

MINUTES
ST. MARY'S COUNTY METROPOLITAN COMMISSION
REGULAR MEETING
NOVEMBER 17, 2016

The regular meeting commenced at 3:00 p.m. In attendance were Chairman Barthelme, Commissioners Russell, Carey, Gaskin, Mummaugh, Thompson, and Willing. MetCom Staff in attendance were Ichniowski, Cullins, Shick, Sullivan, Fehn, Jarboe, Settle, Brown, Harding, and Comeau-Stanley. Others present: R. Christopher Beaver (*MetCom General Counsel*), Tim Ailsworth (*LGIT*), Doug Harris, (*Charlotte Hall Scrap & Metal*), Donnie Burch & James Hockett (*Burch Car Wash*), Jason Babcock (*The Enterprise*), and Shertina Mack (*The BayNet*)

Commissioner Barthelme welcomed everyone to the meeting.

APPROVAL OF AGENDA

Chairman Barthelme performed a review of the agenda. **Commissioner Russell moved to approve the agenda. Commissioner Gaskin seconded the motion. Motion carried 6-0.**

TRAINING GRANT AWARD PRESENTATION

Mr. Timothy Ailsworth, Executive Director, Local Government Insurance Trust (LGIT), thanked MetCom for participating in the program. Mr. Ailsworth complimented MetCom on taking advantage of the training offered, noting that 116 employees have been sent to training over the last five-years and six training grants have been received in the last two-years. Mr. Ailsworth presented a training grant award totaling \$1,310.00 to Ms. Judy Gilman, MetCom Safety and Training Coordinator, for training on How to Prevent a Catastrophic Event to Water or Wastewater System.

PUBLIC FORUM

Doug Harris – Charlotte Hall Metal & Scrap

Mr. Harris addressed the Board, providing his account of the events related to two occurrences of illegal use of a fire hydrant by staff members of his scrapyard operation in order to water recent plantings on the property. Mr. Harris provided details regarding his interactions with members of MetCom's staff as a result of the violation, noting his displeasure in the handling of the matter.

Several Board members posed various questions to Mr. Harris as well as members of staff present regarding the issue. Staff noted the water meter rental application provided to, but never submitted by Mr. Harris to legally and safely obtain water from MetCom's system, citing that the meters contain a backflow inhibitor, which safeguards the water system. Board members engaged in discussion regarding fines, penalties and charges for water use that occurred and debated what Mr. Harris should be charged.

Following discussion, **Commissioner Russell moved to reduce the total fine to \$500.00. Commissioner seconded the motion. Discussion ensued and following discussion, Chairman Barthelme called for a vote. Motion carried 5-1. Commissioner Carey was opposed to the motion.**

Donnie Burch – Burch Oil Company/Mechanicsville-Charlotte Hall Car Wash

Mr. Burch addressed the Board, providing an account of an incident that occurred at his car wash in

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Charlotte Hall, which resulted in 2.4 million gallons of water use over a two-month period. Mr. Burch advised that a broken foot valve in his underground holding tank caused it to be in the open position and prevented it from functioning properly. Mr. Burch advised the Board that worked with the billing staff and availed himself to the Water Leak Adjustment Policy in order to obtain an account adjustment to reduce the water usage by 50% for both September and October. However, his account balance due to the incident is more than \$11,000.00 and he is seeking further assistance from the Board to reduce his bill. Mr. Burch noted that when paying his bills for September and October, he used last years' volume and added 5% to arrive at what he believed to be a good representation of actual use.

Board members posed questions to Mr. Burch and staff regarding the issue and questioned the methods of leak detection when water meters are in use. Extensive discussion ensued between Mr. Burch, Board members and staff regarding the matter. Mr. Sullivan noted that due to the nature of this particular business, it is not unusual for increased water use during the warmer months. Mr. Ichniowski indicated that this property is served by a private system owned by Charlotte Hall Properties and operated by MetCom under contract. Mr. Burch advised that corrective actions taken include his staff reading the meter and logging it each day, as well as the installation of a lighted signal for the pump to alert staff when it is running. Commissioner Carey inquired about the ability for Mr. Burch's insurance to cover his faulty equipment and Mr. Burch indicated he had not filed a claim and would prefer not to.

Board members engaged in discussion regarding further forgiveness, with suggestions made as to what is reasonable, given the particular circumstances of the customer's equipment failure, coupled with the inability to identify the origin of the hidden leak sooner. Following extensive discussion on the operational cost to MetCom for this water use, **Commissioner Mummaugh moved to reduce the amount owed to \$1,000.00. No second received to the motion. Motion failed.**

Commissioner Russell moved to reduce the amount owed to \$3,000.00. Second by Commissioner Mummaugh. Brief discussion and call for vote from Chairman Barthelme. Motion results in a 3-3 tie. Commissioners Gaskin, Willing and Carey opposed the motion. Chairman Barthelme noted that he is unable to vote, as he has a family conflict and is recusing himself and therefore the Motion failed.

Additional discussion ensued amongst the Board members and Mr. Burch on the matter and his accounts and ongoing business with MetCom. Commissioner Carey inquired if Mr. Burch would consider submitting this to his insurance company and MetCom would carry this account balance until there is a determination. Mr. Burch agreed that he would check to see if his insurance would cover this. Further discussion ensued amongst the group on the inability to identify the source of this hidden leak and methods to detect usage on this level in the future. Following discussion, **Commissioner Thompson moved that the Car Wash satisfy the bill by paying an additional \$3,000.00. Second by Commissioner Mummaugh. Motion carried 5-1. Commissioner Willing opposed the motion.**

EXECUTIVE DIRECTOR'S REPORT

Mr. Ichniowski noted that he had nothing to report at this time. Commissioner Carey asked for further discuss the matter of Mr. Burch's water leak, noting that MetCom has to avoid situations like this in the future. Mr. Sullivan advised that there are a significant number of businesses and haulers that pull out of that system, so it is not unusual to see a greater volume of water use in the summer months in that system. Commissioner Carey noted that we have the data and the technology to identify a problem and it is incumbent upon MetCom to improve the way we address it without it being so costly.

APPROVAL OF CONSENT AGENDA

1. Legal Services Invoice
2. Wide Format Printer
3. Repairs to Country Lakes #1 Well
4. Repairs to McKay's Well
5. Polymer Contract
6. Grinder Pump Inventory Purchase
7. Sodium Hypochlorite Contract
8. Fence Installation Essex Drive
9. Fiscal Standard Report – October 2016
10. Engineering Standard Report – October 2016
11. Operations Standard Report – October 2016
12. Check Registers 10/19, 10/27, 11/3, & 11/9

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. Commissioner Carey initiated discussion amongst the Board and staff. Following discussion, call for vote by Chairman Barthelme. Motion carried 6-0.

NEW BUSINESS

1. FY 2017 First Quarter Financial Statements

Ms. Shick performed a review of the FY 2017 First Quarter Financial Statements (*July 1, 2016 – September 30, 2016*), detailing the Water, Sewer, Engineering, General and Administrative Divisions, as well as other income and expenses, and debt service. Discussion ensued amongst the Board members and Ms. Shick during the course of the presentation.

2. FY 2018 Capital Improvement and Operating Budget Schedule

Ms. Shick provided an overview of the FY 2018 Capital Improvement Budget and Operating Budget timeline, highlighting the presentation dates to the Planning Commission and Commissioners of St. Mary's County, as well as the public hearing.

Commissioner Russell moved to adopt the schedule for the review and approval of the FY 2018 Capital Improvement Budget, the FY 2019-2023 Capital Improvement Plan and the FY 2018 Operating Budget, as presented by the Chief Financial Officer. Commissioner Carey seconded the motion. Motion carried 6-0.

3. Identity Theft Report

Ms. Shick presented a report on the Identity Theft Prevention Program for 2016 and advised that there have been no reported breaches of security that would put MetCom customers' or employees' information at risk. Ms. Shick further advised that the Identity Theft Prevention Program addresses potential threats to information physically and electronically. Ms. Shick noted the commitment of MetCom staff on the continual monitoring of security measures to detect, prevent and mitigate identity theft.

4. Change Order Procedure Amendment

Ms. Shick performed a review of the proposed amendments to the Change Order Procedure, as detailed in the redlined copy in the meeting binders. Brief discussion ensued amongst the group on the proposed changes, as well as recommendations for additional text corrections. Following discussion, Board members in collective agreement to defer action and directed Ms. Shick to incorporate all of the recommended changes for presentation at the next meeting.

5. FY 2017 Operating Budget Amendment

Ms. Shick performed a review of the items associated with the FY 2017 Operating Budget amendment, citing an increase for outside legal counsel services; an increase in wastewater generators; an upgrade to LED lighting at the Operations and Administration Offices as part of SMECO's Small Business Solutions program; and the relocation of signals related to Co-Gen System Controls at the Marlay-Taylor WRF. Ms. Shick noted that the budget amendment contains adjustments between line items in the General and Administrative Division of the budget, as well as adjustments to the Capital Equipment and Expenditure section of the budget. Brief discussion ensued amongst the Board and Ms. Shick during her presentation.

Commissioner Carey moved to amend the FY 2017 Operating Budget, as recommended by the Commission's Chief Financial Officer, to adjust expenditure line items as follows:

(1) Increase the following line items by the amounts indicated:

- Sewer Maintenance line item by \$290,000;**
- Sewer Telephone line item by \$9,000;**
- Water Telephone line item by \$1,300;**
- General Admin Contractual Labor line item by \$4,750;**
- Legal Services line item by \$25,089;**
- General Admin Misc. Consultants line item by \$14,840; and**
- General Admin Phone line item by \$1,900.**

(2) Decrease the following line items by the amounts indicated:

- Sewer Depreciation line item by \$9,000;**
- Water Contingencies by \$1,300;**
- Administrative Salaries line item by \$43,269; and**
- Payroll Taxes line item by \$3,310.**

Further move that the net increase to expenditure line items, resulting from this Budget Amendment, in the amount of \$290,000, be offset by General Reserves. This amendment will result in no change in Net Income from Service Charges.

Further move to amend the Capital Equipment and Expenditures in the FY 2017 Operating Budget as follows, which amendment will result in no net change to Capital Equipment and Expenditures:

- (a) Reduce the Identification Tags for Fire Hydrants by \$2,690;**

- (b) **Reduce the Patuxent Park West Genset by \$19,000;**
- (c) **Add a line item for Villages of Leonardtown – generator for \$19,000; and**
- (d) **Add a line item for Telephone System Reporting Software for \$2,690.**

Commissioner Willing seconded the motion. Motion carried 6-0.

6. Grinder Pump Retrofits Purchase

Mr. Sullivan performed a review of the scope of purchase for the Grinder Pump Retrofits, which includes the purchase of 75 retrofitted grinder pump core units to be installed in existing grinder pump vaults.

Commissioner Russell moved that the Commission accept and award the procurement of seventy-five (75) Grinder Pump Retrofit Core Units to Crane Pumps and Systems, Inc. of Piqua, Ohio, for the total price of \$77,025.00, as submitted in their quote dated September 22, 2016. Further, move that the staff be authorized and directed to sign all documentation relating to this Contract award, including but not limited to the contract, and contract renewals and all approved change orders. Commissioner Gaskin seconded the motion. Motion carried 6-0.

7. Maintenance Truck Purchase

Mr. Sullivan performed a review of the scope of purchase for the Maintenance Truck with Crane, described as a Dodge 5500 Crew Cab Truck with utility body for the Sewer Maintenance Department, which will replace a 1998 Ford F800 with 188,927 miles.

Commissioner Russell moved that the Commission accept and award the procurement of a 2017 Dodge 5500 Heavy Duty Utility Truck with Crane to Allegheny Ford Truck Sales Co. of Pittsburgh, Pennsylvania, for the total price of \$113,900.00, as submitted in their bid dated October 5, 2016. Further, move that staff be authorized and directed to sign all documentation relating to this Contract award, including but not limited to the contract, and contract renewals and all approved change orders. Commissioner Willing seconded the motion. Motion carried 6-0.

8. Generators Purchase

Mr. Sullivan performed a review of the scope of purchase for the Generators, which are replacements for five (5) wastewater stations. Brief discussion ensued amongst Mr. Sullivan and Board members on the age of the units and plans to sell old units at auction. Mr. Sullivan advised that the new generators would be installed by our staff and contract electricians.

Commissioner Gaskin moved that the Commission accept and award the procurement of five (5) Diesel-Powered Generators with Transfer Switches to Curtis Engine & Equipment Co. of Baltimore, Maryland, for the total price of \$111,013.00, as submitted in their bid dated October 25, 2016. Further, move that staff be authorized and directed to sign all documentation relating to this Contract award, including but not limited to the contract, and all contract renewals and all approved change orders. Commissioner Carey seconded the motion. Motion carried 6-0.

GENERAL LEGAL COUNSEL

1. Hickory Hills Water Tower Property Acquisition

Mr. Beaver noted that this item concerns the acquisition of real property and suggested that the Board go into Executive Session to discuss the matter. Additional suggestion made by Commission Russell that we first address the Continuing Business Items, to which the Board collectively agreed.

CONTINUING BUSINESS

1. Water Tower Painting

Mr. Ichniowski advised that staff has furnished data on Water Tower Painting for the Board's consideration and is awaiting direction from the Board on the matter. Mr. Ichniowski suggested drafting a policy and noted the need for a public hearing, prior to its adoption. Brief discussion ensued amongst the Board on costs for painting and upkeep. Commissioner Carey noted that he would only be in favor of a policy that was revenue neutral or revenue positive and Commissioner Thompson indicated that there is a certain public relations obligation and indicated that he is in favor of some cost sharing arrangement, provided the locality contributes funding towards the painting and maintenance. Mr. Ichniowski advised that staff would generate a draft policy for the Board's consideration and present it at the next meeting.

2. Meeting Format & Schedule Changes

Mr. Ichniowski performed a review of the proposed meeting format and schedule for 2017 and recommended it for Board approval. Brief discussion ensued amongst the Board.

Commissioner Russell moved to approve and adopt the 2017 Commission Meeting Schedule, as presented. Further Move to direct staff to post and distribute the referenced Meeting Schedule, as appropriate. Commissioner Gaskin seconded the motion. Motion carried 6-0.

3. Board Retreat

Mr. Ichniowski performed a review of nine (9) items for consideration and discussion at the proposed Board Retreat, noting that those of most importance include a By-Laws Review, Chapter 113 Review, discussion on the water and sewer connection policy, and an internal audit. Commissioner Russell noted that any additional topics that Board members would like to discuss should be emailed to all Board members and Mr. Ichniowski.

EXECUTIVE SESSION

Commissioner Gaskin moved to go into Executive Session at 5:01 p.m. to discuss Property Acquisition. Commissioner Russell seconded the motion. Motion carried 6-0.

Meeting reconvened at 5:16 p.m.

Commissioner Russell moved that the Commission approve the purchase of 0.5189 acres of real property, located on the northeastern side of Parcel 479 on the St. Mary's County Tax Map 43

and convey title in real property, being Parcel 179 on St. Mary's County Tax Map 43; in exchange for a credit against the purchase of the purchase of the aforesaid real property, on the terms and conditions set forth in a certain sale and purchase agreement, dated November 2016, and

Further, move that the Board Chairman be authorized and directed to take such action and execute on behalf of the Commission such notes, agreements, documents, and/or instruments, as may be necessary to accomplish the foregoing. Commissioner Gaskin seconded the motion. Motion carried 6-0.

COMMISSION MEMBERS' TIME

Discussion ensued amongst the group regarding the changes proposed to Chapter 113 by the County Commissioners and the absence of a cover letter in the materials received from the County Attorney. Mr. Beaver advised the Board that as a follow up to the recent Board meeting to discuss the proposed revisions to Chapter 113, he has a meeting scheduled with the County Attorney on November 22 to discuss the proposed revisions. Mr. Beaver noted that County Commissioner Hewitt has asked to attend that meeting, along with County Commissioner Jarboe, and has requested the attendance of Commissioners Carey and Thompson, to review the recommended changes and put together a final draft in advance of the December 6 Joint Public Meeting between the County Commissioners and the Southern Maryland Delegation.

Discussion ensued amongst the Board and Mr. Beaver on the recommended changes, with Board members offering opinions and comments relative to all items proposed by the County Commissioners. Mr. Ichniowski performed a line-by-line review of the proposed changes and Commissioner Carey sought and received assurance from Board members that he and Commissioner Thompson could represent the opinions and discussion from today at the November 22 meeting. In closing, Mr. Beaver advised that he would provide an update to the Board following that meeting.

ADJOURNMENT

There being no further business, Commissioner Russell moved to adjourn at 5:38 p.m. Commissioner Thompson seconded the motion. Motion carried 6-0.