

Utility Commission
January 25, 2010

The regular scheduled meeting of the Delmar Utility Commission was called to order by Council Member Pase. In attendance were Commission Members Dickerson and Dewald, Commissioner Henderson, Council Member Thompson, Town Manager Bynum-King and Clerk of Council Fisher. Guests: David Ring.

Approval of Minutes

Commission Member Dewald stated that the wording in the second paragraph, the next to the last line under NEW BUSINESS should be changed to read, "She said that there is no longer 100% grant funding available for repairs and upgrades."

Commission Member Dickerson made a motion to approve the December 21, 2009 Utility Minutes as amended. Commission Member Dewald seconded the motion which passed with 3 ayes and 2 abstaining since they were not present last month.

Unfinished Business

Town Manager Bynum-King said that she has had conversations with both Mayors and Utility Chairperson Pase in reference to tabling any discussion about the Tidewater Interim Agreement until next month. Town Manager Bynum-King reported that Jerry Esposito, President of Tidewater Utilities, Inc. had expressed a desire to be present at the meeting to answer any questions that may arise during the discussion about the agreement. Mr. Esposito was unable to attend the meeting this evening because he is out of town attending a funeral and has asked if the Commission would table the matter until next month. Town Manager Bynum-King stated that neither the Mayors nor Commission Chairperson Pase had any opposition with tabling the matter. It was the consensus of the Utility Commission to table the discussion about the interim agreement until the February's Utility Commission meeting.

New Business

Town Manager Bynum-King informed the Commission members that it is once again budget time. She passed out the 2011 budget workshop schedule and reviewed it with the Commission Members. The first workshop will be combined with the Utility Commission and Joint Council on Wednesday, February 24, 2010 at 6:30 p.m. The department heads will also be in attendance to present their budget requests.

Town Manager Bynum-King reported she has received notification from the Maryland Department of the Environment that the Town's Wastewater Treatment Facility has been assessed a penalty for several noncompliance violations. She continued to report that for the past several years, the Town has been operating sporadically in excess of it's Permit limitations due to the desperate need for the upgrades that are currently underway. The State has provided the Town with a Consent Order, which includes the noncompliance penalty as well as the revised permit limitations to allow some grace period until the upgrade is complete and the facility is running efficiently. The total penalty of \$9,926.50 is for a period that covers February 2007 through December 2009. It is important that we get the Consent Order in place, so that we can

eliminate further penalties that would be very costly to the Town. The Order also includes a start and end date that the Town is not likely to meet. She stated that she has been working with the Town Engineer, Wastewater Superintendent and Public Works Director to review the facility's ability to meet the revised limitations so that additional penalties would not be assessed for exceeds during construction as well as re-evaluating the construction schedule to determine a more appropriate start and end date. The Wastewater Treatment Plant Upgrade Project will not be able to meet the deadline of August 1, 2010 for project completion as stipulated in the draft order. She did say that the Town Engineer does feel that the upgrades could be completed by September 1, 2010 and hopefully the State will be agreeable to grant the Town until early Spring to work out any kinks.

Town Manager Bynum-King asked the Commission to keep in mind that the Wastewater Treatment has not had any major upgrades since it was constructed in 1989; resulting in difficulty in repairing the declining equipment because parts are not accessible for the obsolete equipment. Town Manager Bynum-King reported that the facility's Superintendent was aware that some of the categories exceeded the permitted limitation and the State Inspector was informed during each month's facility inspection. The inspector noted on one of the monthly reports that he would contact the complaint officer regarding our concerns and noncompliance issues.

Commissioner Henderson asked if there was anyway the Town could work with the State to get the penalty reduced. He said that even if the reduction was not granted, we should at least ask for consideration. Town Manager Bynum-King said that we could certainly pursue consideration on the penalty reduction, just to keep in mind that the more immediate priority for the Town is making sure the Consent Order has limitations that are obtainable, as well as a start and end date that is in line with the projected construction completion date. Commissioner Henderson wanted to know how long it would be before the penalty had to be paid. Town Manager Bynum-King said that the penalty would have to be paid when the Consent Order was signed by the Attorney General. Commissioner Henderson asked if the Utility Commission would have any input on the final draft of the Consent Order. Town Manager Bynum-King said that because most of the documents were technical, the Commission should really allow the Town Engineer the ability to make modifications. A copy of the draft with the Town's revisions will be available for the Commission to review.

Town Manager's Report

Town Manager Bynum-King did report a main break on the corner of Maryland Avenue and E. East Street on January 5, 2010. The repair was completed by Elvin Schrock and Sons and service was restored within a few hours after the main break was discovered. She said that the Wastewater Treatment Plant BNR/ENR project is progressing along the best it can, considering the weather; the surge tank is nearly completed. She also informed everyone that the media filters project is underway and the process is going relatively smooth. The contractors are taking one filter off-line at a time to reduce the overall impact of the Town's water supply.

Commission's Report

Commission Member Dickerson asked what affect the recent rain has had on the WWTP. Town Manager Bynum-King responded that according to WWTP Director Hardy, we are exceeding our Permit. She further stated that the Town needs to begin working on correcting our I&I issues, which are a major contributor to the abundant flows that pass through our Wastewater Treatment Facility.

Adjournment

Commissioner Henderson made a motion for adjournment which was seconded by Commission Member Dewald. The motion passed with 5 ayes and 0 absent.

Submitted by:

Cindy Fisher
Clerk of Council