

**MINUTES**  
**ST. MARY'S COUNTY METROPOLITAN COMMISSION**  
**REGULAR MEETING**  
**APRIL 27, 2017**

The regular meeting commenced at 3:00 p.m. In attendance were Chairman Barthelme, Vice-Chairman Russell, Commissioners Gaskin, Mummaugh, and Willing. MetCom Staff in attendance were Erichsen, Cullins, Shick, Hollander, Sullivan, Fehn, D. Potter, Thomas, and Comeau-Stanley. Others present: R. Christopher Beaver (*MetCom General Counsel*), Jason Babcock (*The Enterprise*), and Guy Leonard (*The County Times*).

**APPROVAL OF AGENDA**

Chairman Barthelme welcomed everyone to the meeting and performed a review of the agenda. **Commissioner Russell moved to approve the agenda. Commissioner Gaskin seconded the motion. Motion carried 5-0.**

**APPROVAL OF MEETING MINUTES**

**Commissioner Willing moved to approve the meeting minutes of March 9, 2017. Commissioner Russell seconded the motion. Motion carried 4-0-1. Commissioner Gaskin abstained, as she was not present at the March 9, 2017 meeting.**

**APPROVAL OF CONSENT AGENDA**

1. Pine Hill Run Cell Tower Lease Agreement Amendment #2
2. Fiscal Standard Report – March 2017
3. Engineering Standard Report – March 2017
4. Facilities & Operations Standard Report – March 2017
5. Check Registers 4/06, 4/12 & 4/20

Commissioner Mummaugh requested that in addition to reporting the number of EDUs to date in the Monthly Engineering Standard Report, he would like staff to also include the estimated EDUs.

**Commissioner Russell moved to accept the Consent Agenda, as presented, and to hereby approve all matters contained upon the Consent Agenda. Commissioner Mummaugh seconded the motion. Motion carried 5-0.**

**DIRECTOR'S REPORT**

1. Property Ownership / Title Resolution for MetCom Facilities

Mr. Erichsen advised that that as mentioned at the last meeting, staff has put together a preliminary list of properties where ownership issues exist, which are title, ownership, and access related. Mr. Erichsen cited examples reflected on the list, which is included in the meeting binders, and noted that staff is working to clean up the outstanding easements and property acquisition for existing, new and planned system facilities. Commissioner Willing made mention of his ability to assist with the two Southgate properties associated with the pump station and ground storage tank.

2. FY 2018-2023 Capital Improvement Budget & Plan Presentation to Commissioners of St. Mary's County (CSMC) (4/18)

Mr. Erichsen announced that the presentation of the FY 2018-2023 Capital Improvement Budget & Plan (CIB&P) to the CSMC on April 18, which went well. Mr. Erichsen made mention of the questions posed and items addressed during the course of the presentation and advised that a response letter was prepared and sent to the County Commissioners, via the County Administrator, and is included in the meeting binders for Board members use and information. Mr. Erichsen further advised that MetCom is seeking final approval of the CIB&P from the CSMC at the Joint Meeting on May 23, 2017.

3. FY 2018-2023 Capital Improvement Budget & FY 2018 Operating Budget Contingent Approval

Mr. Erichsen announced that staff is seeking approval of the CIB and Operating Budget today, noting that the CIB approval is contingent upon the CSMC approval on May 23, as required by Chapter 113.

**Commissioner Willing moved that the Commission approve and adopt the FY 2018-FY 2023 Capital Improvement Budget and Plan, subject to the provision of St. Mary's County Code Section 113-30(A). Further, move that the Commission adopt the System Improvement and Capital Contribution Charges, as presented in a Public Hearing held on April 5, 2017, in accordance with the St. Mary's County Code, Section 113-27(D). Commissioner Russell seconded the motion. Motion carried 5-0.**

Mr. Erichsen noted that although the CIB has been voted upon, there is additional information associated with his report; including a brief overview of the presentation timeline of the CIB, beginning with the review and approval by the Planning Commission on March 27, 2017, followed by the Public Hearing on April 5, 2017. Mr. Erichsen advised that that there were no substantive comments related to fees, rates or dissatisfaction with service from the Public Hearing participants.

Mr. Erichsen performed a review of the Debt Ceiling Analysis spreadsheet contained in the meeting binders and detailed the effect of House Bill 1055/Senate Bill 737, as it relates to use of capital reserves (contingencies). Mr. Erichsen also highlighted the graph depicting outstanding debt and new debt, noting that the removal of two (2) projects in 2023 reduces the debt to below \$120M.

Mr. Erichsen addressed the operating budget, noting that it remains unchanged, with no alterations since the last presentation and public hearing.

**Commissioner Russell moved that the Commission approve the FY 2018 Operating Budget and associated rates, as presented in a Public Hearing held on April 5, 2017, in accordance with the St. Mary's County Code Section 113-27(D). Commissioner Gaskin seconded the motion. Discussion ensued amongst the group regarding the Salary Study and a salary reserve identified in the Operating Budget, which upon the completion of the study, would allow the Board the ability to offer a Cost of Living Allowance (COLA), Merit/Step increase; or make adjustments to salaries in identified positions. Following discussion, call for the Vote by Chairman Barthelme. Motion carried 5-0.**

4. MWQFA Loan Resolution Presentation to CSMC (4/18)

Mr. Erichsen reported that staff presented a Maryland Department of the Environment Water Quality Finance Administration (MWQFA) Loan Resolution for the Piney Point Water System Replacement and the St. Clements Shores Water System Replacement to the CSMC for approval at their April 18, 2017 meeting. Mr. Erichsen advised that the Contract Award for both projects will be presented by staff as a New Business item today, noting that this was delayed to ensure that approval of the Resolution was granted by the CSMC.

5. Draft Agenda Topics for Joint Meeting with CSMC (5/23)

Mr. Erichsen advised that on April 24, he and Chairman Barthelme met with the County Commissioner President and the County Administrator to discuss possible agenda topics for the Joint Meeting between the MetCom Board and the CSMC. Mr. Erichsen noted that Chapter 113 Revisions is the biggest item on the agenda and advised that a focus group would likely be formed by the CSMC to accomplish a comprehensive rewrite. Mr. Erichsen provided an overview of the planned composition of the focus group members. Mr. Erichsen announced that he and MetCom's attorney are preparing a matrix containing all of the proposed changes to Chapter 113, which would be distributed to the Board upon completion and would be the basis for discussion moving forward. Discussion ensued amongst the group on the matter, particularly the desire to modify Chapter 113 to grant authority to finance water and sewer connections.

6. Website Updates

Mr. Erichsen reported that a Customer Satisfaction Survey has been placed on the Main page of MetCom's website. A copy of the survey was provided in the meeting binders for review. Mr. Erichsen also noted that MetCom does not have a presence on the County's Main Page and he spoke with the County Administrator and the IT Director to remedy the issue. Mr. Erichsen further noted that he reached out to the Department of Public Works, who has agreed to add a "Water & Sewer" link on their main page, which will direct the public to our website. Mr. Erichsen also advised that the MetCom meeting videos are being posted to our website, as they cannot currently be viewed on the County's website.

**NEW BUSINESS**

1. FY 2017 Operating Budget Amendment

Ms. Shick performed a review of the item associated with the proposed budget amendment, which includes a Smart Shore Inflatable Shoring System, which will replace the aging and unusable Pump Jack Shoring System. Ms. Shick cited the operational benefits to the new system and brief discussion ensued amongst the group.

**Commissioner Gaskin moved to amend the Capital Equipment and Expenditures in the FY 2017 Operating Budget, as recommended by the Commission's Chief Financial Officer, as follows:**

**Increase the line item for Pump jacks-Hydraulic in the amount of \$1,100 to be used for Smart Shore Inflatable Shoring System; and**

**Decrease the line item for Pickup to Replace #569 in the amount of \$1,100.00**

**This amendment will result in no net change to Capital Equipment and Expenditures. Commissioner Willing seconded the motion. Motion carried 5-0.**

2. Piney Point Water System Replacement Construction Contract Award

Ms. Hollander advised that the Piney Point Water System Replacement Construction Contract Award is the first of two projects referenced earlier in the meeting by Mr. Erichsen. Ms. Hollander provided historical and background information on the project and performed a review of the scope of work associated with the contract. Ms. Hollander advised that the Bond Resolution was approved by the Board in March and by the CSMC on April 18.

**Commissioner Russell moved to accept and approve the proposal dated March 22, 2017, in the amount of \$1,988,950.00 plus \$38,550.00 contingency, for a total of \$2,027,500.00, from Schummer, Inc. of Mayo, Maryland, for the Construction of the Piney Point Water System Replacement, project #511WR, as recommended by the Acting Chief Engineer.**

**Further, move that the Executive Director be authorized and directed to sign all documentation relating to this Contract award, including but not limited to the contract and all approved change orders. Commissioner Willing seconded the motion. Motion carried 5-0.**

3. St. Clements Shores Water System Replacement Construction Contract Award

Ms. Hollander advised that the St. Clements Shores Water System Replacement Construction Contract Award is the second project referenced earlier in the meeting by Mr. Erichsen, when referring to the Bond Resolution presented to the CSMC. Ms. Hollander provided historical and background information on the project, as shown in the Memorandum included in the meeting binders. Ms. Hollander detailed the scope of work for this contract and fielded a few questions from the Board on the two (2) phases of the project and the number of lots with Equivalent Dwelling Units (EDUs) allocated, but not connected, in each phase.

**Commissioner Russell moved to accept and approve the proposal dated March 7, 2017, in the amount of \$2,842,070.00, from BA Construction, Inc. of Hyattsville, Maryland, for the Construction of the St. Clements shores Water System Replacement, project #2101WR, as recommended by the Acting Chief Engineer.**

**Further, move that the Executive Director be authorized and directed to sign all documentation relating to this Contract award, including but not limited to the contract and all approved change orders. Commissioner Gaskin seconded the motion. Motion carried 5-0.**

4. Marlay-Taylor Co-Gen Design Services Contract Award

Ms. Hollander referred the Board to the Memorandum contained in the meeting binders, which detail the scope of work associated with the Marlay-Taylor Co-Gen Design Services Contract, as well as background and summary information regarding the project. Brief discussion ensued on the bids received from only two (2) of the four (4) Engineering Services Contract Consultants.

**Commissioner Willing moved to accept and approve Task 1 in the proposal dated March 22, 2017, in the amount of \$96,516.00, from AECOM of Beltsville, Maryland, for Professional Engineering Services for the Methane Co-Generator Upgrade at Marlay-Taylor WWTP, Project #8171SF, as recommended by the Acting Chief Engineer.**

**Further, move that the Executive Director be authorized and directed to sign all documentation relating to this Professional Engineering Services contract, including but not limited to the contract and all approved change orders. Commissioner Russell seconded the motion. Motion carried 5-0.**

#### 5. CCTV Equipment Purchase

Mr. Sullivan referred Board members to the Memorandum in the meeting binders, which contains background and related information on the Closed-Circuit TV (CCTV) Sewer Inspection System. Mr. Sullivan provided an explanation of the system replacement and its compatibility to existing equipment and software. Mr. Sullivan noted that this sole source procurement is competitively bid through the National Joint Powers Alliance (NJPA). Mr. Sullivan fielded questions from Board members on training and proficiency of staff in the operation of this equipment.

**Commissioner Gaskin moved that the Commission accept and award the procurement of an EnviroSight Rovver X Sewer Inspection System with accessories to Virginia Public Works Equipment Company of Mechanicsville, Virginia, for a total price of \$85,864.94, as submitted in their quotation dated April 25, 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 Russell seconded the motion. Brief discussion ensued regarding the camera qualities and capabilities. Following discussion, Chairman Barthelme called for the vote. Motion carried 5-0.**

#### 6. State Retirement 3-Year Audit

Ms. Cullins reported that an independent auditor performed an audit of the Metropolitan Commission on March 1, 2017, as required by the Maryland State Retirement System (MSRS). Ms. Cullins advised that a report was issued on April 18, 2017 and she performed a summary review of the findings, as detailed in the Memorandum contained in the meeting binders. Ms. Cullins indicated that the findings included that Metropolitan Commissioners appointed before July 1, 2015 must be enrolled in the system and Contract Employees who receive any fringe benefits, except as provided by law, are not considered contract employees per the Maryland State Retirement System.

Discussion ensued amongst the group on the audit findings and recommendations, as well as amount due to MSRS for those employees not enrolled. Following discussion, Ms. Cullins requested and received concurrence from the Board to appeal the required enrollment of Commissioners, based upon her findings that St. Mary's County and other counties within the system do not enroll members of their appointed Boards and Commissions, as well as not having been advised in 2014 that enrollment of Commissioners was required. Ms. Cullins advised that the management response is due by May 3.

## **CONTINUING BUSINESS**

### 1. Chapter 113 Revisions

Mr. Beaver advised the Board that as Mr. Erichsen mentioned earlier in the meeting, there is going to be a focus group established to address the amendments to Chapter 113, using the efforts put forth by the Board in 2014 as a starting point. Mr. Beaver noted that the creation of a matrix allows each change to be identified under individual sections and provides an explanation for the change, as well as an area for comments, as the process progresses.

Mr. Beaver cited the significance in the coordination of this effort with County representatives and the Delegation in order to create the best possible amendments to Chapter 113. Mr. Beaver provided details related to the legislative timeline and submittal deadlines and Mr. Erichsen noted plans to obtain support letters from various agencies to aid in efforts to gain passage of the amendments during the Legislative session. Discussion ensued amongst the group on required connections, financing options for connections, and mapping of areas served and not served by water and sewer in the County. Mr. Erichsen advised that more information would be presented to the Board on this matter following the May 23, 2017 Joint Meeting with the CSMC.

### 2. Legislative Updates

Mr. Beaver provided a brief and final update on the Legislative Bills, which MetCom has been following, noting that the Legislative Session ended on April 10. Mr. Beaver performed a review of all of the Bills that passed and have since been approved by the Governor, as well as those that did not pass.

In the course of Mr. Beaver's presentation, he advised that the legislation related to employment contracts for senior MetCom staff passed; however, the Director and Assistant Director positions were not included. The request made to the Delegation to amend the language was not granted, but Mr. Beaver advised that both positions will be included in the Chapter 113 amendments in the next cycle. Mr. Beaver referenced the letter contained in the meeting binders, authored by Delegate Rey, which provides an overview of the status of the bills that the Delegation proffered during this Legislative Session.

## **APPROVAL OF EXECUTIVE SESSION MINUTES**

**Commissioner Mummaugh moved to approve the Executive Session minutes of March 9, 2019. Commissioner Willing seconded the motion. Motion carried 4-0-1. Commissioner Gaskin abstained, as she was not present at the March 9, 2017 meeting.**

## **FUTURE AGENDA ITEMS**

Mr. Erichsen noted that this is the opportunity for Commissioners to identify any future items that they wish to have presented by staff. No items requested or suggested by Commissioners at this time.

## **EXECUTIVE SESSION**

**Commissioner Russell moved to go into Executive Session at 4:24 p.m. to discuss Personnel Matters and Potential Litigation. Commissioner Gaskin seconded the motion. Motion carried 5-0.**

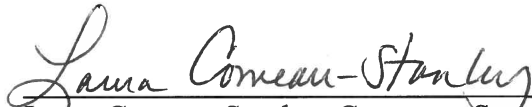
Meeting reconvened at 4:59 p.m.

## **COMMISSION MEMBERS' TIME**

No items to discuss at this time.

## **ADJOURNMENT**

There being no further business, **Commissioner Russell moved to adjourn at 4:59 p.m. Commissioner Mummaugh seconded the motion. Motion carried 5-0**

  
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Laura Comeau-Stanley, Corporate Secretary