

**MINUTES**  
**ST. MARY'S COUNTY METROPOLITAN COMMISSION**  
**REGULAR MEETING**  
**MAY 23, 2017**

The regular meeting commenced following the Joint Meeting with the Commissioners of St. Mary's County at 10:50 a.m. In attendance were Chairman Barthelme, Vice Chairman Russell, Commissioners Carey, Mummaugh, Thompson, and Willing. MetCom Staff in attendance were Erichsen, Cullins, Shick, Hollander, Sullivan, Fehn, Harding, and Comeau-Stanley. Also present was R. Christopher Beaver (*MetCom Legal Counsel*).

**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 Russell seconded the motion. Motion carried 6-0.**

**APPROVAL OF MEETING MINUTES**

**Commissioner Russell moved to approve the meeting minutes of April 6, 2017. Commissioner Willing seconded the motion. Motion carried 6-0.**

**APPROVAL OF CONSENT AGENDA**

1. Fiscal Standard Report – April 2017
2. Engineering Standard Report – April 2017
3. Operations & Maintenance Standard Report – April 2017
4. Duplex Grinder Pump Purchase & Installation
5. Renewal of Service & Commodity Contracts
6. Check Registers 5/11 & 5/18

Commissioner Mummaugh requested that the number of estimated EDU's be included in the Engineering Monthly Report and inquired about the duplex grinder pump to serve the Red Roof Inn. Ms. Hollander provided background information on the hotel, which along with the neighboring restaurant, was previously under the ownership of a single property owner and served by one grinder pump. Ms. Hollander advised that following the sale of both properties, it was necessary for each property to have a separate and independent connection to the sewer system in order to meet current MetCom standards.

**Commissioner Russell moved to accept the Consent Agenda, as presented, and to hereby approve all matters contained upon the Consent Agenda. Commissioner Willing seconded the motion. Motion carried 6-0.**

**EXECUTIVE DIRECTOR'S REPORT**

1. CSMC / MetCom Joint Meeting Overview

Mr. Erichsen noted that the Joint Meeting between the Commissioners of St. Mary's County (CSMC) and the MetCom Board went very well.

2. FY 2018 Board Elections

Mr. Erichsen advised that per the By-Laws, elections are conducted in June to select a Chairman and Vice-Chairman for the upcoming Fiscal Year and referenced Section 3.3 of the By-Laws and

the current Board Member Term listing, contained in the meeting binders. Mr. Erichsen noted that the Board could elect to maintain the current Chairman and Vice-Chairman, as the current make-up of the Board may change in December 2017, when terms expire for three (3) of the sitting Board members. Mr. Erichsen indicated that the Board may wish to conduct a special election in January 2018, based on changes that could occur to the Board configuration. Brief discussion ensued amongst the group and following discussion, Chairman Barthelme indicated that the elections would be held at the June 8, 2017 Commission meeting.

Mr. Carey inquired about the roles and responsibilities of the Chairman and Vice-Chairman and brief discussion ensued between Mr. Beaver, Mr. Erichsen and Board Members. Mr. Beaver advised that he would provide a listing of responsibilities associated with both positions at the next meeting.

## **NEW BUSINESS**

### **1. Financial Software Evaluation RFP**

Ms. Shick provided an update to the Board on the Financial System Software Evaluation, noting that the current Sungard HTE software in use for all accounting and utility billing is cumbersome, does not perform the necessary tracking for project management, is expensive to maintain and the on-line payment module is not user-friendly. Mr. Erichsen advised that IBM has indicated that in 2018 the service life of this platform will end and is prompting MetCom and the County to migrate away from the IBM platform.

Ms. Shick advised that the request for proposal (RFP) in January generated three (3) proposals, one of which was over one-million dollars and was excluded from further consideration based on price. Discussion ensued amongst the Board, Mr. Erichsen and Ms. Shick on the analysis of the water and sewer utility based software and the customization to MetCom's needs. Mr. Fehn, IT Director provided input to the Board on the software, hardware and desired hosting options associated with each proposal.

Ms. Shick further advised that the two remaining vendors, Edmunds & Associates and Tyler Technologies have provided multiple software demonstrations and she noted that another demonstration is set for June 1, to ensure that each of the software packages can perform all of the necessary functions required by MetCom. Ms. Shick announced that a demonstration by the staff recommended vendor would occur at our next meeting. Mr. Erichsen indicated that various departmental staff members have been involved in the demonstrations and evaluations, as it is important that input is received from each department before a final selection is made.

### **2. FDR Blvd. Water main Phase 1 Amber Drive**

Ms. Hollander presented a purchase order for reimbursement to the Board, which represents MetCom's share of the construction of FDR Boulevard, Amber Drive, Phase 1, (*Amber Drive from Kinnegad Drive to MD 237 in the Hickory Hills Subdivision*) in conjunction with the Department of Public Works and Transportation (DPW&T) FDR Boulevard Extended Roadway Project. Ms. Hollander advised that this was a joint solicitation between DPW&T and MetCom, noting that DPW&T forward funded the design and construction of this phase and has requested reimbursement for associated construction costs for the water system relocation work, similar to the design services reimbursement provided in September 2016. Ms. Hollander referenced the exhibits contained in the

meeting binders, which depict the location and actions taken to date by the Board for this Capital Improvement Project, specifically regarding reimbursements to DPW&T.

Commissioner Carey noted his interest in fiber optics in the County and inquired about the communications between our control systems. Mr. Carey indicated that he is interested to know what it would take to run a fiber optic trunk between all of our control stations, using a conduit with ground-level access every kilometer. Mr. Carey noted that given some of the radio frequency interference problems we have experienced in the past year, it could be beneficial and we could potentially allow others to connect to our fiber optic network. Mr. Carey noted that he would work with Ms. Hollander offline to obtain information. Additional discussion ensued between the Board, Mr. Erichsen and Ms. Hollander on the topic and Mr. Erichsen advised that he and staff would be reaching out to St. Mary's County IT Director, Bob Kelly, to learn of their concept plans for fiber optic infrastructure within the County.

**Commissioner Russell moved to approve a purchase order to reimburse St. Mary's County Government for the water main relocation construction costs, in the amount of \$196,780, for MetCom's agreed-upon portion of the Project #8171WM, as recommended by the Acting Chief Engineer. Further, move to authorize and direct the Executive Director to execute all documents, as may be necessary to finalize this requisition. Commissioner Thompson seconded the motion. Motion carried 6-0.**

Mr. Erichsen advised that he is going to try to institute utility coordination meetings with utility companies to discuss this matter.

### 3. Right-of-Way Recovery Clearing and Maintenance

Mr. Sullivan provided the Board with the scope of work associated with the Right of Way Recovery Clearing and Maintenance contract, which includes clearing and maintenance of cross-country rights of way where water mains and sewer service lines are located. Mr. Sullivan advised that because this particular business has grown and become so competitive, MetCom could realize an annual savings of nearly \$41,000, compared to the existing contract, as there are more bidders who have provided lower bids. Mr. Sullivan advised that staff recommends the lowest price bidder and advised that they had excellent references and have recently completed a job at Patuxent River, NAS. Brief discussion ensued amongst the Board, Mr. Sullivan and Mr. Erichsen on bid specifications, bid submittals and the contract work scope.

**Commissioner Russell moved that the Commission accept and award the Contract for Right-of-Way Recovery Clearing and maintenance to RJO Services, LLC of Severna park, Maryland, for the contract prices of \$3.94 per linear foot for initial recovery clearing and \$0.83 per linear foot for maintenance clearing, as submitted in the proposal dated April 19, 2017. Commissioner Thompson seconded the motion. Motion carried 6-0.**

### 4. Fire Hydrant Audit & Inspections – Piggyback of Charles County Government Contract

Mr. Sullivan advised that staff is recommending to piggyback off the Charles County Government Contract for the Fire Hydrant Audit and Inspections services, noting that the contractor has worked for MetCom for the past several years and performed very well. Mr. Sullivan indicated that the contractor maintains excellent database records on the hydrants, which we can readily turn over to fire departments, engineers, developers and other entities. Mr. Sullivan noted that due to the

reduction in price, MetCom could realize a cost savings for this contract. Brief discussion ensued amongst the group on the services and the current contractor.

**Commissioner Russell moved that the Commission piggyback off of the Charles County Governmental contract for Fire Hydrant Audit and Inspections. Further, move that the Commission direct staff to use ESG Hydrant Services, LLC, of Exton, Pennsylvania, to perform these services under the Charles County Government Contract. 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 Willing seconded the motion. Motion carried 6-0.**

## **CONTINUING BUSINESS**

### **1. Piney Point Property Loss Claim**

Mr. Erichsen noted that this is follow up to the previous Board presentation regarding an incident that occurred, resulting in property damages at the Cobb property in Piney Point, which was recently acquired by the Commission. Ms. Cullins advised that a claim was filed, at the Board's request, for \$728.11, which included time, mileage, and materials to secure the property following the incident. Ms. Cullins noted that Local Government Insurance Trust (LGIT) has issued a request for reimbursement to the driver to cover the damages. Inquiry made by Commissioners Carey about the low damage estimate and Mr. Erichsen noted that in light of the planned demolition of this structure, the compensation covers only the out-of-pocket expenses incurred by MetCom.

### **2. Water Meter Installation Project**

Mr. Beaver distributed a memorandum to the Board members regarding the Commission's authority to access meters located within private residential or commercial structures. Mr. Beaver provided background information to the Board and cited relevant statutory authority, granted by Section 113 of the Code of Public Local Laws of St. Mary's County. *Commissioner Russell departed the meeting at 11:51 a.m.* Mr. Beaver also noted the penalties and civil infractions to owners, tenants, agents or other persons preventing MetCom staff or its agents from accessing equipment. Mr. Beaver also made mention of administrative enforcement remedies.

As a follow-up to the last meeting, Mr. Sullivan advised of the extenuating circumstances surrounding two of the three properties with interior meters. Mr. Sullivan also noted that the owner of the one remaining property has still not responded following repeated telephone calls and certified letters. Discussion ensued amongst the Board members, Mr. Sullivan and Mr. Erichsen on the matter, which included the costs associated with the installation of meters and meter pits for the three properties.

**Commissioner Willing moved that the Commission accept and award the Water Meter Installation Services, to occur at the 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 Board, Mr. Sullivan and Mr. Erichsen. Following discussion, Chairman Barthelme called for the vote. Motion failed 0-5.**

Mr. Erichsen indicated that staff would generate letters to the property owners, to include language regarding the statutory authority granted under the code and assessment of penalties.

### 3. Closed Session Policy & Forms

Mr. Beaver advised that a draft of the Closed Session Policy and Form was provided at the last meeting and following one minor typographical correction, it is presented today in final form for the Board's approval. Mr. Beaver performed a brief review of the policy and noted that it demonstrates that we are in compliance with the Open Meetings Act. Mr. Beaver noted that we follow the Open Meetings Act for the County, as it is more restrictive than the State Open Meetings Act and provides fewer options to go into closed session, which leads to greater public access and less secrecy. Brief discussion ensued amongst the group on the Act.

**Commissioner Carey moved to approve, add and implement the Closed Session Meeting Policy and Form of the St. Mary's County Metropolitan Commission, as proposed during the May 11, 2017 Regular Meeting of the Board; and for said Policy to take immediate effect. Commissioner Thompson seconded the motion. Motion Carried 5-0.**

### 4. Public Forum Update: Draft Letter to Mr. Winters

Mr. Beaver performed a review of the draft letter to Mr. Winters in response to his May 11, 2017 Public Forum Presentation to the Board regarding his lagoon treatment facility in Leonardtown. Mr. Erichsen advised that it was important that this be presented to the Board for their collective review and agreement. Brief discussion ensued amongst the Board, Mr. Erichsen and Mr. Beaver on the County's Comprehensive Plan classification of the property in question as a No Planned Service (NPS). Further discussion ensued on the Health Department's role in determining if a septic system is in a state of failure, as well as fines imposed by MDE for non-compliance and permit violations.

**Commissioner Willing moved to authorize the Chairman to sign and execute the letter to James A. Winters, Sr. regarding the privately owned lagoon treatment facility. Commissioner Carey seconded the motion. Motion carried 5-0.**

Mr. Barthelme indicated that he is not certain that the letter will help Mr. Winters, as his court hearing with MDE has already occurred and he was ordered to pump and haul. Furthermore, he was advised that if the matter is not corrected within eighteen-months (18) months, the system will have to be shut down, forcing the removal of tenants from the nine (9) homes served by the system.

### **COMMISSION MEMBERS' TIME**

Commissioner Carey asked for an update on the Employment Satisfaction Survey and Mr. Erichsen advised that the results of that survey have been received. However, staff plans to present that information to the Board in July; after the presentation of the Salary Study. Mr. Erichsen indicated that a presentation by the Salary Study consultant is planned for the first meeting in June and noted that following additional presentation and discussion, a Board decision could occur at the second meeting in June.

**APPROVAL OF EXECUTIVE SESSION MEETING MINUTES**

Chairman Barthelme called for a short break at 12:13 p.m. to allow Board members to review the Executive Session meeting minutes. The meeting reconvened at 12:18 p.m.

**Commissioner Mummaugh moved to approve the Executive Session minutes of April 6, 2017. Commissioner Carey seconded the motion. Motion carried 4-0-1. Commissioner Barthelme abstained, as he was not present at the April 6, 2017 meeting.**

**ADJOURNMENT**

There being no further business, **Commissioner Mummaugh moved to adjourn at 12:19 p.m. Commissioner Thompson seconded the motion. Motion carried 5-0**

  
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Laura Comeau-Stanley, Corporate Secretary