

MINUTES
ST. MARY'S COUNTY METROPOLITAN COMMISSION
REGULAR MEETING
MAY 11, 2017

The regular meeting commenced at 3:00 p.m. In attendance were Chairman Barthelme, 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, Sullivan, Fehn, Harding, and Comeau-Stanley. Others present: R. Christopher Beaver (*MetCom General Counsel*), James Winters, Sr. and Jason Babcock (*The Enterprise*).

APPROVAL OF AGENDA

Chairman Barthelme welcomed everyone to the meeting and performed a review of the agenda. **Commissioner Russell moved to approve the agenda, with the addition of adjournment at the end of the meeting. Commissioner Willing seconded the motion. Motion carried 7-0.**

LENGTH OF SERVICE AWARDS

Following a review of his service to the Metropolitan Commission by Ms. Cullins, Director of Human Resources, Chairman Barthelme presented at 15-Year Length of Service Award to Charles "Happy" Wathen, Senior Utilities Mechanical/Electrical Technician.

Following a review of her service to the Metropolitan Commission by Ms. Cullins, Director of Human Resources, Chairman Barthelme presented at 15-Year Length of Service Award to Tammy O'Dell, Purchasing Clerk.

PUBLIC FORUM PRESENTATION

Mr. James Winters, Sr., Lightfoot Group, LLC, addressed the Board and provided a recap of his March 9, 2017 presentation to the Commission, at which time he sought assistance from MetCom with his failing lagoon septic system. Mr. Winters advised that following that meeting, he spoke with Mr. Sullivan, Chief of Facilities and Operations, regarding options. Mr. Winters noted that the approximate costs to upgrade the plant to meet MetCom Standards were determined to be between \$1M - \$2M and tying into the sewer system in Callaway, which is 2.1 miles away, was estimated (by his engineer) to be roughly \$300K. Mr. Winters advised that he is here to seek approval from MetCom to finance the project with a low-interest rate, but knows that there are hurdles to overcome at the Heath Department and Land Use and Growth Management (LUGM) prior to that. Mr. Winters noted that he looked at Bay Restoration Funds for this effort and has obtained a price to install nine (9) septic systems, which was estimated to be \$250K.

Extensive discussion ensued amongst the Board members, Mr. Winters and Mr. Erichsen on the service area where Mr. Winter's property lies, which is currently zoned No Planned Service and will require a change through LUGM before any involvement can occur with MetCom on service connections. Further discussion amongst the group on a desire to assist with new customer connections through a financing mechanism in the future, which would require legislative changes to Chapter 113 and a source for funding would need to be identified to create such a program.

Mr. Winters provided additional information on the fines imposed by the Maryland Department of the Environment (MDE) for violations and non-compliance of his system. Board members sought

information on what assistance MetCom could provide to assist Mr. Winters with bringing his system into compliance and Mr. Sullivan noted some of the measures that could be taken. Mr. Erichsen advised that there is some risk in having staff direct private sector individuals how to invest their money.

Additional discussion ensued regarding next steps for Mr. Winters, as it relates his failing system and Mr. Erichsen noted MetCom's inability to provide anything beyond a soft commitment to Mr. Winters, as it goes against the Comprehensive Plan. Commissioner Carey requested that staff provide help navigating the LUGM process on the NPS category change and with County Commissioners. Mr. Winters noted that he would appreciate having MetCom by his side during this process. Following additional discussion, Board directed Mr. Beaver to draft a letter to Mr. Winters, which would indicate that to the extent possible, MetCom would support the efforts to address the issues with the lagoon treatment facility and would be in favor of a connection to our sewer system, provided approvals from County and State agencies are obtained and if possible, may assist with financing. In closing, Mr. Winters thanked the Board for their time and assistance.

APPROVAL OF MEETING MINUTES

Commissioner Willing moved to approve the meeting minutes of March 23, 2017. Commissioner Russell seconded the motion. Motion carried 6-0-1. Commissioner Carey abstained, as he was not present at the March 23, 2017 meeting.

APPROVAL OF CONSENT AGENDA

1. Single Audit Report
2. Check Registers 4/27 & 5/04

Commissioner Willing moved to accept the Consent Agenda, as presented, and to hereby approve all matters contained upon the Consent Agenda. Commissioner Gaskin seconded the motion. Motion carried 7-0.

EXECUTIVE DIRECTOR'S REPORT

1. Consolidation of Meetings on May 23, 2017

Mr. Erichsen advised that the Joint Meeting scheduled for Tuesday, May 23, from 9:00 a.m. to 10:30 a.m. and the regular MetCom Board meeting is scheduled for Thursday, May 25 at 3:00 p.m. Mr. Erichsen noted that because the Joint Meeting and Regular meeting often fall in the same week, he suggested that the Board conduct the regular meeting immediately following the joint meeting, which would allow meetings to be complete by lunchtime and would eliminate the need for a second meeting during the week. Mr. Erichsen announced that if the Board members are in agreement, this could be accomplished each time there is a joint meeting scheduled the same week as a regular meeting. Following brief discussion, Chairman Barthelme and board members were in agreement with the plan for the upcoming meeting and scenarios like this in the future.

2. Marlay-Taylor Consent Agreement Termination

Mr. Erichsen announced that the Marlay-Taylor Consent Agreement has been terminated by the Maryland Department of the Environment and advised that this is extremely important, as it

indicates that MetCom has met its compliance requirements under the Consent Agreement for the ENR upgrade. Brief discussion ensued amongst the group on the Consent Order.

3. CSMC / MetCom Joint Meeting Draft Agenda

Mr. Erichsen performed a review of the draft agenda for the Joint Meeting with the Commissioners of St. Mary's County (CSMC), contained in the meeting binders, which includes a Chapter 113 Focus Group/Task Force. Mr. Erichsen provided a brief explanation of the composition of participants expected to serve on the Task Force, based upon the recommendations of the Commissioners and identified the specific topics the group plans to address.

4. Chapter 113 Focus Group

Mr. Erichsen advised that in conjunction with the planned Chapter 113 Focus Group/Task Force, the MetCom Board members should give some thought to which two members they would like to see serve as MetCom's Board representatives, as well as recommendations for members of the public. Mr. Erichsen noted that by November, we hope that the group will have drafted language that the Legislation would be interested in supporting.

NEW BUSINESS

1. Third Quarter Financial Statements

Ms. Shick performed a review of the FY 2017 Third Quarter Financial Statements, representing the period January 1, 2017 through March 31, 2017. Ms. Shick detailed the income and expenses for the Sewer, Water, and Engineering Divisions, as well as the General and Administrative Expenses, Other Income and Expenses, and the Debt Service Funds. Ms. Shick fielded various questions from Board members during the course of her presentation.

2. Water Meter Installation Project

Mr. Sullivan provided the Board with the scope of work associated with this Operating Budget Capital Expenditures project, which includes the installation of three (3) water meters to replace the indoor inoperable meters under the Water Meter Installation project. Mr. Sullivan noted that the contractors have been unable to gain access to the interior water meters, as the property owners have refused to grant permission. Mr. Sullivan advised that staff is requesting approval to install meter pits and meters outside in the easement and abandon the interior water meters, which would allow these properties to be equipped with the AMR Radio-Read Water Meters.

Discussion ensued amongst the Board and Mr. Sullivan on the matter, which included exploring legislative options afforded under Chapter 113, as well as the ability to assess an additional monthly charge to those customers for non-compliance. Further discussion ensued on the cost associated with this work and several Board members voiced their desire for staff to investigate other options to reduce the expense.

Commissioner Russell moved that the Commission accept and award the Water Meter Installation Services, to occur at three (3) locations identified by staff, to AB&H Excavating, Inc. of Callaway, Maryland, for a total price of \$18,807.00, as submitted in their quotation

dated April 6, 2017. Further, move that staff be authorized and directed to sign all documentation relating to this Contract award, including but not limited to the contract, contract renewals and all approved change orders. Commissioner Thompson seconded the motion. Discussion ensued amongst the group on other options associated with this matter. Following discussion, call for the vote by Chairman Barthelme. Motion failed 3-4. Commissioners Barthelme, Carey, Mummaugh & Willing opposed the motion.

Mr. Beaver advised that he would review the policy to determine if a fee could be levied against the property owners denying access to replace the meter and would provide a report to the Board at a future meeting.

3. Repeat Grinder Pump Service Calls Procedure

Mr. Sullivan announced the implementation of a new standard procedure in the Operations Department to address Repeat Grinder Pump Service Calls. Mr. Sullivan provided the Board with details related to the nature of the service calls and instances of repeat offenders, which has become costly for MetCom. Mr. Sullivan noted that this procedure follows the Public Sewer Use Regulations and detailed the progressive process, which after three (3) service requests in a six-month period, a compliance order is issued via certified letter, advising that any further service requests regarding the grinder pump would result in a civil penalty, as well as expenses incurred by MetCom. Mr. Sullivan advised that this procedure would take effect May 1, 2017. Brief discussion ensued amongst the Board and Mr. Sullivan on the recent legislation regarding disposable wipes.

4. Closed Session Policy & Forms

Mr. Beaver advised the Board that the Metropolitan Commission Board is bound by the State Open Meetings Act and the St. Mary's County Open Meetings Act. Mr. Beaver noted that the County's Open Meetings Act is more restrictive than the State's and therefore we follow that act. Mr. Beaver performed a review of the draft Closed Session Policy and Form for the benefit of the Board to ensure compliance with the Act. Brief discussion ensued amongst the Board and Mr. Beaver on various items contained within the policy. Mr. Beaver announced that this policy would be presented in final form for the Board's consideration and adoption at the next meeting.

CONTINUING BUSINESS

1. Intergovernmental Agreement with MES

Mr. Erichsen advised that a draft agreement with Maryland Environmental Service (MES) was presented to the Board in March to utilize MES for various services, as needed. The Board agreed that if the draft agreement was acceptable to MES, staff would present and request Board approval to execute the agreement. Mr. Erichsen indicated that MES had no objections to the draft and have returned it to our office for execution. Brief discussion ensued amongst the group on fees and proposals for services associated with this agreement.

Commissioner Carey moved to accept and approve the Intergovernmental Agreement, Contract No. 2-07-4-32, from Maryland Environmental Service (MES) of Millersville, Maryland, for environmental, planning, operations, maintenance, construction, engineering, administrative and technical services at various St. Mary's County Metropolitan Commission

(MetCom) facilities throughout St. Mary's County, Maryland, as recommended by the Executive Director. Further, move that upon approval of individual contract proposals by the Board, the Executive Director be authorized and directed to sign all documentation relating to this contract, including but not limited to the contract and all approved changes orders. Commissioner Gaskin seconded the motion. Motion carried 7-0.

FUTURE AGENDA ITEMS

Mr. Erichsen noted that staff has results of the Employee Satisfaction Survey and the Salary Study in draft form and following a review of the data, presentations will be made to the Board at the June 8 meeting, to include the consultant, and then on June 22 for a Board decision.

COMMISSION MEMBERS' TIME

Mr. Thompson noted that in Hollywood, specifically the Sandy Bottom area, there is an area that appears to be ideal for commercial development and is zoned commercial; however, there are failed septic systems in that area and he would like to see an overall strategy plan for how we are going to serve the area. Mr. Erichsen advised that as the Chapter 113 discussions occur, we could talk to the County Commissioners about their Comprehensive Water and Sewer Plan, with assistance from Land Use and Growth Management.

EXECUTIVE SESSION

Commissioner Gaskin moved to into Executive Session at 4:38 p.m. to discuss Real Property. Commissioner Mummaugh seconded the motion. Motion carried 7-0.

Meeting reconvened at 4:47 p.m.

APPROVAL OF EXECUTIVE SESSION MEETING MINUTES

Commissioner Russell moved to approve the Executive Session minutes of March 23, 2017. Commissioner Thompson seconded the motion. Motion carried 6-0-1. Commissioner Willing abstained, as he was not finished reading the minutes prior to the Chairman's call for the vote.

EXECUTIVE SESSION (*Additional Session requested by Board Members*)

Commissioner Mummaugh moved to go into Executive Session at 4:48 p.m. to discuss potential litigation. Commissioner Willing seconded the motion. Motion carried 7-0.

Meeting reconvened at 5:17 p.m.

Commissioner Willing moved to re-extend the last offer made by the Board, as was discussed in Executive Session. Discussion ensued amongst the members of the Board and Mr. Beaver reminded members that we are in open session and matters discussed in closed session cannot be discussed in open session. Suggestion by Mr. Beaver to Mr. Willing to couch the current motion and frame a new motion to move that the Board take action, based upon what was discussed in closed session.

Commissioner Willing moved that the Board take action, as was discussed in Executive Session and should any additional amendment or discussion be necessary, return to Executive Session, should such motion pass. Commissioner Russell seconded the motion. Motion failed 2-3-2. Commissioners Barthelme, Mummaugh and Thompson opposed the motion, while Commissioners Carey and Gaskin abstained from voting.

ADJOURNMENT

There being no further business, Commissioner Thompson moved to adjourn at 5:22 p.m. Commissioner Mummaugh seconded the motion. Motion carried 7-0



Laura Comeau-Stanley, Corporate Secretary