MINUTES
REGULAR SESSION
ST. MARY’S COUNTY METROPOLITAN COMMISSION
JUNE 11, 2009

The meeting commenced at 1:00 p.m. In attendance were Commissioners Werner, Lancaster, Taylor, Hanson, St. Clair, Barthelme and Oliver (representing Captain Andrew Macyko); staff members Meiser, Frederick, Shick, Cullins and Sullivan. Also in attendance were Messrs. McCulley, O’Brien (Talon LLC), and Gates, Downs, Cusic (Septage Haulers).

MOTION TO APPROVE AGENDA

Commissioner St. Clair moved to approve the modified Agenda as presented by staff. Commissioner Taylor seconded the motion and approval was unanimous.

APPROVAL OF MINUTES

Commissioner Taylor moved to approve Minutes of Regular Meeting dated May 11, 2009, with the correction that Commissioner St. Clair seconded his motion to adjourn into Executive Session. Commissioner Lancaster seconded the motion and approval was unanimous.

COMMISSIONER TAYLOR PRESENTATION

Prior to being presented with an outstanding commendation for his contribution to the Board during the period 2003-2009, Commissioner Taylor was pleased to recognize the presence of Mr. Francis Taylor, Sr., a founding member of MetCom. He also expressed his sincere gratitude to staff for their support during his tenure.

PUBLIC TESTIMONY

A. Broad Creek Extension Request

At the Board’s invitation, Mr. O’Brien detailed Talon LLC’s request for an extension of payment, due in July, for the Supply Storage and Capacity Fee for 107 of the 178 lots included in Broad Creek’s Public Works Agreement. A copy of the letter dated May 11, 2009 detailing the request is attached to the Minutes. Ms. Meiser noted that a similar request was made during the same period last year, and that Board approval would be contingent upon Talon LLC entering into a Public Works Agreement that would reflect the amendment.

Commissioner Lancaster subsequently moved that the Commission approve the request of Talon, LLC to further extend the payment due date for the payment of a portion of the Marlay-Taylor Treatment Capacity Charges, the Water Supply Fees and the Water Storage Fees, for the Broad Creek Subdivision, from the previously approved due date of August 26, 2009, until August 26, 2010, contingent upon:

1. the payment by Talon, LLC of the sum of $50,263.40, on or before August 26, 2009, which sum represents the charges, fees and accrued interest corresponding to 31 lots; and
2. the execution by Talon, LLC, of an amendment to the Public Works Agreement for the Broad Creek Subdivision, dated July 26, 2007, to memorialize the above-described modification.

Commissioner Taylor seconded the motion and approval was unanimous.
B. Septage Haulers’ Presentation

Mr. Cusic expressed the concern of his peers with the 100% increase in grease trap fees, and suggested applying charges in increments, gradually working up to the required level until the economy improves. Commissioner Taylor explained the Commission’s attempt to cover its actual costs without spreading it over the entire rate base but agreed that, for the purpose of today’s discussion, the Board should consider Mr. Cusic’s suggestions.

He then referred to staff’s proposed scenarios and their effect on the current budget, a copy of which is attached to the Minutes. Following further discussion, he finally suggested implementing one-third of the proposed increase in Option 2, resulting in a rate of $157.90 vs. $234.00; to be phased in over a period of 3 years. Ms. Meiser noted that this amount would be exclusive of any annual increases with respect to process fees and materials. The Board agreed with the suggested proposal by Commissioner Taylor.

In conclusion, Commissioner St. Clair expressed his hope that the Commission would seriously consider implementing regular meetings of an advisory board with specific haulers, in order to update members on issues in the field. Ms. Meiser assured him that staff is currently working on arranging such meetings.

EXECUTIVE SESSION

Commissioner Taylor moved to adjourn into Executive Session to discuss personnel issues and pending litigation. Commissioner Barthelme seconded the motion and approval was unanimous.

Following readjournment into Regular Session, Commissioner St. Clair recognized Mr. Henry Camaioni’s presence in the audience, and noted the possibility of an opportunity for him to address the Board at the July meeting.

Commissioner Taylor moved to approve Minutes of Executive Session dated May 11, 2009. Commissioner Barthelme seconded the motion and approval was unanimous.

DIRECTOR’S REPORT

A. Elections of Officers

Commissioner Hanson moved to nominate Commissioner Werner as Chairperson of the Board. Commissioner St. Clair seconded the motion. There were no further nominations. Commissioner Taylor moved to close the nomination for Chairperson, seconded by Commissioner Lancaster, and approval was unanimous. Approval to nominate Commissioner Werner for Chairperson was unanimous.

Commissioner Taylor moved to nominate Commissioner Lancaster as Vice Chairperson of the Board. Commissioner Hanson seconded the motion. There were no further nominations. Commissioner Barthelme moved to close the nomination for Vice Chairperson, seconded by Commissioner Hanson, and approval was unanimous. Approval to nominate Commissioner Lancaster for Vice Chairman was unanimous.

Ms. Meiser congratulated Commissioners Werner and Lancaster on their nominations, and expressed staff’s gratitude for Commissioner Taylor’s valuable contribution to the Board.

B. Sanitary Districts 5th & 8th Facilities Plan Approval

Ms. Meiser reported the absence of opposing comments to the Plan from both the County and public, and requested the Board’s formal approval and adoption of the Facilities Plan for the 5th and 8th Sanitary Districts.
Commissioner Taylor moved to approve and adopt the Facilities Plan dated February, 2009 for the 5th and 8th Sanitary Districts; Public Hearing on said Facilities Plan having been duly held on April 21st, 2009. Commissioner Hanson Clair seconded the motion and approval was unanimous.

C. Status Updates

Ms. Meiser reported on the following status updates:

- BOCC/MetCom Joint Meeting - The next joint meeting will be held at 2:00 p.m. on July 28th, in Room 316, Building C, at the College of Southern Maryland. She requested that Board members inform her of any items they wish to include on the Agenda prior to this date.
- Rate Hearing Results – She briefly reviewed testimonies received at the Rate Hearing held on June 1st, 2009.
- Annual Report Update – This document has been completed, and has been distributed to the County. A copy is attached to the Minutes. Additional copies will be made available in the lobby for customers who wish to have one.
- Comprehensive Plan Hearing – Staff will present a Public Hearing on the Comprehensive Plan modification on June 22nd at the Bay District Fire Department at 6:30 p.m.

CHIEF FINANCIAL OFFICER’S REPORT

A. Standard Report

Commissioner St. Clair moved to waive oral presentation of the Chief Financial Officer and to accept the routine monthly financial report as submitted and reviewed by this Commission. Commissioner Taylor seconded the motion and approval was unanimous.

B. FY10 Budget Approval

Ms. Shick reported a recent change to the Budget relating to an increase in Leonardtown’s planned expenses by $15,000; which monies will be withdrawn from Contingency funds.

Commissioner St. Clair moved to approve the FY2010 Operating Budget as recommended by the Commission Fiscal Officer. He further moved that the Septage Hauler Rates, as presented in Option 2, be hereby adopted to implement the FY2010 Operating Budget. Commissioner Hanson seconded the motion and approval was unanimous.

Commissioner Hanson moved that the Commission increase the reimbursement rate for business use of privately owned vehicles from 50.5 cents per mile to 55 cents per mile, effective for miles driven after 6/30/09, which rate is consistent with the currently prescribed federal reimbursement rate. Commissioner Taylor seconded the motion and approval was unanimous.

C. FY09 Capital Budget Amendment

Ms. Shick reviewed highlighted portions of the Capital Improvement Budget Amendment, FY2010-2014 Sewer, noting that sufficient funds are available to cover the increased amount. Mr. Frederick further justified staff’s request in response to a question from Commissioner Taylor. A copy of the document is attached to the Minutes.

Commissioner Barthelme moved to reallocate from the contingencies line item in the FY09 Capital Improvement Budget, $365,262.00, to offset the following increased project costs:

1) $110,570 for the Lexington Park Wastewater Pumping Station Project; and
This Budget Amendment does not change the total amount budgeted for Capital Improvement Projects in FY09.

Commissioner Taylor seconded the motion and approval was unanimous.

D. Accounts Receivable Adjustment

Commissioner Taylor moved that the Commission authorize the Chief Financial Officer to make the Accounts Receivable Adjustments as discussed in Executive Session. Commissioner Hanson seconded the motion and approval was unanimous.

ENGINEER’S REPORT

A. Standard Report

Commissioner St. Clair moved to waive oral presentation by the Chief Engineer and to accept the routine monthly engineering reports as submitted and reviewed by this Commission. Commissioner Barthelme seconded the motion and approval was unanimous.

B. Contract Approvals:

- Patuxent Park Revitalization Project, Phase 1: Mr. Frederick requested approval to amend the contract award approved by this Commission on April 09, 2009, awarding a contract to Gradient Construction for the Patuxent Park Revitalization Project, Phase I; to remove the contingency requiring the Board of Public Works approval of certain loan proceeds to fund a portion of this project.

  Commissioner St. Clair so moved. Commissioner Barthelme seconded the motion and approval was unanimous.

- Buck Hewitt Road Sewer Expansion: Mr. Frederick referred to bid results for the project, a copy of which is attached to the Minutes, and requested approval to accept the construction bid from AB & H Excavating dated May 13, 2009 for the base amount of $551,544.50, plus certain contingency amounts, for the construction of the Buck Hewitt Road Sewer Project #8081SM.

  Commissioner Taylor so moved. Commissioner Hanson seconded the motion and approval was unanimous.

- Great Mills Road Streetscape Project: Mr. Frederick clarified staff’s request, and requested approval to accept the construction bid from Rustler Construction, Inc., dated April 23, 2009, for the Great Mills Road Streetscape Project, SHA Contract SM8045184, and MetCom Project #8-48-SW, in the amount of $1,543,037.00, plus certain contingency items.

  Commissioner Taylor so moved. Commissioner Barthelme seconded the motion and approval was unanimous.

- Open-End Contract–Aggregate and Pavement Materials: Mr. Frederick referred to the Purchasing Agent’s Memorandum dated June 11, 2009 identifying bidders/prices/materials, and requested approval to accept bid results received on May 29, 2009, in response to the Request for Proposals for the Open End Contract for Aggregate and Pavement Materials, Contract 09-09-C, and to authorize materials purchases from the low bidder for each material, as needed.
Commissioner Taylor so moved. Commissioner St. Clair seconded the motion and approval was unanimous.

C. ENR Upgrade Status

Mr. Frederick reported that a “kick-off” meeting with the Dewberry team will be held at the Marlay-Taylor WRF on Wednesday, June 18th, 2009.

D. Stimulus Package/Co-Generation Update

Mr. Frederick reported that submittal of the final document is still proposed for July 31st, and that in-house preparations are also on track.

E. Standard Specification Informational Meeting

An Informational Meeting on the Standard Specifications document will be held at 3:30 p.m. at the Petty Building on June 18th, 2009.

CHIEF FACILITIES & OPERATIONS MANAGER’S REPORT

A. Cross Connection Policy Hearing

Mr. Sullivan reported on the recent Cross Connection Policy Public Hearing. In the absence of public attendees, a slide show presentation was given and videotaped. Public comments will be received until the close of business on Wednesday, June 17th, 2009.

CONTINUING BUSINESS

A. Meeting Format

Ms. Meiser reviewed, for the Board’s consideration, staff’s suggestions for the proposed new meeting format. A copy is attached to the Minutes. Following further discussion, it was agreed that a formal consensus will be requested in July, for possible implementation at the August, 2009 meeting.

ADJOURNMENT

There being no further business, Commissioner St. Clair moved to adjourn at 3:30 p.m. Commissioner Lancaster seconded the motion and approval was unanimous.

Lilian J. Bryan, Secretary