is more, we would have to seek the BOCC's approval again. Additionally, it will cost more for engineering to create the specifications to go to bid. Ms. Meiser noted that she simply wanted the Board to be aware.

Brief discussion ensued amongst Ms. Meiser and the Board regarding projects within the Capital Improvement Budget that results in an amendment to the Capital Budget, must now go back to the BOCC for approval. Chairman Willing noted that he wants to ensure that we do what is necessary to move forward with the project and Commissioner Russell indicated that what seems to make sense is that we approve the Capital Improvement Budget Amendment. Mr. Ichniowski provided suggestions on the action the Board should consider and Board members wrapped up discussion on the matter.

**Commissioner Russell moved to amend the FY 2015 Capital Improvement Budget, as recommended by the Commission's Chief Financial Officer, to provide:**

- 1) New funding for the Piney Point Road Sewer Line Replacement Project in the amount of \$288,420.00; and**
- 2) Additional funding for the Lynn Drive Wastewater Pump Station Project in the amount of \$229,250.00.**

**Further move that the above-stated amounts, totaling \$517,670.00, be funded from Sewer Contingencies. Commissioner Mummaugh seconded the motion. Motion carried 4-0.**

## **CHIEF ENGINEER'S REPORT (Continued)**

### **C. Lynn Drive Wastewater Pump Station (WWPS)**

**In consideration of the Capital Improvement Budget amendment approved on this date immediately prior to this action, Commissioner Russell moved to approve and accept the bid dated September 24, 2014, from JLW Associates, Inc. of Leonardtown, Maryland, in the amount of \$1,411,300,00, for the Lynn Drive WWPS Replacement Project #8122SS.**

**Further move that this contract shall be contingent on approval by the Commissioners of St. Mary's County, of the requisite amendment to the FY 2015 Capital Improvement Budget. Commissioner Mummaugh seconded the motion. Commissioner Pessagno indicated that JLW Associates is a former partner of his and as such, he is abstaining. Motion carried 3-0-1.**

## **CHIEF OF FACILITIES AND OPERATIONS REPORT**

Mr. Ichniowski indicated that Mr. Sullivan is attending a Cross Connection Control Survey Conference in Baltimore and is making a presentation on MetCom's Cross Connection Control program. Mr. Ichniowski noted that Mr. Sullivan has worked very hard on this program over the past several years and as a credit to Mr. Sullivan and his staff, we are in good shape with that program.

### **A. Grinder Pump Package Units Purchase**

In Mr. Sullivan's absence, Mr. Ichniowski advised that this item was presented at the last Board meeting, however we did not have a majority of the quorum to move forward with this effort. Mr. Ichniowski noted that as part of the Capital Improvement Budget process over the past two years, we have been identifying and replacing our oldest grinder pump units and to date, ninety-four (94) have been replaced, primarily on St. Georges Island. Mr. Ichniowski further noted that the purpose of this project is to replace all of the old grinder pump units that are presenting with cracks, brittle fiberglass housing, corrosion on the interior piping valves, and electrical issues.

Mr. Ichniowski provided additional details to the Board regarding the number of service calls staff responds to daily related to grinder pumps. Mr. Ichniowski advised that the installation of the pumps would be performed by our services contractor and that item is expected to be presented for the Board's consideration at a future meeting. Brief discussion and review of the budget for the purchase of the complete and retrofitted units and installation of same.

**Commissioner Gaskin moved that the Commission accept and award the procurement of eighty-one (81) Simplex Package Grinder Pump Units to Crane Pumps and Systems, Inc. of Piqua, Ohio, for the total price of \$178,524.00, as submitted in their quote dated August 25, 2014. Commissioner Russell seconded the motion. Motion carried 3-0-1. Commissioner Pessagno abstained.**

## **GENERAL LEGAL COUNSEL'S REPORT**

### **A. Tax Sale Deferral Policy**

Ms. Meiser advised that with the passage of House Bill 1530 during the last Legislative Session, MetCom is required to put into place a policy that allows properties headed to tax sale to make a plea to the Board for financial hardship and to seek a deferral or waiver for relief. Ms. Meier advised that the first tax sale notices are going to MetCom customers in Early November. Ms. Meiser indicated that a notice to effected properties that they have the ability to come in under this policy and make a plea to the Board should be included with those notices.

Ms. Meiser stated that the policy is intended to put in place the framework for affected properties to come in and request relief of this board. The bill further provided that any party aggrieved by the decision of this Board has the ability to go to the County Commissioners or their appointed entity to appeal the MetCom Board's decision. The County is also putting together the framework for the appellate process and a draft resolution has just been received from the County Attorney's office. Ms. Meiser noted that it is not clear if this will be presented for action under the current Board or wait until the newly elected Board is sworn in. Ms. Meiser provided an overview of the County's draft resolution for the benefit of the Board.

Brief discussion ensued amongst the Board and Ms. Meiser on the written notification process for delinquent accounts. Commissioner Pessagno noted his displeasure with taking a property to tax sale for those who never connect and Ms. Meiser noted that it is currently the law under Section 113 and this policy is not intended to address that issue, but the more appropriate place to address that issue is with proposed amendments to Section 113.

Ms. Meiser fielded questions from the Board members and discussion ensued on Service Area definition, Development District, and the Water and Sewer Connection Policy Study Group recommendations to the Board of County Commissioners. Following a review of the draft policy, Commissioner Russell noted that the draft policy is well done and inquired about other policies in other counties or St. Mary's County that grant certain waivers for property taxes on a needs basis. Discussion ensued on the Maryland Energy Assistance Program (MEAP), which Ms. Meiser noted is the current criteria for determining waivers for the Bay Restoration Fee, as well as the threshold for determining System Improvement Charge deferrals. Additional discussion ensued amongst the Board and Ms. Meiser on the uniform application of criteria, once selected. Question from Commissioner Mummaugh on what, if anything, SMECO does regarding these matters, which lead to brief discussion between staff and Board members.

**Commissioner Russell moved to approve and adopt the Tax Sale Deferral Policy, as proposed; and further move that said Policy shall be effective immediately. Commissioner Gaskin seconded the motion. Motion carried 4-0.**

## **EXECUTIVE SESSION**

**Commissioner Mummaugh moved to go into Executive Session at 4:48 p.m. to discuss property acquisition. Commissioner Gaskin seconded the motion. Motion carried 4-0.**

The meeting reconvened into Regular Session at 5:09 p.m.

**Commissioner Russell moved to authorize staff to respond to the Seller's counter-offer with a revised offer to purchase certain real property, necessary for the improvement and expansion of the ingress and egress to the Piney Point Pumping Station, as discussed in Executive Session. Commissioner Mummaugh seconded the motion. Motion carried 3-0-1. Commissioner Pessagno abstained.**

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

There were no items to address at this time.

#### **ADJOURNMENT**

There being no further business, **Commissioner Mummaugh moved to adjourn the meeting at 5:11 p.m. Commissioner Gaskin seconded the motion. Motion carried 4-0.**

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Laura Comeau-Stanley, Corporate Secretary