The meeting commenced at 3:12 p.m. In attendance were Commissioners Werner, Lancaster, St. Clair, Tudor, Hanson, and Owen; MetCom staff Meiser, Ichniowski, Frederick, Schick, Sullivan, Cullins, Fehn and Edwards. Also in attendance were Tom Harmon, Dennis Edwards, John Norris, III and Henry Camaioni.

MOTION TO APPROVE AGENDA

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

PUBLIC COMMENT – ESSEX WOODS, LLC

Mr. Dennis Edwards, a member of Essex Woods, LLC and Forest Hall, LLC, addressed the Commissioners with a request to defer payment of MetCom fees for Essex Woods Phases 1, 2 & 3, to avoid the tax sale on the three properties, as detailed in a letter to the Commission dated February 24, 2010 (Letter attached hereto). Ms. Meiser indicated that because the letter just arrived yesterday, this is the first opportunity that the Board has had to review the letter. Mr. Edwards explained his inability to pay the fees, citing the economic conditions and the failure to sell the developments as originally anticipated.

Discussion ensued on the proposal presented and what Commission can do at this juncture. Ms. Meiser stated that it is her opinion that without ensuring that a foreclosure proceeding has not already been initiated, and without placing the lien holder on notice, it would be prudent to take both of those steps were the Commission to consider approving the proposal. Question posed by Commissioners St. Clair and Tudor to Mr. Edwards on his ability to execute the necessary documents and get them to MetCom to allow staff to do what is needed in this tight timeframe. Commissioner Tudor wants to ensure that the burden of getting things accomplished on this matter doesn’t rest solely with MetCom. Mr. Edwards expressed his agreement and indicated that he would work with his attorney to complete all of the items, but that he may experience problems and delays with his bank, nevertheless, he will work to get everything done.

Ms. Meiser represented to Commissioners that staff will be able to do all that is reasonably within its power to try to obtain those assurances in enough time to pull the account from tax sale. Discussion continued amongst Board members, Staff and Mr. Edwards.

Commissioner Tudor moved to remove the following properties from tax sale: Tax ID 08-22550, Essex Woods Phase 1, Owned by Forest Hall, LLC; Tax ID 08-22542, Essex Woods Phase 2, Owned by Essex Woods West, LLC; and Tax ID 08-22550, Essex Woods Phase 3, Owned by Forest Hall, LLC, provided verification of no
foreclosure proceedings have been initiated and a recorded first lien provision is recorded and a legal agreement is executed to ensure payment to MetCom if any one of the three aforementioned properties are sold prior to the tax sale. Commissioner Owen seconded the motion and approval was unanimous.

MOTION TO ACCEPT AND APPROVE CONSENT AGENDA

Commissioner St. Clair moved to accept the Consent Agenda as presented, and to hereby approve all matters contained upon the Consent Agenda. Commissioner Lancaster seconded the motion and approval was unanimous.

DIRECTOR’S REPORT

A. Marcas LLC Agreement (Previous Meeting Minutes and Agenda incorrectly listed the spelling as Marcus LLC)

Attorney John B. Norris, III addressed the Board and extended compliments to staff for the remarkable way in which they have responded to this request and worked with him on this matter. Mr. Norris advised that an agreement has been put together, which in his opinion can be recorded, noting that MetCom’s lien would take priority once there is notice to any lien holders. In addition, Marcas, LLC is proposing a Letter of Credit that will cover all of the back late fees and back principal payment for water and sewer.

Ms. Meiser provided a brief overview the prior actions of the Board on this matter, which included a conceptual approval of the terms of this proposal. The details of the agreement, as provided by Mr. Norris, are in keeping with that approval.

Commissioner St. Clair moved to approve the Limited Forbearance Agreement proposed by Marcas, LLC and further move that the Chairperson be authorized to execute the Agreement on behalf of the Commission. Commissioner Hanson seconded the motion and approval was unanimous.

B. Task Force Update

Ms. Meiser provided details of the Task Force Meeting held last night, which included questions on MetCom’s written responses to the comments made at the January 27, 2010 Public Forum. The greater portion of the meeting was dedicated to the identification of issues that the Task Force plans to address. A long list of potential issues has been generated by the facilitator, which represents a summary the issues submitted by each task force member and deemed most important to them individually. Ms. Meiser will provide Commissioners with a copy of that list. Ms. Meiser reported that the next meeting is scheduled for next Wednesday, March 3, 2010 and another meeting is scheduled for Friday, March 11, 2010.
ASSISTANT DIRECTOR’S REPORT

A. Marlay-Taylor Overview

Mr. Ichniowski distributed a handout to the Board, which was presented by Land Use and Growth Management at the Joint Meeting of the Board of County Commissioners and Metropolitan Commission on February 23, 2010. Another part of the presentation given by Ms. Meiser on behalf of MetCom was regarding Marlay-Taylor. In an attempt to help clarify the Marlay-Taylor Plant for the Board, Mr. Ichniowski made a presentation using a large drawing, detailing the process and depicting the site. Mr. Ichniowski further explained the treatment steps and progression that occurs.

B. Sheehan/St. George’s Beach Subdivision Overview

Mr. Ichniowski provided the Board with a quick overview of each subdivision using a large scale drawing, along with some history on the subdivisions. With the County’s recent designation of that as a Growth Area, with roughly 264 lots planned, the problem they have is the relative small size of lots (40 ft. x 100 ft.), coupled with no water service and some sewer service in that area. Mr. Ichniowski reported that the community is very concerned about building in that area and we have had to stop building permits due to insufficient sewer capacity or pump station capacity. A public informational meeting has been scheduled to review information and options with the residents to improve the situation. Mr. Ichniowski proposes that MetCom develop a plan of future improvements in the area to provide water and sewer. Mr. Ichniowski suggests that the Board review that information in advance of that informational meeting, at our next Board meeting.

Discussion ensued amongst Board on the notification to property owners for this meeting. Mr. Ichniowski confirmed that notices will be sent all those in the affected area. Email will be sent to Board members detailing the meeting date, time and location.

CHIEF FINANCIAL OFFICER’S REPORT

A. Second Quarter Financial Report

Ms. Shick performed an extensive review of the Second Quarter Financial Report for the Board, highlighting a variety of budget overages and surpluses to date in the sewer, water, and engineering divisions, along with details of the year-to-date general and administrative expenses. Rain and snow events were cited as reasons for several budget overages in the water and sewer divisions. Current economic downturn was cited for shortfalls in inspection fee income.

B. Fiscal Year 2010 Budget Amendment

Ms. Shick presented details of the changes prompting the FY10 Operating Budget Amendment proposal, which will adjust the budget to the current projections for the year.
In response to the increase in meter reading expenses, Commissioner St. Clair asked for and was provided an explanation on the loss of meter readings by Ms. Shick. Additional discussion amongst Board and staff on the meter read equipment, which lead into comments by Mr. Ichniowski about the Meter Read Project, which is covered under the Capital Budget and slated to begin next year. Part of that system will be a radio read, which will be downloaded directly into a laptop. Ms. Meiser interjected that we are trying to prolong the use of the current system until we have funds for the new system next year.

Commissioner Lancaster moved to amend the FY 2010 Operating Budget, as recommended by the Commission’s Chief Financial Officer, and as specifically reviewed by this Commission, to adjust both revenue and expenditure line items to cover projected overages in certain expenditure line items. This budget amendment has no effect on net income from service charges. Commissioner Hanson seconded the motion and approval was unanimous.

HUMAN RESOURCES DIRECTOR’S REPORT

A. Good Friday Holiday

Ms. Cullins reported that MetCom has mirrored the County holidays, with the exception of Good Friday and Columbus Day, which we exchanged for Christmas Eve. Last year the topic of adding Good Friday to our holiday schedule was presented to the Commission, due in part to the County Agency closings notification published by the Public Information Office, which prompted staff to question why MetCom was not observing Good Friday, as other agencies were. Ms. Meiser added that due to timing and close proximity to the holiday, the topic was tabled, with the intent to revisit it at a later time. Ms. Cullins indicated that Charles and Calvert Counties observe this holiday. Commissioner St. Clair cited that so many of our employees work hand-in-hand with the County Agencies, so it seems reasonable that we would be off as well.

Commissioner St. Clair moved to include Good Friday as one of the observed MetCom holidays. Commissioner Hanson seconded the motion and approval was unanimous.

ENGINEER’S REPORT

A. Meadow Lake Lane Construction Contract Award

Mr. Frederick announced the bid opening for the Meadow Lake Lane waterline replacement. Nine bids were received and after a thorough review by both the Engineering and Procurement Departments, staff is recommending that the award be granted to Bay Country Contractors, who has performed work for the Commission in the past and has provided excellent services. Discussion ensued amongst Board on the range of bids, namely the high bids, presented by some of the bidders.
Commissioner Owen moved to approve and accept the bid dated February 17, 2010, from Bay Country Contractors, for $68,199.17, for the construction of the Meadow Lake Lane Water Line Replacement, Contract # 8092WL. Commissioner Hanson seconded the motion and approval was unanimous.

FACILITIES MANAGER’S REPORT

A. Snow Storm Damage Report

Mr. Sullivan provided the Board with an update on the snow events of February 5 and 6, which totaled 18”, with drifts in the area of nearly 36”. After the storm passed, staff began clearing away for central operations to continue, particularly at the wastewater treatment facilities and critical water and wastewater stations. The building here showed some flexing of the steel roof trusses, however there is no indication that the roof was stressed to unsafe conditions. On Monday, February 8, the staff began the task of snow removal from the top of the building. The tank on our larger vacuum truck was thoroughly cleaned out and it was used to vacuum up most of the roof, specifically the entranceway side of the roof. In addition to the vacuum truck, two snow blowers were used by the staff for a period of two days to remove the majority of the snow from the roof, which was estimated to be nearly 78 tons.

Mr. Sullivan added that the melting snows and saturated soils have impacted the wastewater treatment facilities to some extent, causing high flows and poor saline characteristics. The inability to land apply the stabilized sludge has caused an increase in costs to haul that to the landfill, as we’re unable to get the sludge onto the farmland and worked into the land. In summary, the storm caused no adverse impact to our customers and our staff did an outstanding job in preparation for these storms in keeping the facilities operating properly through the storm and in their clean-up efforts afterwards.

Commissioner St. Clair asked for clarification on the storage capability for sludge on our drying beds. Ms. Sullivan indicated that she didn’t have that figure for him, but estimates that we probably have 3 months worth of storage at this time. Additional discussion ensued on sludge hauling associated costs. Request made by Commissioner St. Clair that we contact the State to determine the regulatory requirements on the timing of the spreading and storage of sludge. Mr. Ichniowski indicted that we can make a request of Synegro to make a presentation to the Board on sludge hauling and other regulatory and costs issues associated with sludge.

Ms. Cullins commended our staff during the storm and wanted to take a minute to recognize all of the departments that did an amazing job clearing snow and ice, generating monthly bills and issuing paychecks.
CONTINUING BUSINESS

A. Procurement Policy Amendment

Ms. Meiser advised that the Procurement Policy has been revised, as requested at the last meeting.

Commissioner St. Clair moved that the Commission approve the proposed revisions to the Procurement Policy, effective immediately. Commissioner Tudor seconded the motion and approval was unanimous.

B. Hearing Notification Policy

Ms. Meiser advised that as directed and discussed by the Commission over the past several meetings, staff has prepared a Public Hearing Notification Policy.

Commissioner St. Clair moved that the Commission approve and adopt the proposed Public Hearing Notification Policy, effective immediately. Commissioner Tudor seconded the motion and approval was unanimous.

C. Graham Property

Ms. Meiser reviewed the actions to date by staff on the Graham matter, which included a certified mailing to the Grahams requesting that they provide any written documentation from SHA indicating that connection to the water line would be optional. Ms. Meiser reported that since the last meeting, the Grahams have contacted Mr. Ichniowski by telephone and indicated that they do not possess anything in writing from SHA, but that those comments were made by SHA during the property negotiations, though not specifically made in writing. Commissioners briefly discussed the issue as well as the connection deferral already granted to the Grahams.

EXECUTIVE SESSION

Commissioner Tudor moved to adjourn into Executive Session at 5:01 p.m. to discuss property acquisition and potential litigation. Commissioner Hanson seconded the motion and approval was unanimous.

The meeting readjourned into Regular Session at 5:17 p.m.

COMMISSION MEMBERS’ TIME
ADJOURNMENT

There being no further business, Commissioner Lancaster moved to adjourn at 5:20 p.m. Commissioner Hanson seconded the motion and approval was unanimous.

Daniel F. Ichniowski, Secretary