

**MINUTES**  
**ST. MARY'S COUNTY METROPOLITAN COMMISSION**  
**REGULAR MEETING**  
**APRIL 6, 2017**

The regular meeting commenced at 3:00 p.m. In attendance were Vice Chairman Russell, Commissioners Carey, Gaskin, Mummaugh, Thompson, Willing, and Oliver (On behalf of Capt. Starkey, Commanding Officer, NAS Patuxent River). MetCom Staff in attendance were Erichsen, Cullins, Shick, Hollander, Fehn, Harding, and Comeau-Stanley. Others present: R. Christopher Beaver (*MetCom General Counsel*), John Camp (*Oxford Chase Development*), Chris Longmore (*Attorney, Dugan, McKissick & Longmore, representing Oxford Chase Development*) and Jason Babcock (*The Enterprise*).

**APPROVAL OF AGENDA**

Chairman Barthelme welcomed everyone to the meeting and performed a review of the agenda. **Commissioner Willing moved to approve the agenda. Commissioner Gaskin seconded the motion. Motion carried 6-0.**

**PUBLIC FORUM PRESENTATION**

Mr. John Camp of Oxford Chase Development greeted the Board and introduced his Attorney, Mr. Chris Longmore. Mr. Camp presented his request to connect his Dollar General development in Hollywood to MetCom's system via a route that differs from MetCom's required route. Mr. Camp provided background information on the project and location and advised that due to the discovery of fiber optic lines along the eastern boundary of Mervel Dean Road, he does not want to bore and run the risk of hitting the lines, which would result in very expensive repair costs. Mr. Camp advised that he is requesting a connection across the State right-of-way and through the Bruster's property, which would be far less costly.

Using the report provided by the developer, as well as the staff memorandum and exhibits, Mr. Camp, the Board and Mr. Erichsen reviewed the various route options identified. Extensive discussion ensued between Board members, Mr. Camp, Mr. Longmore, and Mr. Erichsen on the matter. Mr. Erichsen addressed the preservation of easement rights and noted that cost share agreements options could be put in place through MetCom's operating budget. Following discussion on the various options and associated costs, the presentation concluded.

**Commissioner Mummaugh moved to accept Option 3 to connect the Dollar General, with an easement across the Bruster's property. Commissioner Carey seconded the motion. Motion carried 4-1-1. Commissioner Thompson opposed the motion and Commissioner Willing abstained from voting.**

**APPROVAL OF MEETING MINUTES**

**Commissioner Thompson moved to approve the meeting minutes of February 23, 2017. Commissioner Willing seconded the motion. Motion carried 5-0-1. Commissioner Gaskin abstained, as she was not present at the February 23, 2017 meeting.**

**APPROVAL OF CONSENT AGENDA**

1. Renewal of Service & Commodity Contracts
2. Piney Point Water System Improvements: Change Order No. 2

3. St. Clements Shores Water System Replacement: Change Order No. 1
4. Check Registers 3/23 & 3/30
5. FY 2017 Operating Budget Amendment – Davenport Study

**Commissioner Gaskin moved to accept the Consent Agenda, as presented, and to hereby approve all matters contained upon the Consent Agenda. Commissioner Willing seconded the motion. Discussion initiated by Commissioner Mummaugh on the Debt Study and Board members posed questions to Mr. Erichsen on merits of performing the study at this time and what data would be obtained from this analysis and extensive discussion ensued amongst the group. Following discussion, Vice-Chairman Russell called for the vote. Motion carried 4-2. Commissioners Mummaugh and Thompson opposed the motion.**

## **DIRECTOR'S REPORT**

1. FY 2018-2023 Capital Improvement Budget & Plan Presentation to the Planning Commission (3/27)

Mr. Erichsen advised that the FY 2018-2023 Capital Improvement Budget & Plan was presented to the Planning Commission on March 27. Mr. Erichsen noted that the presentation went well and several questions were posed by the Planning Commission members regarding on-going projects, including King Kennedy Estates, Piney Point Water Lines, St. Clements Shores and Patuxent Park. Mr. Erichsen noted the next steps in the Capital Improvement Budget, which includes a presentation to the County Commissioners on April 18 and encouraged Board members to attend.

2. Budget Public Hearing (04/05)

Mr. Erichsen advised the Board that the Budget Public Hearing was held last night, April 5 Mr. Erichsen noted that there were nine (9) attendees and Commissioners Russell, Thompson, Willing, Gaskin and Mummaugh were present. Mr. Erichsen indicated that both Ms. Shick's and Ms. Hollander's presentations were very well received and noted that there were two speakers who spoke positively about the presentation. Mr. Erichsen made mention of the group from the Town Creek community who came to the meeting, but were able to have their questions answered and concerns dispelled by staff in advance of the meeting regarding the Town Creek Water Project.

Mr. Erichsen advised the Board that approval of the Budget by the MetCom Board would be sought at the next meeting and it would be contingent upon the approval of the Commissioners of St. Mary's County (CSMC) in accordance with Chapter 113.

3. Agenda Setting Meeting (4/24)

Mr. Erichsen announced that he and Chairman Barthelme are scheduled to meet with Randy Guy, CSMC President and Dr. Bridgett, County Administrator on April 24 to identify agenda topics for the Joint Meeting scheduled between the MetCom Board and the CSMC, set for May 23. Mr. Erichsen encouraged Board members to give some consideration to any items that they would like to discuss and then pass the information along to him or Ms. Stanley via email. Brief mention of the Connection Policy Task Force and the need to continue the work on that effort.

In closing, Mr. Erichsen advised that in response to Mr. Carey's prior inquiry and comments regarding rates and reserves, a package has been included in the meeting binders for the Board's review.

## **NEW BUSINESS**

### 1. Account Write-Off Request: Aqua Well Drilling

Ms. Shick advised the Board of an uncollectable account for hydrant meter customer, Aqua Well Drilling, LLC, which totals \$6,866.45, noting that the company dissolved and efforts collect on this account have been unsuccessful. Ms. Shick noted that the meter was returned and MetCom has sued the company for the outstanding balance, but has been unable to serve the Resident Agent, Mr. Winslow, who now resides in Florida. Ms. Shick further advised that the matter was discussed with Legal Counsel and the Executive Director in March and it is recommended that MetCom write off the account as uncollectable. Brief discussion ensued on the matter and questions raised by Board members regarding the ability to have a personal guarantee on accounts. Mr. Beaver noted that he will look into the matter and would report back to the Board once information is obtained.

**Commissioner Thompson moved that the Commission authorize the Chief Financial Officer to write-off, as uncollectible, account 104065 in the amount of \$6,866.45. Commissioner Willing seconded the motion. Motion carried 6-0.**

### 2. MACo OPEB Trust Investment Report

Ms. Shick performed a review of the Executive Summary of the Maryland Association of Counties (MACo) Other Post-Employment Benefits (OPEB) Trust Investment Report, as well as the memorandum contained in the meeting binders. Ms. Shick advised that this Actuarial Valuation is as of July 1, 2017 to determine the County's contribution for the Fiscal Year ending June 30, 2018 and June 30, 2019. Discussion ensued amongst the Board and Ms. Shick on the report analysis, to include contributions, funding measures, investments, and plan provisions. Ms. Shick performed an overview of the portfolio highlights identified for the fourth (4<sup>th</sup>) quarter of 2016.

### 3. Disposition of Cobb Property in Piney Point

Ms. Cullins provided a disposition of the Cobb Property in Piney Point, purchased in 2016 for improved access to MetCom's water and sewer station at 45271 Block Avenue. Ms. Cullins provided additional historical background on the property, which included information about a resident who has been very vocal regarding MetCom's equipment and access to the facility. Mr. Erichsen provided additional details regarding this resident and referenced the recent exchange of correspondence between this resident and MetCom, which is contained in the meeting binders.

Ms. Shick advised the Board of the plans to demolish the house for the potential new water facility, which would include a pump house or possibly a future water tower. Ms. Cullins reported that on March 23, 2017, a vehicle exited the roadway and struck the front of the house, causing damage to the structure. Photographic exhibits were provided as part of the meeting materials to reveal the extent of the damages.

Discussion ensued amongst the Board, Ms. Cullins and Mr. Erichsen on the property damage. Commissioner Carey indicated a desire that staff file a claim with our insurance provider, Local

Government Insurance Trust (LGIT), against the driver of the vehicle for the damages, specifically staff's time to shore up the porch, removal of debris, and securing the house, plus the cost of materials to accomplish same. Mr. Erichsen and Ms. Cullins advised that they will report back to the Board on this matter at a future meeting.

## **CONTINUING BUSINESS**

### 1. Acting Capacity Pay Policy

Ms. Cullins presented an Acting Capacity Pay Policy for those employees who are called upon to perform duties in a higher grade, as there is not currently a formal policy or guidelines in place to address this scenario. Ms. Cullins noted that this would establish a procedure, which will set a guideline to fairly and consistently pay an employee for the acting capacity and will require a revision to MetCom's Personnel Handbook. Ms. Cullins performed a review of the proposed policy and she and Mr. Erichsen fielded questions from Board members. Mr. Erichsen recommended that because some of the positions are higher-level positions, the Board may wish to consider a level of flexibility by identifying that the Board would be the final authority on Exempt employees, such as supervisory or management positions.

**Commissioner Carey moved to approve and adopt the Acting Capacity Pay Policy for inclusion into the Personnel Handbook, as amended to grant final approval of exempt employees to the Board, effective immediately. Commissioner Gaskin seconded the motion. Motion carried 6-0.**

### 2. Tax Sale Update

Ms. Shick announced that following an inquiry made at the March 23, 2017 Commission Meeting, regarding the County's Tax Sale and specifically how many of those properties sold were vacant lots. Ms. Shick advised that just two (2) of the thirty-eight (38) properties sold were vacant lots and were subject to system improvement charges only.

### 3. Chapter 113 Revisions

Mr. Beaver advised that a comprehensive change to Chapter 113 is needed and noted that the current initiatives towards making a comprehensive change is to work with the County Commissioners and the various County Departments to effectuate a thoughtful and effective revision to Chapter 113. Steps have been taken to speak with the Legislative Delegation and they have intimated their desire to make those changes for the 2018 Legislative Session and a preliminary schedule has been established in order to meet that goal. Brief discussion ensued amongst the Board, Mr. Beaver and Mr. Erichsen on the schedule and generation of a matrix to identify the proposed changes, as well as the key elements to address and incorporate into Chapter 113 revisions. Mr. Beaver advised that he will be working from the prior work done in 2014.

### 4. Legislative Updates

Mr. Beaver advised that the 2017 Legislative Session ends on Monday, April 10 and performed a brief review of the status of the current House Bills (HB) and Senate Bills (SB) affecting MetCom, which included HB 914/SB 745, HB 679/SB 395, HB 1055/SB 737, HB 453, HB 228/SB 546, HB 1239/SB 280.

Mr. Beaver advised the Board that there was an Amendment to Chapter 223 of the County Code, proposed by the County Commissioners, which would increase Impact Fees that are assessed to builders from \$4,500 to \$12,744. Mr. Erichsen noted that use of those impact fees now includes water and sewer systems and Mr. Beaver cited the specific Amendment language. Brief discussion ensued amongst the Board, Mr. Beaver and Mr. Erichsen on the Amendment.

#### **FUTURE AGENDA ITEMS**

Mr. Erichsen advised that the Future Agenda Items is currently a long list of internal items and noted that in the future, what will be presented to the Board would be shown in a different format. Mr. Erichsen indicated that this item appears on the Agenda to generate feedback from the Board on specific topics that they wish to address with the Board and staff.

Commissioner Thompson suggested that as a future agenda item, an outline and presentation be provided to the Board for the Upgrade to the Financial Software identified in the Budget

#### **EXECUTIVE SESSION**

**Commissioner Willing moved to go into Executive Session at 4:54 p.m. to discuss Potential Litigation. Commissioner Thompson seconded the motion. Motion carried 6-0.**

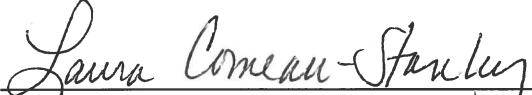
Meeting reconvened at 5:25 p.m.

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

No items to discuss at this time.

#### **ADJOURNMENT**

There being no further business, **Commissioner Willing moved to adjourn at 5:25 p.m. Commissioner Gaskin seconded the motion. Motion carried 6-0**

  
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Laura Comeau-Stanley, Corporate Secretary