

**MINUTES
REGULAR SESSION
ST. MARY'S COUNTY METROPOLITAN COMMISSION
NOVEMBER 20, 2014**

Following a one-hour work session on the Code Revisions to Section 113 for the 2016 Legislative Session, the regular session portion of the meeting commenced at 3:07 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 Meiser, Cullins, Elberti, Sullivan, Fehn, Smouse, and Comeau-Stanley. Others present were Lynne Putnam (Dewberry).

Chairman Willing welcomed everyone and performed a review of the meeting agenda, noting that Ms. Meiser will be sitting in for Mr. Ichniowski, who has taken ill and is unable to be here this afternoon.

MOTION TO APPROVE AGENDA

Commissioner Russell moved to approve the Agenda, as presented. Commissioner Mummaugh seconded the motion. Motion carried 4-0.

APPROVAL OF CONSENT AGENDA

Commissioner Gaskin moved to accept the Consent Agenda, as presented. Commissioner Russell seconded the motion. Motion carried 4-0.

APPROVAL OF MINUTES

Commissioner Russell moved to approve the minutes of the October 9, 2014 meeting, as presented. Commissioner Mummaugh seconded the motion. Motion carried 4-0.

EXECUTIVE DIRECTOR'S REPORT

A. Board Election: Vice-Chairman

Ms. Meiser announced that with Commissioner DeMauro's resignation, a vacancy exists in the Vice-Chairman position and noted that the By-Laws provide for the selection of a new Vice-Chairman to fill that spot. Ms. Meiser advised that whoever is selected today will continue to serve in the position until June 30, 2015 and is eligible to serve for another full-year term thereafter. Chairman Willing opened the floor to nominations for the position of Board Vice-Chair. Commissioner Gaskin nominated Commissioner Russell and Commissioner Russell seconded the nomination. Chairman Willing called for additional nominations and hearing none, the floor was closed to nominations for the position of Board Vice-Chair. Chairman Willing advised that he would entertain a motion.

Commissioner Gaskin moved that Commissioner Russell serve as Vice-Chair of the Board for the remainder of the Fiscal Year 2015 term, through June 2015. Motion seconded by Commissioner Mummaugh. Motion carried 4-0.

Chairman Willing extended congratulations to Commissioner Russell on his selection as Vice-Chair.

CHIEF FINANCIAL OFFICER'S REPORT

A. OPEB Pooled Trust Agreement

Ms. Meiser referred to the draft Trust Agreement in the Commissioner's materials and advised that the OPEB (Other Post-Employment Benefits) Trust has been in place since 2008 and it was contemplated at that time that there would be a statewide opportunity. Ms. Meiser indicated that the Maryland Association of Counties (MACO) has now put together an opportunity for all counties, and those who qualify as a component of a local governmental unit, to pool their funds together for investing. Ms. Meiser further explained the Pooled Trust Agreement and explained that although MetCom's funds would be pooled for investment purposes and monies contributed to MetCom's Trust will be held in a separate account and can only be used for MetCom purposes; there would not be a comingling of funds. Brief discussion ensued amongst the group, followed by a variety of questions, which Ms. Meiser addressed. Additional questions posed from Board members, which were specific in nature, prompted Ms. Meiser to suggest that due to her limited level of knowledge on the Trust Agreement, the Board defer action on this matter until the next meeting, when Ms. Shick would be present to answer all questions. Board members agreed to postpone further discussion and action.

B. Draft FY 2016 Capital Improvement Budget

Ms. Meiser provided an informational overview of the first look of the draft Capital Improvement Budget (CIB) for FY 2016 and noted that it includes a change to the out years, which specifically identifies projects expected to occur beyond the FY 2021 period. Ms. Meiser advised that the reason for this is to prevent the rates for the five-year period (FY 2017 through FY 2021) from appearing unnecessarily inflated in those particular columns. Ms. Meiser advised that prior to the addition of the out years column, any planned project, even one set to occur nine-years out, would be included in one of the last columns. Ms. Meiser indicated that this was artificially inflating the rates for those last few years of the CIB period and with this change, the rate projections will be more accurate.

Mr. Elberti further explained the purpose of this change for the Board members and discussion surrounding specific projects, including the Marlay Taylor Facility Expansion, St. Clements Shores Expansion, Hollywood Town Center, and Forest Run Pump Station, shown in the CIB and out years ensued amongst the group. Brief discussion ensued on the number of EDUs projections identified in the draft budget data. In closing, Ms. Meiser provided a brief review of the budget timeline and advised that Budget Work Sessions will begin to occur in January.

CHIEF ENGINEER'S REPORT

A. Marlay-Taylor WRF ENR Upgrade: Construction Change Order No. 5

Mr. Elberti noted that Ms. Lynne Putnam of Dewberry is here today to answer any questions the Board members may have on this item. Mr. Elberti provided a quick overview of the five items associated with the Change Order, citing that all items are detailed in a spreadsheet contained in the Commission binders (A3). Following the description of all items, extensive discussion ensued between Mr. Elberti and Commissioner Pessagno and Ms. Putnam regarding the planned replacement of stainless steel line with unlined ductile iron piping under Item No. 4 of the Change Order. Commissioner Pessagno noted his opposition to this plan and following a review and further discussion of the pros and cons of this

Value Engineering item, Board members and staff agreed to remove the item from the Change Order, to allow for further investigation by staff and contractor. Mr. Elberti noted that amending the motion to remove this item modifies the net contract cost increase from \$300,949.00 to \$351,189.00. Using the spreadsheet provided in the meeting binders, Mr. Elberti provided a brief review of the contract costs to date and remaining contingencies. Using the overhead monitors, Mr. Elberti concluded his presentation with a slideshow of construction site photographs.

Commissioner Russell moved to approve Change Oder No. 5, dated November 3, 2014, to Contract #8-38-S (Marlay-Taylor WRF ENR Upgrade) with MED General Contractors of Chesapeake, Virginia, to:

- (1) relocate existing RAS line at BioMag building, thereby increasing contract costs by \$47,265.00;**
- (2) extend the contract completion date by 49 calendar days to account for time required for excavation below subgrade to remove unsuitable soils and replace with #57 stone;**
- (3) install 340 LF of additional 30" ductile iron pipe to secondary clarifier #1, thereby increasing contract costs by a maximum of \$272,121.00;**
- (4) item number 4 is deleted, per discussion; and**
- (5) remove existing duct bank and install temporary power/control wiring thereby increasing contract costs by \$31,803.00.**

The approval of Change Order No. 5 is recommended by the Chief Engineer and will result in a net contract costs increase of \$351,189.00. Commissioner Mummaugh seconded the motion. Motion carries 4-0.

B. King-Kennedy Well & Ground Storage Tank Improvement Engineering Design Change Order No. 1

Mr. Elberti advised that this item was previously presented to the Board on July 24, 2014. Mr. Elberti and Ms. Putnam provided an explanation of the original concept and the revised/current plan, citing that Dewberry has renegotiated with their sub-consultant to revise the services of the original contract under a no-cost change order. Discussion ensued amongst the group on the tank size, flows, fire protection, and replacement wells associated with the paired down design. Discussion ensued surrounding the scope of work and suggestion by Mr. Elberti that consideration be given to amend the motion to allow for the completion of the design and bid documents. Mr. Elberti indicated that the bid documents could be designed to allow for a base bid and additional items, as desired. Following discussion, Ms. Meiser modified the proposed motion for the Board's consideration.

Commissioner Russell moved to approve Dewberry Consultants LLC, of Baltimore, Maryland, to provide modified professional engineering services, in accordance with the discussion today, for the King Kennedy Well & Ground Storage Tank Improvements, Project #3-1-W, for no additional costs, as recommended by the Chief Engineer. Commissioner Gaskin seconded the motion. Motion carried 4-0.

Mr. Oliver departed the meeting.

CHIEF OF FACILITIES AND OPERATIONS REPORT

A. Cedar Cove Water Tower Painting & Maintenance Contract

Mr. Sullivan advised that the scope of work associated with this contract includes the maintenance and painting of both the interior and exterior of the Cedar Cove Water Tower, a 250,000-gallon water storage tower. Mr. Sullivan noted that the work would commence this spring and the selected contractor has performed this type of work for the Commission in the past with satisfaction. Mr. Sullivan further noted that coordination would occur with Verizon Wireless for the removal of the existing cellular antenna and placement of temporary tower during the painting process.

Commissioner Russell moved that the Commission approve and award the Water Tank Painting and Maintenance Contract (315-02-F), for the Cedar Cove Water Tower, to Nostos SS Contractors, LLC of Reston, Virginia, for a total cost of \$322,600.00, as submitted in their proposal dated October 29, 2014. Commissioner Pessagno seconded the motion. Motion carried 4-0.

B. On-Site Water Tank Inspection Services (*Laurel Ridge & Country Lakes Elevated Water Storage Tanks*)

Mr. Sullivan indicated that our existing contract with Dixon Engineering provides for on-site inspection services during the maintenance and painting process of the Laurel Ridge and Country Lakes elevated water storage tanks at a per-day rate. Mr. Sullivan noted that staff anticipates a not-to-exceed 45-days for this effort. For the benefit of the Board, Mr. Sullivan detailed the specialized inspection services included with this contract purchase order. Brief discussion ensued amongst the group on the painting warranty, which Mr. Sullivan advised is typically 20-years.

Commissioner Gaskin moved that the Commission approve the issuance of a Purchase Order in an amount not to exceed \$30,375.00, under contract #WO1517, Water Tank Inspection Services, with Dixon Engineering, Inc. of Medina, Ohio for the Laurel Ridge and Country Lakes water towers. Commissioner Russell seconded the motion. Motion Carried 4-0.

C. St. Clements Shores Wastewater Pumping Station Replacement

Mr. Sullivan cited that similar to the project presented last month for the Landings at Piney Point, the St. Clements Shores (SCS) Wastewater Pump Station suction lift package pump unit is budgeted for replacement this year. Mr. Sullivan advised that this station serves 250 single-family homes with grinder pumps in the St. Clements Shores community and pumps 30,000 gallons per day to the SCS Wastewater Treatment Plant (WWTP). Mr. Sullivan provided additional historical data regarding the Station to the Board members and detailed the equipment specified for the pump replacement and station rehabilitation.

Commissioner Russell moved that the Commission approve the procurement of one (1) Smith & Loveless Pumping Station from Smith & Loveless, Inc. of Lenexa, Kansas, for the total price of \$64,636.00, as submitted in their quote dated September 16, 2014. Commissioner Mummaugh seconded the motion. Motion carried 4-0.

D. Grinder Pump Installation Services

Mr. Sullivan performed a review of the scope of services associated with this item to be performed under the prices set forth in the Grinder Pump Replacement Contract. Mr. Sullivan advised that approximately 80 complete grinder pump units will be replaced this year and noted that the focus of the installation is primarily on St. George Island and thereafter, Piney Point and Tall Timbers. Mr. Sullivan detailed the purchase costs and budget for this effort under the current fiscal year Capital Improvement Budget. Mr. Sullivan provided additional details related to contingent items associated with the installation and brief discussion ensued amongst the Board and Mr. Sullivan on the benefits of contracting this effort versus using MetCom crews to perform the work.

Commissioner Gaskin moved that the Commission approve the purchase order for the Grinder pump Replacement Services Project (SM1509) for Fiscal Year 2015 to Schummer, Inc. of Mayo, Maryland, in accordance with Contract Number 13-19-F, for a total cost not to exceed \$550,000.00. Commissioner Russell seconded the motion. Motion carried 4-0.

E. Bay Interceptor Relining Change Order

Mr. Sullivan reported that the Bay Interceptor Relining work has been completed and the linear footage completed by the contractor was 481 feet more than the estimated 3400 linear feet, which increases the purchase order amount from \$390,000.00 to \$419,263.70. Mr. Sullivan indicated that during the relining process, the contractor remobilizes their equipment every other manhole and relines up to 1000 feet, which is approximately two sections of pipe, before remobilizing at the next two sections. Following the last mobilization this year, rather than finishing at one section, our staff directed the contractor to complete the second section, not realizing that this would exceed the purchase order amount by 481 linear feet. Mr. Sullivan indicated that we are still well within the project budget for this fiscal year and noted it is one less manhole that will need to be completed next year. Mr. Sullivan advised that staff has been very impressed with the corrosive resistant material used in this relining project.

Commissioner Russell moved to approve Change order No. 1, dated November 13, 2014, to Purchase Order 004706, issued under the Bay Sewer Interceptor Relining Contract with AM Liner East, Inc. (Project #8121SR) to increase the total linear feet (LF) of affected force main by 481 LF, thereby increasing the Purchase Order amount by \$29,263.70, to a total cost of \$419,263.70. The approval of Change Order No. 1 is recommended by the Chief of Facilities and Operations. Commissioner Mummaugh seconded the motion. Motion carried 4-0.

GENERAL LEGAL COUNSEL'S REPORT

A. Safety Policy Revisions

Ms. Meiser advised a Safety and Training Coordinator was recently hired, whose exclusive role is to make sure that we are compliant with MOSHA, OSHA, and all other safety standards for our industry. Ms. Meiser noted that until this position was included under the FY 2015 Budget, this was never a separately designated position. Ms. Meiser indicated that a review of our Safety Policy is underway and where deficiencies are discovered, changes are being recommended. Ms. Meiser noted that one such change to date is for certain staff that have constant interaction with electrical panels; they are

required to have upgraded work boots that are resistant to the conduction of electricity (EH Rated). Ms. Meiser further noted that as the review of the Safety Policy is completed, there could be other changes and with the Board's consent, we will make the necessary changes as quickly as possible. Ms. Meiser stated that staff intends to present a comprehensive set of changes to the Board as one amendment to the Safety Policy, rather than piece meal changes. Brief discussion ensued amongst the Board members and staff on training and equipment upgrades that will also fall under the responsibility of this Coordinator, as well as fiscal impacts and the effects on the uniform policy.

Chairman Willing announced a brief recess of the meeting at 3:36 p.m. to allow Board members an opportunity to review the Executive Session Minutes.

Meeting reconvened at 3:41 p.m.

APPROVAL OF EXECUTIVE SESSION MINUTES

One minor typographical error was identified by Commissioner Russell. **Commissioner Russell moved to accept the Executive Session minutes of October 9, 2014, as amended. Commissioner Gaskin seconded the motion. Motion carried 4-0.**

EXECUTIVE SESSION

Commissioner Russell moved to go into Executive Session at 4:45 p.m. to discuss property acquisition. Commissioner Gaskin seconded the motion. Motion carried 4-0.

The meeting reconvened into Regular Session at 4:50.

COMMISSION MEMBERS' TIME

Commissioner Mummaugh inquired about the SMECO matter and possible stray voltage on Piney Point Road near McKay's Beach. In Mr. Elberti's absence, Mr. Sullivan indicated that staff contacted the SMECO Consultant and he believes that there is a proposal to perform additional investigative work and we are now in the process of trying to schedule that work. Mr. Sullivan also noted that we are scheduled to present a Capital Improvement Budget Amendment to the Board of County Commissioners (BOCC) for their approval on Tuesday, December 9, which includes the Piney Point Road Sewer Line Replacement work in that specific area. Chairman Willing and Commissioner Mummaugh collectively noted that staff needs to emphasize to the BOCC that this matter is the reason for the additional line item and advise them that we still do not know why the breaks are occurring.

ADJOURNMENT

There being no further business, **Commissioner Russell moved to adjourn the meeting at 4:52 p.m. Commissioner Gaskin seconded the motion. Motion carried 4-0.**