

**SOMERSET COUNTY SANITARY COMMISSION
AGENDA – MAY 11, 2017
ROOM 111 - SOMERSET COUNTY OFFICE COMPLEX**

1:00

Discussion Items

1. New agenda schedule.
2. Email from MDE dated 5/1/17 re: FY18 Energy Water Infrastructure Program Grant Application.
3. Email from E. Donahue dated 5/2/17 re: Calvert County Extension Fee and Connection Policy.

General Business

1. Approval of invoices.
2. Approval of Sanitary Commission meeting minutes dated 3/9/17 and 4/20/17.
3. Approval of Plats.
 - a. Emory Ford Map 39, Parcels 474 & 448.
4. Memo 5/4/17 from Starr Mister re: Office Space.
5. Approval of Job Description - Administrative Aide.

Appointments

1. Public Input.
2. Closed Session to review pending legal matters.

Somerset County Sanitary Commission
Minutes of May 11, 2017

A regular meeting of the Somerset County Sanitary Commission was held on Thursday May 11, 2017 at 1:00 p.m. in Room 111 of the Somerset County Office Complex. Members present were Adam Riggin, Chairman, Charles T. Northam, Jr., Secretary-Treasurer, Ellen Bush, Vice-Chairman, and Janet McIntyre, member. Maxine Landon was absent. Also in attendance were Anthony Stockus, Manager, Barbara Outten, Administrative Aide, Jennie Marshall, Assistant Office Manager, Starr Mister, Office Manager, Josh Taylor, P.E., Davis, Bowen & Friedel, Inc. and Richard Crumbacker, Somerset County Times. Members of the public in attendance were James Riley, Maurice White and Starr White.

Mr. Riggin called the meeting to order at 1:00 p.m.

Discussion Items

Mr. Stockus discussed the new agenda schedule and stated Ms. McIntyre requested to have the meeting agenda sent out sooner and the cut-off date for receipt of information will be the Wednesday of the week prior to the meeting on Thursday, which is 8 days in advance. Ms. McIntyre stated her main concern was that the meeting agenda be posted on the website in advance of the meeting and asked if it would pose a problem by posting the agenda 8 days in advance. Ms. Outten stated when items are added to the agenda after it is posted it could get confusing because the members do not have time to read it in advance. Ms. Outten stated the agenda is submitted to the I.T. Department to be posted to the county's website the Monday prior to the meeting on Thursday, which is 72 hours in advance. Ms. McIntyre stated she wanted the public to be able to look at the website to see what topics were being discussed and when she checked, the agenda had not been posted on the website. Ms. Outten stated the agenda is forwarded by email to the I.T. Department and was not certain why it did not get posted right away. She stated she checked it this Monday and it had been posted and she also emailed all members with access to email an electronic copy of the agenda package.

The email from MDE dated 5/1/17 regarding FY 2018 Energy Water Infrastructure Program Grant Application was presented. Mr. Stockus stated he discussed this during a previous meeting and this grant is being offered again this year and we would like to apply. He stated he would like Davis, Bowen & Friedel, Inc. to prepare the grant application. He stated the Sanitary District received \$600,000 in grant funding last year to improve the energy efficiency of the Princess Anne WWTP.

The email dated 5/2/17 from Edward Donahue, Municipal & Financial Services Group was presented. Mr. Stockus reviewed the email and stated it concerns the Calvert County connection and debt service extension policy. He stated as part of reviewing the Sanitary District's policy on debt service, there are issues involving other areas of the policy in regards to connection fees and Mr. Donahue thought the Calvert County policy would be an ideal model for the Sanitary District to review. He stated he has reviewed the policy and has questions for Mr. Donahue and will present them at the next advisory meeting.

General Business

Invoices were presented for approval and were unanimously approved for payment as follows:

Davis, Bowen & Friedel, Inc.

- Invoice dated 4/28/17 for General On-Call Services for the period 2/25/17 to 3/31/17 in the amount of \$1,110.00.
- Invoice dated 4/26/17 for the Mariners Road Water Project – Environmental Report for the period 2/25/17 to 3/31/17 in the amount of \$750.00.

- Invoice dated 4/28/17 for On-Call Legal Support for the period 2/25/17 to 3/31/17 in the amount of \$825.00
- Invoice dated 4/28/17 for On-Call Services – PASE Water Distribution System Assistance for the period 2/25/17 to 3/31/17 in the amount of \$2,149.95. Mr. Taylor stated the amount billed reflects services provided by Environmental Consultant Advanced Land & Water, Inc. for the PASE Wells Reevaluation. He stated he contacted them to advise there are no funds budgeted for the expense and they reduced the bill from the original amount as a result.
- Invoice dated 4/28/17 for Fairmount WWTP Decommission & Transmission Project Design for the period 2/25/17 to 3/31/17 in the amount of \$7,211.

Jones Asphalt, Inc.

Invoice dated 5/8/17 for two asphalt patches to water mains in Princess Anne for a fire service connection and a repair to a water main in the amount of \$1,850. Ms. Outten stated Earl Ludy has reviewed the invoice and recommends approval.

Cockey, Brennan & Maloney, P.C.

Invoice dated 5/5/17 from Cockey, Brennan & Maloney, P.C. for legal services for the period 3/23/17 to 5/1/17. The total due is \$9,000 which was reduced from \$10,124.50 if payment is received by 5/18/17.

The minutes of the executive session dated March 9, 2017 were previously distributed. On a motion by Ms. Bush and seconded by Mr. Northam it was unanimously carried to approve the minutes dated March 9, 2017 as written.

The minutes of the regular and executive session dated April 20, 2017 were previously distributed. Ms. McIntyre questioned the paragraph regarding the amendment to the Employee Handbook on page 4. She stated that she recalled it was the consensus of the commission that retirees would receive coverage until age 65 until eligible for Medicare and not age 67 as written. Ms. Bush stated she also recalled the coverage would be provided until age 65. Ms. Outten stated she had copied this information from the typed policy that was prepared by the attorney. Ms. Mister stated she recalled at one of the discussions, it was suggested to provide coverage until age 67 and this is what was given to the attorney. Mr. Stockus stated it appears the minutes are accurate per the policy and suggested the policy on retiree health care would need to be amended again. He stated the amendment will be on the next meeting agenda for approval. On a motion by Mr. Northam and seconded by Ms. Bush it was unanimously carried to approve the minutes as written with the understanding that the policy regarding retiree healthcare will be amended to provide coverage until age 65.

The Lot Reconfiguration for Emory O. Ford, Jr. for property located on Map 39, Parcels 474 & 448 on Fairmount Road was presented for approval. Mr. Stockus stated the purpose of the plat was to straighten a lot line and both parcels are served with water and sewer service. On a motion by Mr. Northam and seconded by Ms. Bush it was unanimously carried to approve the plat and authorize it to be signed by the Chairman.

The memo dated 5/4/17 from Starr Mister, Office Manager regarding Office Space was presented. Ms. Mister stated as everyone is aware, she has been working with the auditors regarding their recommendation for segregation of duties in the office to put a plan in place to fully meet their recommendations. She stated in order to accomplish this, we will need to redesign our business office

and have met with Doug Taylor recently to inquire as to the availability of office space in the county office complex building or at other county owned locations. She stated 3 workstations will be needed in the front office and the current set-up only holds 2 workstations. She stated there is no space available in the office complex; however, space was available in the old Treasurer's Office located on Prince William Street. She stated this morning the offer of the Treasurer's Office was withdrawn and the County has a plan to use this building. Ms. Mister stated we will go back to the County to see what they can offer us as far as remodeling the office space we have now or seeing what else is available. She stated the County was willing to work with us to make it affordable to avoid a rate increase. Ms. McIntyre stated she would like to look at the existing Sanitary District office space and stated she felt the current location is ideal for parking, and there are other county offices in this building. Ms. Mister stated we would like to have the Business Office and the Manager's Office consolidated into one office. Ms. McIntyre asked for additional information on the auditor's recommendation and Ms. Mister stated anyone who "works on the books" cannot wait on customers and that includes herself, Jennie Marshall and Samantha Bentley.

Ms. Mister reviewed the need to update the job description for the Administrative Aide position and copies were provided. Ms. Mister stated a PIA request was received from the City of Crisfield recently for copies of employee salaries and job descriptions. She stated it was noted that this job description was out of date. She stated Ms. Outten has provided a list of duties for when she retires and this information was used to update the job description. Ms. Mister stated Ms. Outten had also provided a list of duties that were not included in the job description because they are considered general or other duties as assigned. Ms. Outten stated she is responsible for setting debt service rates and the closeout of construction projects and suggested these items be included and Ms. Mister stated the rate setting was added but felt the other is included as "preparing requisitions for reimbursement". She stated there is a detailed list of duties performed and the job description is only a summary. On a motion by Mr. Northam and seconded by Ms. McIntyre it was unanimously carried to approve the job description for the Administrative Aide as presented.

Public Input

Ms. Outten stated she would like to step aside in her position as Administrative Aide and speak as a user of the Mariners Water Line. She stated the Crisfield City Council met in closed session several weeks ago and Mr. Stockus has also met with the Crisfield Mayor and City Manager and asked if he would give an update on the status of the agreement between the City and the Sanitary District to allow the project to receive the necessary grants to move forward. Mr. Stockus stated he was informed there was a complaint received by the City of Crisfield as to Ms. Outten's role as Administrative Aide and her leadership of the Mariners Water Line Project. He stated it was brought up that Ms. Outten may not be providing information as to the other options and they asked him to pull her off of the project, which he did. He stated this is no reflection on Ms. Outten's job performance and believes she is doing a good job. He stated he believes the complaint stemmed from a community complaint and someone who has opposition to the options presented. He stated the Mayor and City Manager also discussed the proposed debt service and they believe the numbers that were presented to the users may not include a percentage that was fair to them to compensate them for the depreciation of the pipes that are within the city limits that feed the Mariners Water Line. He stated it was his intention to have Ms. Marshall to redo the estimates that were provided by Ms.

Outten and to go into negotiations with the City for the added fees. He stated there is information to be provided by Josh Taylor regarding the proposed agreement between the City and the Sanitary District. He stated Ms. Outten presented the proposed agreement that met the requirements of USDA at a City Council meeting. He continued the City made alterations to the document and it was sent back to USDA for their approval. He stated the City does not want to take ownership of the line, which is a requirement of USDA. He stated the City stated in their letter they would only be responsible for the water line for 90 days which would not be sufficient to include the necessary permitting. He stated as far as the Sanitary District is concerned, the project is at a stand-still because they can't take over a water line that doesn't meet our specifications. He stated USDA requires there be ownership of the line which is not something the Sanitary District can provide and is something either the homeowner's association or the City would have responsibility for. He stated he just became aware of this yesterday.

Ms. Outten thanked Mr. Stockus for the update and stated she has been working on this project since the beginning and she has not been informed as to the recent events.

Ms. McIntyre inquired as to the next step for the Mariners Water Line Project. Mr. Stockus stated it is in the hands of the City of Crisfield. He stated the water will be provided by the City and they have a vested interest in the project. He stated the City has a number of things they need to look at which includes annexation. Ms. McIntyre stated she did not want to see the project "stalemated" so long that it would be in jeopardy of losing funding. Ms. Outten stated this was her concern also.

Mr. Taylor stated their office has been in contact with USDA yesterday and they are requesting instructions in writing as to what is needed to proceed to the next step. He stated USDA has stated someone needs to own the water line and someone needs to maintain the line until it is upgraded to the Sanitary District's standards. Once this is accomplished, the Sanitary District must agree to take ownership. He stated the City of Crisfield simply needs to say that they will continue to maintain the water line as they have done in the past up until it is upgraded and taken over by the Sanitary District.

Ms. Outten asked Mr. Taylor if he thought USDA would be agreeable to allowing the users on the water line to take over the maintenance until it is upgraded. Mr. Taylor stated he didn't have any reason to believe it would not be acceptable and will present the request to USDA. Ms. Outten stated she has been in contact with Ryan Miller of Miller's Land Services to be on standby for repairs and another group meeting will be needed to discuss this option.

Mr. Stockus stated there is still the issue that was raised by the City and they want to talk to the Sanitary Commission to negotiate an increase to the amount reimbursed to them for water service in the area outside of city limits. He stated the City is in such dire straits it is understandable. He stated this will change the estimates that were provided to the homeowners. He stated the additional amount is yet to be determined because we are uncertain as to which agency will be providing the water because of the fact that the agreement with the city to pay for the city's infrastructure has not been worked out.

A discussion was held on the ownership of the Mariners Water Line and Mr. Stockus stated the City of Crisfield has stated they do not own the line. Ms. Outten stated she believes they do and referred to the city ordinance from the 1950's. Mr. Stockus stated there was never a signed document and Ms.

Outten disagreed and stated there was an approved ordinance that stated this information. Mr. Stockus stated he thought the city rescinded this ordinance and Ms. Outten stated they did not rescind the private water lines that are in place, only the installation of any new lines.

Ms. Outten stated instead of arguing back and forth the users of the water line would like to be responsible for the maintenance of the line so they do not miss out on any available grant and loan funding and asked if this was possible. Mr. Stockus stated the estimates that she previously provided to the users on the line have to be reviewed because MDE funding is no longer available. Ms. Outten stated she provided 3 options and one of them was for USDA funding with a 75% grant and 25% loan.

Ms. Mister stated the proposed options will be reviewed for accuracy and the additional fees proposed by the city for their infrastructure will be added and then will be presented to the users.

Ms. Outten stated this is the first time the city has said their infrastructure cost has to be included in the user fees. She stated the Sanitary District installed all of the water mains that lead up to the Mariners Water Line and was not certain what they were referring to and stated she did not agree with it. Ms. Mister suggested the city provide us with a detailed list of the expenses they are charging for and Mr. Stockus stated it would be based on a percentage and stated the current fee charged to areas outside of city limits is 1.2 times the in-city rate. Ms. Outten asked if a deadline to work out all of these details can be set so that the project is not delayed further. Mr. Stockus stated he could not make the city decide what to do but could contact them. He added the agreement required by the funding agencies would have to be re-written and asked "who is going to pay for it?" Ms. Outten stated the homeowners would pay for the agreement if this is the holdup and stated the Sanitary District has incurred roughly \$30,000 in engineering studies to date and can't believe we are arguing over the cost of the agreement.

Mr. James Riley who is a user of the Mariners Water Line was also present and requested to speak during the public input session. Mr. Riley stated he was glad Ms. Outten asked questions concerning this project because they are the same questions he had. He stated he did not understand how no one has ownership of the water line. He reiterated the grant agencies have requested someone to take ownership and maintenance of the line. He asked "how can anyone take ownership of the line?"

Mr. Stockus referred Mr. Riley's question to Josh Taylor to respond. Mr. Taylor stated this is the first time he has encountered a situation where no one claimed ownership of a water line. He stated he has not been involved in the research of the water line that has been done and stated Ms. Outten and Aaron Goller from his office and the city are more familiar with it than he is. Mr. Stockus stated he was aware that Mr. Taylor's office has been in contact with USDA recently concerning the agreement that was signed by the City of Crisfield to allow the project to receive grant and loan funds. Mr. Taylor stated USDA's requirement is simple – they will not provide funding if no one owns the water line and stated this is smart because of liability concerns. He continued, Ms. Outten has requested USDA to allow the residents to take over maintenance and he thinks this will be allowed and stated it is a new option as of today and he will present this request to USDA.

Mr. Riley stated if the residents will take over maintenance of the line; do they also have to have ownership of the line?

Ms. Konyar was present at 1:45 p.m. and Mr. Taylor referred the question to her concerning ownership of the water line. He asked what the process is for the residents to create a legal document that states they accept ownership and maintenance of the line. Ms. Outten stated the residents can hire an attorney to prepare the document. Mr. Stockus stated right now a response from USDA is needed that explains what needs to be done to the document that was modified and signed by the City of Crisfield. Mr. Taylor stated USDA could not accept the 90 day time limit which was added by the city. He stated this would not be enough time to get through the design and permitting phase to the construction phase. Mr. Taylor stated the document needs to be rewritten and Mr. Riley stated it seems like we are getting "deeper into the woods" all of the time. Mr. Riggins stated if the homeowners own property that the water line is on don't they also own the water line? Ms. Outten stated the water line is installed in the state right of way and is not on private property.

Mr. Riley stated the ownership of the Mariners Water Line was discussed during a public meeting and he has a letter dated 2013 from the City of Crisfield where they rescinded the 1950's ordinance that allowed private water lines to be installed. Ms. Outten stated she thought the new ordinance rescinded the extension of private water lines but not ownership. Mr. Riley stated he interpreted the document to say the city is abandoning ownership of the private lines. He stated the city is not providing us with water and stated he has given the city \$11,000 for water since he moved to the area and stated it's not like they are giving us something, we are paying for it. He stated he didn't see why the city could not pay for maintenance of the line with the revenues collected. Ms. Outten stated the monthly rate charged to them is more than double the in-city rate.

Mr. Riley stated another meeting with the residents will be held to discuss all of the options again. He asked what would be required to shut the water off and install private wells. Mr. Stockus stated this is something he would have to take up with the County Health Department. Ms. Outten stated Mike McIntyre at the Somerset County Health Department originally told her all users would have to be in agreement to install private wells but this may have changed. She stated she has also been in contact with County Commissioner Randy Laird to look into this for their group. Mr. Stockus reviewed the options available and stated the cheapest would be to install private wells. Mr. Riley asked if funding for private wells is available and stated he knew there would be some who cannot afford the cost of a well. Mr. Taylor stated USDA does not fund private wells and Ms. Outten stated she thought there was a funding source for this and stated it is managed by Jean Holloway who was previously with Maryland Rural Water Association. She stated she also recently learned Somerset Well Drilling has offered to provide financing. Ms. Outten stated in her opinion it would be taking a step backwards to install private wells. Ms. Bush asked if the residents would still have to pay for the water upgrade if they install private wells. Mr. Stockus replied they would not have to pay and would be on their own well. Mr. Riley thanked the commission for listening to his concerns.

Ms. McIntyre asked who should the Mariners Water Line users contact if they have questions and Mr. Stockus stated they should contact Jennie Marshall.

Mr. and Mrs. Maurice White were present to discuss the Burgess Museum. Mr. Riggin informed them they would need to attend a County Commissioner's meeting to discuss this and gave them the meeting schedule.

On a motion by Mr. Northam and seconded by Ms. Bush it was unanimously carried to go into executive session at 1:57 p.m. to discuss pending legal matters.

Charles T. Northam, Jr.
Secretary-Treasurer
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