The meeting commenced at 3:01 p.m. In attendance were Commissioners St. Clair, Werner, Colonna, Hanson, Owen and Thomasseau (on behalf of Captain H.E. Mills, Commanding Officer NAS Patuxent River); MetCom staff Meiser, Ichniowski, Cullins, Shick, Elberti, Fehn, Edwards, and Comeau-Stanley. Others present included Jason Babcock and various MetCom staff for 15-year service award presentation.

MOTION TO APPROVE AGENDA

Commissioner Owen moved to approve the Agenda as presented by staff. Commissioner Colonna seconded the motion and approval was unanimous.

LENGTH OF SERVICE AWARD

Commissioner St. Clair presented a 15-year service award to Harry Pool, noting that prior to his appointment on this Board, he would see Harry in his MetCom service truck and has known him for a number of years; furthermore he grateful for his hard work and dedication to this organization. Mr. St. Clair then presented him with a certificate and service pin.

MOTION TO APPROVE CONSENT AGENDA

Commissioner Owen moved to accept the Consent Agenda as presented, and to hereby approve all matters contained upon the Consent Agenda. Commissioner Werner seconded the motioned and approval was unanimous.

APPROVAL OF MINUTES

Commissioner Werner moved to approve Minutes of the Regular Session Meeting, dated November 8, 2011. Commissioner Colonna seconded the motion and approval was unanimous.

DIRECTOR’S REPORT

A. Temporary Turn-Off Policy

Ms. Meiser explained that over the years, customers have asked, for various reasons, to have their water turned off. Typically this request is made because the customers travel south for the winter and prefer to have the service shut off or customers who are landlords request that service be turned off in between tenants when it is anticipated that the property will be vacant for some time. Ms. Meiser noted that although we don’t have a current policy in place, we have honored the requests of the customers. Ms. Meiser noted the turn on/turn off fees associated with service,
which covers the cost of staff to perform the service, but noted that during the period of time, these customers have not paid their service charge for water, as they have asked for them to be waived.

A brief explanation of the current rate structure was then provided to the Board by Ms. Meiser, noting that a water service charge and a flat fee is charged, which gets them the conveyance of a specific quantity of water for the quarter. Customers who exceed the allocated supply are charged overage fees. Ms. Meiser indicated that with the new water project, we will have the ability to read every customers meter once a month and customers would pay for just the water consumed and not a flat fee as they do now.

Ms. Meiser stated that because our customer base is growing and the number of people who are requesting this sort of accommodation is also significantly growing, and because we are beginning to have customers ask for the same thing to happen if they have public sewer service, which creates an additional layer of complication, as you cannot turn sewer service off in the way in which you can turn off water service. For all of these reasons, it seems like a good idea to put a policy in place and staff has prepared a temporary turn off policy for the Board’s consideration. Ms. Meiser provided a thorough explanation of the proposed policy and the rationale of same. A brief discussion ensued and various questions from Board were answered by staff. Board members requested that the temporary turn off request form to be created by staff include a statement that MetCom is not responsible for any damages that may occur as the result of water being turned off to the residence. Ms. Meiser acknowledged the request and indicated that staff will include that language on the form. In closing, Ms. Meiser noted that there will be customers who have been availing themselves of this practice over the years who have not had to pay services charges, but who will now have to pay the service charges and will likely be unhappy with this change. Ms. Meiser made a brief mention of providing some latitude in the event that a property becomes uninhabitable due to a fire, hurricane or significant documented damage and therefore we may need to make some alternative accommodations in those circumstances on a case by case basis.

Commissioner Colonna moved to adopt the Temporary Turn-Off Policy as proposed, to be effective January 1, 2012. Commissioner Owen seconded the motion and approval was unanimous.

B. 2012 Legislative Proposals Public Meeting Update

Ms. Meiser advised that the first public meeting on the Legislative Packages for the 2012 Legislative Session of the General Assembly, which was a joint meeting between the Southern Maryland Delegation and the Board of County Commissioners, was conducted this past Tuesday. Packages were considered that will be moving forward with the Legislative process once the session begins. MetCom submitted the same package that has been submitted three times previously, although not last year due to the extenuating circumstances relating to the Task Force. Ms. Meiser indicated that after the 2007 rate restructure, which resulted in a significant rewrite of our section of the code and due to inconsistencies, typographical errors, outdated
items, corrections and items overlooked, we sought to clean up the code and therefore submitted the package. Ms. Meiser advised that there were very few questions and nothing to indicate that the proposal would not be supported. Ms. Meiser noted that hopefully, the result will be the correction of a couple areas long in need of being revised and corrected.

In closing her report, Ms. Meiser announced that next Thursday, December 15, is the MetCom Staff Christmas Party and all Board members are invited to attend. The luncheon will begin at noon.

ASSISTANT DIRECTOR’S REPORT

A. FEMA Reimbursement Update

Mr. Ichniowski provided Board members with an explanation of the FEMA reimbursement process and submittal made by MetCom. The total reimbursement went from an original damage estimate of $64,800.00 to $112,127.00 with the actual 75% FEMA reimbursement being $84,697.00. Mr. Ichniowski noted that what remains to be submitted for reimbursement is approximately $7,000.00 for expenses related to tree removal and fence repairs. Mr. Ichniowski thanked Mike Sullivan and his staff for pulling together the estimate data for Operations and Maintenance and also thanked Becky Shick and her staff for their work on the reports.

On the matter of the water storage tank serving the Charlotte Hall McKay’s Plaza, which sustained damage during the earthquake in August, Mr. Ichniowski advised that LGIT issued the Sworn Statement Proof of Loss document for our execution, which was determined to be $28,000.00. Upon receipt of that document, final payment less the property deductible will be issued.

FISCAL OFFICER’S REPORT

A. Audit Required Communications

In conjunction with the recent audit performed by Murphy and Murphy, CPA, LLC, Ms. Shick advised that the Required Communications have been issued and are included in Commission Member binders for review by the Board members. Ms. Shick noted that these communications provide information about the responsibilities of Murphy and Murphy under generally accepted auditing standards and certain information related to the planned scope and timing of their audit, as well as specific information related to their audit findings, which is intended solely for the use of the Management of the St. Mary’s County Metropolitan Commission.

B. FY2012-17 Capital Improvement Budget Amendment

Ms. Shick provided the Board with details surrounding the proposed Capital Improvement Budget Amendment, citing that it serves three purposes: (1) to move $541,000.00 for the Shangri-La Drive and South Essex Drive Sewer Rehabilitation Project number 8111SR from
FY15 to FY12, (2) to increase the South FDR to Shangri-La Drive Interceptor Replacement project number 8125SR by $45,739.00 and (3) increase engineering budget for Lynn Drive Wastewater Pumping Station and add the Lynn Drive Force Main Upgrade and Replacement Project. Ms. Shick advised that the projects are interdependent and it would be better to design them together, which will make the system operate more efficiently. Additionally, there will be a cost savings seen if the two projects are engineered simultaneously.

Commissioner St. Clair sought input from Engineering on this. Mr. Elberti, Chief Engineer, indicated that he would be explaining much of the design services to be performed under his report. Ms. Meiser suggested that perhaps the Board wait to take action on the CIB Amendment until after Mr. Elberti’s report has been presented. Commissioner St. Clair indicated his desire for same and all other Board members in agreement.

C. Health Insurance Refund

Ms. Shick advised the Board that a Health Insurance refund was received for the 2011 plan year totaling $98,000.00. Ms. Shick further explained that the Board needs to decide what to do with the funds, more specifically if they wish to give the employees two health insurance holidays or issue no refund to employees on the basis that MetCom bears the risk if it is an assessment instead of a refund. Discussion ensued amongst the Board on this as well as options for use of MetCom’s share of the refund.

Commissioner Werner moved to authorize the allocation of the FY2011 health insurance refund, in the amount of $98,230.11 by providing 2 health insurance payroll holidays to all involved employees, thereby allocating approximately 14% of the refund, and allocating the remaining balance of the refund to the OPEB trust fund. Commissioner Owen seconded the motion and approval was unanimous.

CHIEF ENGINEER’S REPORT

A. Design Services Contract Extension

Mr. Elberti advised the Board that the current Design Services Contracts expired on November 30, 2011 and the new contracts will not be in place until the middle to end of January. Therefore, we need something in place to extend the contracts through January 15, 2012 to allow the four items being presented today to begin. Both contractors have agreed to extend their contracts with all terms and conditions unchanged through January 15, 2012.

Commissioner Owen moved to extend the Engineering Services Contract with Whitman, Requardt & Associates (WRA), and with Dewberry & Davis (Dewberry), LLC, both other Contract No. 08-04-E, from November 30, 2011 until January 15, 2012, in accordance with the contract extension letters from WRA and Dewberry, dated December 5, 2011. Further move that the effective date of each of the above-referenced contract extensions shall be
November 30, 2011. Commissioner Werner seconded the motion and approval was unanimous.

B. Dewberry Engineering Design Services Contract Awards

   a. Shangri-La Drive & South Essex Drive Sewer Rehabilitation
   b. FDR Boulevard Water Main, Phase 2
   c. South FDR Boulevard to Shangri-La Drive Sewer Replacement Change Order

Mr. Elberti provided an explanation of the work associated with the Shangri-La Drive and Essex South Sewer Rehabilitation, which includes investigation of 3,700 feet of 8” clay pipe using Closed Circuit Television (CCTV) cameras. Mr. Elberti noted that the pipe was installed in the mid 1940’s. Drawings and exhibits were displayed for the Board members viewing and Mr. Elberti referenced the location of the lines along with details of the rehabilitation. Mr. Elberti announced that this work was scheduled for FY-2015, but with the availability of low-cost financing from MDE, we are proposing to move it up to FY-2012.

Mr. Elberti indicated that the work associated with the FDR Boulevard Water Main, Phase 2 includes 350 feet of 8” water main, which will be located along the proposed FDR Boulevard roadway extension. Mr. Elberti displayed drawings and exhibits, which further detail the location of the proposed water main.

The work associated with the South FDR Boulevard to Shangri-La Drive Sewer Replacement, extending across Great Mills Road, was detailed by Mr. Elberti. Using exhibits and drawings, Mr. Elberti further identified the location of the work proposed under the design services contract change order.

After having heard and reviewed the details related to the work described, Commissioner St. Clair sought to return to Ms. Shick’s FY-2012-17 CIB Amendment so that it can be considered for action.

CHIEF FINANCIAL OFFICER’S REPORT (Continued)

B. FY 2012-17 Capital Improvement Budget Amendment (Continued)

Commissioner Hanson moved to amend the FY12-FY-17 Capital Improvement Plan as recommended by the Commission’s Chief Financial Officer to:

   (1) Move the Shangri-La Drive and South Essex Drive Sewer Rehabilitation Project from FY15 to FY12;

   (2) Reduce the estimated project cost for the Lynn Drive WWPS Project in FY13 by $74,481.00; and
Add a project to be identified as the Lynn Drive Force Main Upgrade and Replacement Project, with a FY12 cost of $100,780.00 and a FY13 estimated cost of $520,000.00.

Further move to amend FY12 Capital Improvement Budget as recommended by the Commission’s Chief Financial Officer to:

1. Increase the Budget by $541,000.00 to fund the Shangri-La Drive and South Essex Drive Sewer Rehabilitation Project;
2. Increase the project cost for the South FDR to Shangri-La Drive Interceptor Replacement Project budget by $45,738.00;
3. Increase the project cost for the Lynn Drive WWPS Project by $126,000.00;
4. Increase the Budget by $100,780.00, to fund the Lynn Drive Force Main Upgrade and Replacement Project.

All FY12 Capital Improvement Budget increases are to be funded from Contingencies. Commissioner Werner seconded the motion and approval was unanimous.

CHIEF ENGINEER’S REPORT (Continued)

B. Dewberry Engineering Design Services Contract Awards (Continued)

Commissioner Werner moved to accept and award the proposals, dated November 30, 2011, to prepare contract documents and obtain permits, as submitted by Dewberry & Davis, LLC under the Engineering Services Contract, for the following projects, all as recommended by the Chief Engineer:

1. $58,819.55, for Shangri-La Drive and South Essex Drive Gravity Sewer Rehabilitation, Project #8111SR;
2. $6,700.00, for FDR Boulevard Water Main, Phase 2 Project, #8121WM; and
3. $13,100.00, for South FDR Boulevard to Shangri-La Drive Sewer replacement Change Order, Project #8125SR.

Commissioner Colonna seconded the motion and approval was unanimous.
C. WRA Engineering Design Services Contract Award

    a. Lynn Drive Waste Water Pumping Station

Mr. Elberti detailed the work associated with this proposed contract, which includes the design of a new pump station on the existing failing Lynn Drive pumping station and design of approximately 3,100 feet of varying diameter force main. Drawings and exhibits were displayed for Board members viewing.

Commissioner Owen moved to accept and approve the proposal dated November 30, 2011, in the amount of $335,779.73 from Whitman, Requardt & Associates, for Professional Engineering Services required to complete contract documents for the Lynn Drive Waste Water Pump Station Replacement and Sanitary Sewer Force Main Construction, Project #8122SS, as recommended by the Chief Engineer. Commissioner Hanson seconded the motion and approval was unanimous.

FACILITIES MANAGER’S REPORT

A. Water Restrictions Update

In Mr. Sullivan’s absence, Mr. Ichniowski advised that as of November 17, 2011, the Level 1 Water Restrictions were lifted at the Forrest Farm Community, after excessive use over the summer and into the early fall months. Although there has been communication and correspondence between our Operations division and the Home Owners Association on this matter, MetCom representatives plan to meet with the Home Owner’s Association in the spring to collectively address the issue as a means to avoid additional restrictions and fines in the future.

B. Three Notch Interceptor Repair

Mr. Ichniowski provided the Board members with an explanation of the pipe failure that occurred on November 18 at a portion of the 30” pipe that carries the sewage from Lexington Park to Marlay Taylor failed. Mr. Ichniowski explained that it is a piece of pipe in an area we call the Navy siphon. Mr. Ichniowski provided specific details of the pipe failure and how it was discovered and performed a review of the photographic exhibits with Board members. Mr. Ichniowski indicated that this pipe, located aboard PAX River, carries approximately two-thirds of the flow to Marlay-Taylor.

Discussion ensued amongst the Board and staff on the ongoing efforts over the past several years to upgrade and replace this pipe. Additional discussion surrounded the wetlands permits required from MDE, which revealed the endangered tobacco weed plant and prevented MetCom from moving forward with the upgrade to the pipe. Board members and staff shared their frustration as they believe that had the delays not occurred with the issuance of the permits, MetCom would have been able to upgrade and replace the pipe and it is likely that the incident could have been avoided and thousands of dollars could have been saved.
An explanation of the proposed repair was provided to the Board and the costs for the temporary repair are estimated to be $40,000.00. Further discussion ensued on the need for this to be classified as an emergency repair in order for the fix to occur now. Board members were in collective agreement that we move quickly on this repair given the gravity of the situation.

C. Mechanical Repairs Contract Award

Mr. Ichniowski advised that that seven (7) bid packages were distributed and two (2) responsive bids were received for the Mechanical Repairs Contract Award. Mr. Sullivan explained that covered under this contract are the mechanical repairs of pumps, valves and equipment larger than what our staff can handle in house. Mr. Ichniowski noted that the current contractor for this service, DSI, Inc., submitted the lowest price for all labor categories.

Commissioner Colonna moved that the Commission accept and award the Open-End Contract for Mechanical Repairs, Contract #12-15-F, to DSI, Inc. of Baltimore, Maryland, for the contract prices as submitted in the proposal dated November 28, 2011. Commissioner Werner seconded the motion and approval was unanimous.

EXECUTIVE SESSION

Commissioner Colonna moved to adjourn into Executive Session at 4:32 p.m. to discuss Personnel Matters. Commissioner Werner seconded the motion and approval was unanimous.

The meeting re-adjourned into Regular Session at 4:53 p.m.

APPROVAL OF EXECUTIVE SESSION MINUTES

Commissioner Colonna moved to approve the Minutes of Executive Session, dated November 8, 2011. Commissioner Werner seconded the motion and all in favor except Commissioner Hanson, who abstained from voting.

COMMISSION MEMBERS’ TIME

Mr. Thomasseau advised the Board that the Navy has requested that members of the staff come and speak to the Board, to provide an informational brief regarding the Environmental, Planning and Requirements Points of Contact. Mr. Thomasseau indicated that in light of the Three Notch Interceptor break aboard the base, this is important information for both the Board and staff to have as we do so much work together. Staff will place this on the agenda in January.

Commissioner St. Clair took a moment to thank Ms. Werner for her time on the Board and more specifically, her dedication and commitment and professionalism as Chair to this Board. Mr. St. Clair also indicated that Ms. Werner has agreed to stay on until a replacement has been appointed.
In closing, Mr. St. Clair offered to share the plate-full of brownies made by Ms. Cullins with all in attendance.

**ADJOURNMENT**

There being no further business, **Commissioner Owen moved to adjourn at 5:00 p.m.** Commissioner Werner seconded the motion and approval was unanimous.

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Laura Comeau-Stanley, Corporate Secretary

**SPECIAL NOTE: These minutes will remain as DRAFT Minutes of Record, as we are no longer able to achieve a quorum of members present at the meeting following the appointment of three (3) new Commissioners by the Board of County Commissioners in late December 2011.**