

REVISED
MEETING AGENDA

Somerset County Sanitary District, Inc.

Somerset County Sanitary Commission – Regular Meeting

Date: September 10, 2020
1:00 PM

Location: Somerset County Office Complex
Room 111 Princess Anne, MD

Due to State regulations with COVID-19, social distancing will be observed during the meeting and members of the public in attendance must wear a facemask. Live audio of the meeting will be available by clicking on the link provided on the County's website, or by entering this web address in your internet address bar: <http://mixlr.com/sanitary101>. Public comments will be accepted until 1:45 p.m. by emailing jmarshali@somersetmd.us. We thank you for your cooperation during this time.

GENERAL BUSINESS - INFORMATION	
1	Covid-19 Transition Plan for Customers
PRINCESS ANNE SUBDISTRICT - INFORMATION	
1	Industrial Park Tank Recoating Update
2	Princess Anne Waste Water Treatment Plant Solar Project Update
3	Deal Island Road Water Main Loop Project Update
4	Princess Anne Waste Water Treatment Plant ENR Upgrade Update
SMITH ISLAND SUBDISTRICT - INFORMATION	
1	Smith Island Clean Water Project Update
FAIRMOUNT SUBDISTRICT - INFORMATION	
1	Fairmount Decommissioning Project Update
CRISFIELD SUBDISTRICT - INFORMATION	
1	Mariner's Road Waterline Update
GENERAL BUSINESS - ACTION	
1	Approval of Invoices
2	Ratification of the following Phone Polls: <ul style="list-style-type: none">• Approval to forgive charges requested by the Somerset County Commissioners for the following properties they assumed thru County Tax Sale:<ol style="list-style-type: none">1. 2930 Ape Hole Road totaling \$46.382. 2940 Ape Hole Road totaling \$46.38• Approval of Invoice: Hopkins' Construction Pay App #10 totaling \$544,750.00 for the Fairmount Decommissioning Project
3	Approval of regular session minutes dated August 13, 2020
4	Approval of Allocation List
SMITH ISLAND SUBDISTRICT - ACTION	
1	Execution of Blanket Access Easement Agreement – Bayberry Drive
2	Execution of Deed of Easement – Caleb Jones Road
CRISFIELD SUBDISTRICT - ACTION	
1	Request by Som. Co. Commissioners to forgive charges – 2877 Byrdtown Road totaling \$46.38
WESTOVER SUBDISTRICT - ACTION	
1	Approval of Lot Reconfiguration – Beauchamp Lane
PUBLIC INPUT	
Please sign in with the Administrative Aide, 2 minutes will be allotted per person	
CLOSED SESSION	
2:00 p.m. – Closed Session, Anthony Stockus, Sanitary District Attorney Topics Discussed include: <ul style="list-style-type: none">• Fairmount Decommissioning Project – Pending Litigation• Mariner's Road Waterline upcoming Public Hearing	

The Somerset County Sanitary Commission will convene a closed session by the Authority General Provisions Article of the Annotated Code of Maryland, General Provisions, Subtitle 3-305 (a)(7) to consult with counsel on a legal matter. Upon the adjournment of the closed session, the Somerset County Sanitary Commission will convene in open session and adjourn the Regular Meeting.

Somerset County Sanitary Commission
Minutes of September 10, 2020

A regular meeting of the Somerset County Sanitary Commission was held on Thursday, Sept 10, 2020 at 1:00 p.m. in Room 111 of the Somerset County Office Complex. Members present were Adam Riggin, Chairman, Charles Bagley, Vice-Chairman, Ellen Bush, Secretary-Treasurer, and Drenda Hall, Member. Maxine Landon, Member was present via teleconference. Also in attendance were Jennie Marshall, Administrative Aide, Starr Mister, Office Manager, Earl Ludy, Superintendent, Heather Konyar, Attorney, Cockey, Brennan & Maloney, Josh Taylor, P.E., Davis Bowen & Friedel, and Richard Crumbacker, Somerset County Times. Anthony Stockus, General Manager was present via teleconference. Public attendee, Robert McIntyre.

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

Ms. Mister announced two late adds to the agendas:

- Regular Session - Westover Action, Approval of Lot Reconfiguration – Beauchamp Lane
- Executive Session – Fairmount Decommissioning Project – Pending Litigation

General Business - Information

Ms. Konyar was present to discuss the Maryland Public Service Commission's recent emergency action to prohibit residential utility service terminations through November 15th 2020. The MPSC took this step to protect as many customers as possible from having electric, gas, or water service shut off and to provide a transition period that allows residential customers time to apply for assistance programs or make payment arrangements with their utility company. Ms. Konyar stated although we are not regulated by the Maryland Public Service Commission we are being encouraged to create a COVID Transition Plan for customers. The Sanitary Commission discussed several temporary measures to aid customers in keeping their water service connected, including sending out termination notices at least 45 days in advance and possible payment plans. Termination notices are set to go out on October 1st and cut offs will take place after November 15th pending policy approval. A COVID Transition Policy and Resolution will be presented at the October Sanitary Commission meeting for approval.

Princess Anne - Information

Mr. Taylor updated the Commission on the Princess Anne Industrial Park Tank Recoating, stating the Tower is currently offline for interior and exterior coat blasting. The project is running on schedule and expected to be complete by mid-October.

Mr. Taylor updated the Commission on the Princess Anne Wastewater Treatment Plant Solar Project stating the construction is complete, the Chairman executed the Interconnection agreement with Delmarva Power.

Mr. Taylor updated the Commission with the following revised schedule for the Deal Island Road Water Main Loop Project:

- 09.10.20 - Public Advertisement for Bids
- 09.18.20 - Pre-Bid meeting
- 10.13.20 - Bid opening
- 10.19.20 - Recommendation of Award to SCSD

03.01.21 - Start Construction
06.01.21 - Complete Construction

Mr. Taylor updated the Commission on the Princess Anne Wastewater Treatment Plant ENR upgrade project stating the Preliminary Engineering Report is being updated.

Smith Island - Information

The Resolution for issuance of Bonds for the Smith Island Clean Water Project was authorized during the Public Hearing on August 13th 2020. MDE has concerns of disturbance of sub-aquatic vegetation during the installation of the subaqueous force main between Rhodes Point and Tylerton.

Fairmount - Information

Mr. Taylor updated the Commission on the Fairmount Decommissioning Project stating as of September 8th 2020 the project is 92% complete and should be concluded within a month.

Crisfield - Information

Mr. Stockus stated the Public Hearing for the Mariner's Road Waterline Project is scheduled for October 8th 2020. Notice of the Hearing will be advertised in the Somerset County Times and all property owners of the proposed waterline have been notified by mail.

General Business - Action

On a motion by Ms. Hall and seconded by Mr. Bagley, it was unanimously carried to approve the following Invoices:

Davis Bowen & Friedel, Inc.

- Invoice dated 8/25/20 for General On-call Services for the period of 6/27/20 to 7/31/20 in the amount of \$75.00.
- Invoice dated 8/25/20 for On-call Hawk Plaza/Manokin Village Engineering Services for the period of 6/27/20 to 7/31/20 in the amount of \$225.00.
- Invoice dated 8/25/20 for On-call The Reserve at Somerset for the period of 6/27/20 to 7/31/20 in the amount of \$580.00.
- Invoice dated 8/25/20 for General On-call Planning/Engineering Services – Mariners Road Water for the period of 6/27/20 to 7/31/20 in the amount of \$450.00.
- Invoice dated 8/25/20 for RPR Inspection Services – Fairmount WWTP Decommission & Transmission Project for the period of 6/27/20 to 7/31/20 in the amount of \$15,880.00.
- Invoice dated 8/25/20 for Construction Phase Services – Fairmount WWTP Decommission & Transmission Project for the period of 6/27/20 to 7/31/20 in the amount of \$3,468.00.

- Invoice dated 8/25/20 for Construction Phase – Princess Anne WWTP Solar Project for the period of 6/27/20 to 7/31/20 in the amount of \$2,475.00.
- Invoice dated 8/25/20 for Design Phase – Deal Island Road Watermain Project for the period of 6/27/20 to 7/31/20 in the amount of \$300.00.
- Invoice dated 8/25/20 for Design Services – SCSD Pump Station for Parker & Associates for the period of 6/27/20 to 7/31/20 in the amount of \$3,100.00.
- Invoice dated 8/25/20 for Construction Administration – Industrial Park Water Tower Recoating Engineering for the period of 6/27/20 to 7/31/20 in the amount of \$1,252.50.

Hebron Savings Bank

- Invoice dated 9/01/20 for Revolving Line of Credit and Vehicle Purchase Loan – Document review fee in the amount of \$630.00.

Cockey, Brennan & Maloney, P.C.

- Invoice dated 8/27/20 for Professional Services for the month of August in the amount of \$4,300.00 if paid by September 15, 2020, a discount from original amount of \$4,590.00.
- Invoice dated 8/28/20 for Professional Services - the Smith Island Clean Water Project for the period of 7/30/20 to 8/27/20 in the amount of \$3,920.00.

On a motion by Mr. Bagley and seconded by Ms. Hall it was unanimously carried to approve the following Phone Polls:

- Authorization to forgive charges for the following properties requested by the Somerset County Commissioners:
 1. 2930 Ape Hole Road totaling \$46.38
 2. 2940 Ape Hole Road totaling \$46.38
- Approval of Invoice: Hopkins Construction Pay request No.10 for the Fairmount Decommissioning Project totaling \$544,750.00.

Approval of Minutes

The Sanitary Commission regular session minutes dated 8/13/20 were previously distributed. On a motion by Mr. Bagley and seconded by Ms. Hall it was unanimously carried to approve the regular session minutes dated 8/13/20.

Approval of EDU Allocation List

On a motion by Ms. Bush and seconded by Mr. Bagley, it was unanimously carried to approve the following Proposed EDU Allocation List 2021 as presented.

Proposed EDU Allocation List 2021								
Developer	Sanitary District Account #	Contact	Project Site Physical Address	Tax Map & Parcel #	Description	Requested Allocation (GPD)	EDU'S	10% to be billed
A&A Realty of Somerset Co. Inc.	635040101.02	Scott Tawes 410-651-3620	12155 Elm Street	M200 P21 L1A	4 acres undeveloped	1,000	4	1.0
R.H. Taylor Construction, Inc.	750625010.02	Rick Taylor 443-783-5740	10760 Market Lane	M23 P139 LE	1 Commercial lot	750	3	1.0
Princess Anne Commons	TBD	Brock Parker 410-749-1023	12282 Brittingham Ln	M15C P12	Commercial Plaza	50,000	200	20

Smith Island – Action

Execution of Blanket Access Easement Agreement

Cockey, Brennan & Maloney have prepared a Blanket Access Easement Agreement for the appraised value of \$4,100.00 between Deborah McCormick, Matthew McCormick, Jr., Bryan Marshall, Sandra Marshall and Dennis Marshall, Sr. (Grantors) and the Somerset County Sanitary District (Grantee). This Easement for property located on Bayberry Drive on Tylerton is required in order to proceed with the Smith Island Clean Water Project. Mr. Bagley made a motion for the Chairman to execute the Blanket Access Easement Agreement in the amount of \$4,100.00. Ms. Bush seconded the motion; the motion carried unanimously.

Blanket Access Easement Agreement

Cockey, Brennan & Maloney have prepared a Blanket Access Easement Agreement between the Board of County Commissioners of Somerset County (Grantor) and the Somerset County Sanitary District (Grantee). The Easement, for property located on Rhodes Point, is needed for installation of an air valve required in order to proceed with the Smith Island Clean Water Project. Ms. Hall made a motion for the Chairman to execute the Blanket Access Easement Agreement donated by the Somerset County Commissioners. Mr. Bagley seconded the motion; the motion carried unanimously.

Deed of Easement

Cockey, Brennan & Maloney have prepared a Deed of Easement between the Board of County Commissioners of Somerset County (Grantor) and the Somerset County Sanitary District (Grantee). The Easement, needed for the Smith Island Clean Water Project, is for a pump station located on Ewell. Ms. Hall made a motion for the Chairman to execute the Deed of Easement donated by the Somerset County Commissioners. Mr. Bagley seconded the motion; the motion carried unanimously.

Crisfield – Action

Request to forgive charges

The Somerset County Commissioners have requested the Sanitary District forgive charges on the following property assumed thru Tax Sale, 2877 Byrdtown Road totaling \$46.38. Ms. Bush made a motion to forgive the charges on this property for the Somerset County Commissioners, Mr. Bagley seconded the motion; the motion carried unanimously.

Westover – Action

Approval of Plat

A plat was presented to the Commission for lot reconfiguration to adjust property lines previously approved during the August Commission meeting. These property line alterations will not change the EDUs billed by the Sanitary District. Ms. Bush made a motion to authorize the Chairman to execute the plat for Beauchamp Lane. Ms. Hall seconded the motion; the motion carried to approval unanimously.

Public Input

Robert McIntyre of Mount Vernon addressed the Board. Mr. McIntyre asked if COVID-19 has affected funding from the State or Federal funding agencies. Mr. Stockus replied, the Sanitary District has had no change in current or future appropriated funding at this point from either agency due to COVID-19.

Mr. McIntyre asked if the customers with excessive sanitary bills due to COVID-19 were able to be alleviated of their bills similar to Westover residents when the Sanitary District went to a unified rate for debt service. Ms. Mister responded by stating that the rates have been unified since 2005 for water and sewer accounts therefore that measure is already in place. Ms. Mister also stated that the Westover residents were still responsible for their balance prior to rate change and any owner who was two years outstanding in debt service was sold in the County Tax Sale.

Mr. McIntyre asked the Commission what measures have been taken in regards to utilizing the Princess Anne Sub-district Water and Sewer Expansion Project (PASE) Well site. Mr. Stockus stated the Sanitary District (SCSD) has made numerous attempts through several meetings to sway MDE's decision to prohibit the Sanitary District from using the Well because of the amount of fluoride in the water including suggesting blending the water to minimize the level of fluoride. MDE has also questioned the need for the PASE wells from a water usage/allocation standpoint; SCSD agreed that the water requirements in the region had changed since the project was conceived and the water is not needed right now, however, significant time and funds had been invested and the water can be used in the future for long-term regional plans. Mr. Taylor stated the wells are being operated off-line at the minimum runtime/flowrate in order to keep the wells from deteriorating, and although MDE will not allow us to utilize the water, we are still disputing their decision.

Mr. McIntyre asked the Commission if the Fairmount Decommissioning pump installation was successful. Mr. Taylor replied stating they have conducted a gravity test which resulted in positive flow and pressure.

On a motion by Ms. Bush and seconded by Ms. Hall it was unanimously agreed to go into Closed Session at 2:18 p.m.

Closed Session Summary Report September 10, 2020

The Somerset County Sanitary Commission will convene a closed session by the Authority General Provisions Article of the Annotated Code of Maryland, General Provisions, Subtitle 3-305(a)(7) to consult with counsel on a legal matter and (b)(8) to consult with staff,

consultants, or other individuals about pending or potential litigation. Upon the adjournment of the closed session, the Somerset County Sanitary Commission will convene in open session and adjourn the Regular Meeting.

Topics discussed in Closed Session include:

- Fairmount Decommissioning Project, pending litigation - Adam Riggin, Charles Bagley, Ellen Bush, Maxine Landon, Drenda Hall, Anthony Stockus, Earl Ludy, Starr Mister, Heather Konyar, Paul Wilber, Josh Taylor and Jennie Marshall.
- Mariner's Road Waterline Public Hearing - Adam Riggin, Charles Bagley, Ellen Bush, Maxine Landon, Drenda Hall, Anthony Stockus, Starr Mister, Paul Wilber, Josh Taylor and Jennie Marshall.

On a motion by Mr. Bagley and seconded by Ms. Hall it was unanimously agreed to go from closed to open session and adjourn at 3:24 p.m.

Approved by:



Ellen Bush
Secretary-Treasurer
Somerset County Sanitary Commission

Respectfully Submitted:



Jennie Marshall
Administrative Aide
Somerset County Sanitary District

**PRESIDING OFFICER'S WRITTEN STATEMENT FOR CLOSING A MEETING ("CLOSING STATEMENT")
UNDER THE OPEN MEETINGS ACT (General Provisions Article § 3-305)**

This form has two sides. Complete items 1 – 4:

1. **Recorded vote to close the meeting:** Date: 9/10/20, Time: 2:18 PM; Location: San. Co. Office Complex Rm. 111
Motion to close meeting made by: Ms. Dush Seconded by Ms. Hall;
Members in favor: All; Opposed: None;
Abstaining: ∅; Absent: ∅.

2. **Statutory authority to close session (check all provisions that apply):**

This meeting will be closed under General Provisions Art. § 3-305(b) only:

(1) ___ "To discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom this public body has jurisdiction; any other personnel matter that affects one or more specific individuals"; (2) ___ "To protect the privacy or reputation of individuals concerning a matter not related to public business"; (3) ___ "To consider the acquisition of real property for a public purpose and matters directly related thereto"; (4) ___ "To consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State"; (5) ___ "To consider the investment of public funds"; (6) ___ "To consider the marketing of public securities"; (7) "To consult with counsel to obtain legal advice"; (8) "To consult with staff, consultants, or other individuals about pending or potential litigation"; (9) ___ "To conduct collective bargaining negotiations or consider matters that relate to the negotiations"; (10) ___ "To discuss public security, if the public body determines that public discussion would constitute a risk to the public or to public security, including: (i) the deployment of fire and police services and staff; and (ii) the development and implementation of emergency plans"; (11) ___ "To prepare, administer, or grade a scholastic, licensing, or qualifying examination"; (12) ___ "To conduct or discuss an investigative proceeding on actual or possible criminal conduct"; (13) ___ "To comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter"; (14) ___ "Before a contract is awarded or bids are opened, to discuss a matter directly related to a negotiating strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process."

Continued →

3. For each provision checked above, disclosure of the topic to be discussed and the public body's reason for discussing that topic in closed session.

Citation (insert # from above)	Topic	Reason for closed-session discussion of topic
§3-305(b) (g)	Fairmount Decomm. Pending litigation	To discuss pending litigation and options moving forward.
§3-305(b) (f)	Manner's Road Waterline - Public Hearing	To discuss agenda for Public Hearing.
§3-305(b) ()		
§3-305(b) ()		
§3-305(b) ()		

4. This statement is made by Adam Bagan, Presiding Officer.

WORKSHEET FOR OPTIONAL USE IN CLOSED SESSION: INFORMATION THAT MUST BE DISCLOSED IN THE MINUTES OF THE NEXT OPEN MEETING

Time of closed Session: 2:18 pm Place: San. Co. office Complex room 111
 Purpose(s): Discuss Fairmount Decommissioning project pending litigation and Manner's Road Waterline Public Hearing
 Members who voted to meet in closed session: MS. RUSH, MS. HALL
 Persons attending closed session: All
 Authority under § 3-305 for the closed session: (b)(8) (b)(7)
 Topics actually discussed: Fmt. Decomm. pending litigation and MBLWL - Public Hearing
 Actions taken: None Each recorded vote: _____

For a meeting recessed to perform an administrative function (§ 3-104): Time: _____
 Place: _____ Persons present: _____ Subject matter discussed: _____