



**FREDERICK COUNTY GOVERNMENT**  
**DIVISION OF UTILITIES AND SOLID WASTE MANAGEMENT**

*Kevin L. Demosky, Director*

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**Commissioners**

Blaine R. Young  
*President*

C. Paul Smith  
*Vice President*

Billy Shreve  
David P. Gray  
Kirby Delauter

Lori L. Depies, CPA  
*County Manager*

**Contractor and Consultant Outreach Meeting**  
**November 15, 2013**  
**Meeting Minutes**

I. Introduction – Kevin Demosky

Kevin Demosky, Rodney Winebrenner and Commissioner Shreve were all introduced.

II. Purpose of Meeting – Kevin Demosky

This is an open forum meeting to solicit input on issues that may be present in the contracting/construction community. While feedback in all areas of construction is welcome, this meeting is geared toward the water and sewer construction (DUSWM) side in particular. There may be some overlap with the engineering community and any indirect experiences and feedback is welcome also.

Commissioner Shreve stated that the BOCC's Strategic Plan includes predictability for business. Everyone should be treated fairly and have the same opportunities. The BOCC does not want an environment where people do not want to do business in Frederick County. Commissioner Shreve discussed having County staff in the field more often and updating certain regulations. Kevin Demosky noted that changes to the Standard Specifications are being worked on and the proposed changes should be adopted by the end of June of 2014.

Commissioner Shreve offered his direct cell phone number as a contact in the event anyone finds themselves in a situation where they do not think they are being treated fairly or if they have a question or concern.

Attendees were asked to introduce themselves, state the company they work for and share the number of years they have been in this field. Attendees were:

Jason Wiley – Elm Street Development  
Stephen Cutter – Geo-Technology Associates, Inc.  
Stephen Crum – Macris, Hendricks and Glascock  
Steve Oder – Cavalier Development  
Denise Jacoby – Frederick County Builders Association  
John Mazelon – Fox and Associates  
Jonathan Pembroke – Ausherman  
Chuck Nipe, Director, Frederick County Division of Public Works; Chuck welcomed any questions specific to his Division including roads, storm drains, etc.  
Robert Shen – Frederick County Division of Public Works  
Blair Hovatter – Frederick County Division of Public Works  
Kevin Vida – Frederick County Division of Public Works, OPM  
Randy Frey – Rodgers Consulting, Inc.  
Donovan Corum – Bowman Consulting  
Colleen Stickl – Miller and Smith  
Rick Shadle – David H. Martin Excavating  
Jeryl Martin – David H. Martin Excavating  
Bill Yauss – The Drees Co.

**Contractor and Consultant Outreach Meeting  
November 15, 2013  
Meeting Minutes**

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Mark Murray – Harris, Smariga & Associates

Mitzi Boswell – Buckeye Development

Gary Hessong – Frederick County Community Development Division; Gary would like to know how his Division can help with any issues including land development applications and the approval process in particular

Paul Satterfield – Satterfield Enterprises

Jay Plummer – CJ Miller

Tom Bell - JHG Contractors

David Lowry – Hazen and Sawyer

Fran Zeller – Harris, Smariga & Associates

[Additional attendees from sign-in sheet were Kristen Stolipher of Gordon and Kraig Walsleben of Rodgers Consulting. Others arriving late, but may not have signed in: Sue Barthol, DPW]

Commissioner Shreve introduced David Dunn, the County's Municipal Liason. Anyone with jurisdictional problems should contact him directly.

Commissioner Delauter would like to have open communication, questions to staff answered up front and have the entire process be kept as simple as possible. He noted that he goes through what everyone at this meeting goes through and does not want the "us against them" mentality to prevail. He would like everyone to work together.

Commissioner Shreve asked to go around the room, individually, to hear what was going right and also to hear what may be going wrong or needing improvement.

### III. Contractor and Consultant Construction Issues – Attendees

1. Fran Zeller asked if there is some way to put more information on the website concerning the steps that have to be taken to complete the PIA contract process. More direction on the website would help.

Kevin Demosky offered that a list of the steps can be made available. Typically the developer would be filling out the paperwork, but it is good to know that some of the responsibility is sometimes put on the consultant.

Chuck Nipe clarified that the document should state exactly what is needed during the process.

Donovan Corum suggested creating a checklist for the PIA similar to the checklists other divisions are using.

2. Jason Wiley would like to have a point of contact person to act as a guide through the process. There is one set of plans and four different bonding stops along the way, i.e., FRO, streets, water and sewer, grading/stormwater. Hansen is helpful but when it gets to the bonding process it can be a challenge. Commissioner Shreve agreed.

3. Stephen Cutter noted that on the consultant side, the PIA has been a success and was a good idea. On the inspection side, it is hard getting qualified inspectors. Has the County given any thought to having a meeting with potential inspectors to go over the details, etc. and to give County staff more assurance that the inspectors know what they are doing?

Kevin Demosky agreed that it is hard to find qualified people. It is an industry-wide issue. The County DUSWM currently only has 2 inspectors and one of them will be retiring soon.

Chuck Nipe would like DPW to sit in on any meeting on this subject.

**Contractor and Consultant Outreach Meeting**  
**November 15, 2013**  
**Meeting Minutes**

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Gary Hessong noted that state licensing requirements are increasing for building trades, making it harder to find qualified people.

Colleen Stickl said work is being done by CTC, FCC and Work Force Services to attract people to the construction industry. She would like to continue this conversation.

Commissioner Shreve noted that the County, the City, FCC and FCPS all have access to programming on a TV station and perhaps that media could be used to communicate the need for people in the construction trade.

4. Commissioner Delauter would like to see Water and Sewer (PWA) contracts on the developer-funded projects go away completely. Contractors have to set up for completely different jobs – one for the owners and one for the County. He may be told different things by the owner and the County, but his contract is with the County. He would like to see the contracts go away in private subdivisions altogether. It is easier from a private standpoint to not have to work between the jurisdiction and the owner.

Kevin Demosky discussed the issue of a very small number of projects (Water and Sewer contracts) that may involve oversizing elements and making sure that public dollars are dealt with in a public manner via a public bidding process.

5. Commissioner Delauter discussed the issue of partial conditional acceptance (within a Water and Sewer PWA) and the fact that if a contract is not finished or has to be stopped, there is no flexibility to do a partial conditional acceptance. If there is a change midway, it can be a challenge as to how a partial conditional acceptance is managed.

Kevin Demosky noted that laying out the plan up front is better than doing it when construction is already in progress. Establishing where points of work have been completed can be critical. Developers need to make the effort to think these things through up front. For example, if a developer is going to be putting in model homes requiring water and sewer, where they will be situated should be figured out early on because it makes the County's job easier.

Jason Wiley questioned whether the model home/partial conditional acceptance issue could be put into a policy so everyone knows how it is done.

Kevin Demosky offered that it would be possible to make a list of conditions as to how to move forward in the process. It really comes down to plat recordation and further discussion is beyond the scope of this meeting.

Colleen Stickl said they are often ready to start construction and waiting the extra 6 weeks slows down the construction process. There are a lot of things that are involved in the actual completion of a home that could be going on during the wait time. She would ask that it be allowed that substantial completion would release the building permit without a water and sewer connection.

6. Jonathan Pembroke commented that the PIA process is smooth. He noted that to get a green sheet, the third party inspector and the contractor have to certify that they have been paid in full. This puts Ausherman at risk because the contractor can walk away at this point. His second concern is getting the green sheet itself and the timing of that because a lot of the third parties get paid at the end of the month, making it 60 days before they can get the certification. Could they certify that they have been paid in full "to date"? On a detailed project, they would like to have some surety with the contractor that if something goes wrong, the contractor will come back and fix it.

**Contractor and Consultant Outreach Meeting  
November 15, 2013  
Meeting Minutes**

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Bill Yauss shared this concern. If the contractor is on a 30 day cycle, you have to wait that long for him to sign off. The PIA lien release having to be done before the building permit is issued creates a lag time.

Kevin Demosky offered that the County would consider any suggested language from the attendees for review to amend the PIA, but noted that the County has certain rules and regulations it must abide by. There may be some language that the County can entertain as long as it does not put the County at risk.

Chuck Nipe noted that bonding companies may want to weigh in on this issue also.

Commissioner Shreve would like people to suggest changes to the document. If it is an MDE or State requirement, it may be possible to lobby the State to change it.

7. John Mazelon - The newly updated construction details clarified many things and he is looking forward to the new specifications. Regarding commercial projects that have a public private interface, who has the inspection authority on the private side?

Kevin Demosky has discussed this with Gary Hessong. It could potentially be handled under a plumbing inspection. It is possible for DUSWM to lend assistance to Gary's inspectors if necessary. Someone would have to certify that certain requirements are met. It is also possible that inspections could be done by a third party if the County does not have the staff to do it. For onsite utilities there is a different set of things to look at.

Gary Hessong noted that the plumbing code for onsite utilities stops 5' outside the building and that onsite utilities are often done by a utility contractor. Onsite private utilities are done differently in the City. The County needs to figure out where it is best handled in the County. Gary will take a look at it. The County will need some certification by the private sector that certain tests were done. The County would have to come up with a separate set of requirements and determine who would be best to supervise them.

7. Colleen Stickl shared that it would be helpful to submit shop drawings from the precaster for manhole structures when submitting the material package because sometimes what is submitted is not approved.

8. Colleen Stickl is unsure of the new standard for the water meters where they have 1" that will allow for the adjustment of the water meter later. The copper is too hard to flex.

Kevin Demosky responded that there needed to be a more rigid material used.

Commissioner Delauter questioned whether with remote readers this is a problem. Kevin Demosky responded that it is more of an issue of physically getting into the vault. Commissioner Delauter asked if the number of inches allowed could be increased.

Rod Winebrenner noted that the intent of the new detail is to have some flexibility to make that adjustment and still maintain a solid piece of pipe from the main to the meter vault.

Commissioner Shreve said this issue will be put on the list and the County will work to find a solution. This is an issue that can be solved.

9. Fran Zeller noted that GIS is a great resource. Can DUSWM take some of its infrastructure information and layer it so you could see where the lines are?

Kevin Demosky stated that this is a security issue. He realizes that DUSWM has to work with people but to make the infrastructure available at a glance cannot be done. Anyone can meet with DUSWM staff who will be as free as possible with information, but it has to be controlled. In addition, making the information

**Contractor and Consultant Outreach Meeting  
November 15, 2013  
Meeting Minutes**

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available as suggested would lead to people misconstruing the information presented. It is better to have an explanation to accompany it.

Jason Wiley noted that WSSC has a password protected system.

Steve Oder mentioned that obtaining information from DUSWM is not an issue and that if you contact DUSWM staff, they will listen and provide the information outside of the information being available via GIS.

Other comments:

Having Gary's department cross-training inspectors has been a good thing. Kevin Demosky noted that there was an internal pilot where this was being tried on a small project. The effort is being made to share knowledge between the plumbing and building inspectors.

Bill Yauss questioned the reason for concrete meter vaults when there are other materials available.

Donovan Corum noted that the willingness of staff to meet is good. The checklist is a good idea.

Randy Frey appreciates Kevin Demosky and Rod Winebrenner being accessible and working with issues.

Paul Satterfield questioned whether there is any chance of using rigid setters in water meters like Middletown uses.

Colleen Stickl recommended continuing with the PIA program. She noted that Brenda Teach and Chuck Seiser have been wonderful resources.

[Unknown Speaker] - Giving an "atta-boy"; there has been a lot of change in the last few years and he applauds the County for getting it done.

David Lowry - Applauds the County for taking on this issue.

Kraig Walsleben - DUSWM and Planning staff should continue working on easements and other things that conflict with one another.

IV. Update on Certain Issues from October 2012 Outreach Meeting - Rod Winebrenner

No discussion (Meeting adjourned before covering).

V. Close

Commissioner Shreve thanked everyone for coming to the meeting. Meeting notes will be prepared, a list will be sent out to everyone asking them to prioritize the issues, the revisions will be made and the list will resent. There will be an additional follow-up meeting in January (and perhaps in late February).

VI. Next Meeting

January 10, 2014 at **1:00 pm**  
Winchester Room, Winchester Hall  
12 E. Church Street

**Note:** In the event that offices are closed due to inclement weather, the meeting will be held the following Friday, January 17<sup>th</sup>.

## DUSWM CONTRACTOR OUTREACH MEETING NOVEMBER 15, 2013

NAME	ORGANIZATION	CONTACT NO.
✓ Stephen Crum	MAGNUS, Hendricks & Colasacco	SCRUM@mhga.com (301) 670-8896
✓ Chuck Nye	DPW	301 600 1689
✓ RICK SHADOK	DAVID N. MARTIN EXCAVATING	717 729 1367
✓ JERYL MARTIN	" " " " " "	717 729-1393
✓ Stephen COTTER	Geo Technology Associates Inc	410 598 6679
✓ PAUL SATTERFIELD	SATTERFIELD ENTERPRISES	301-898-7275
✓ Tommy Bell	JHG Contractors	(301) 662-1520
✓ Denise Jacoby	FCBIA	301-663-3599
✓ Robert Shen	FC DPW	301-600-2928
✓ BLAIR HOVATTER	FC DPW	301 600 3508
✓ MARK MURRAY	HARRIS, Smalwood + Assoc	301-662-4488
✓ JOHN MAZELON	FOX ASSOCIATES	301 695-0880
✓ JONATHAN PEMBROKE	AUSHERMAN	301-625-4462
✓ Steve Odes	Cavalier Development	301-223-1443
✓ Randy Frey	RCI	rfrey@rodgers.com
✓ Daniel Corum	BOWMAN	DCORUM@BOWMANCONSULTING.COM
✓ Kevin Vida	OPM/DPW	kvida@frederickcountymd.com
✓ David Lewy	Hazen & Sawyer	dlew@hazenandSawyer.com
✓ Jason Wilby	Elm Street Dev	twilby@elmstreetdev.com
✓ Bill Young	The Press Co.	571-237-0095
✓ Colleen Stickel	Miller and Smith	703-928-7650
✓ Fran Zell	HARRIS Smalwood	301 662 4488
✓ GARY HESSONG	COUNTY CDD	301-600-2028
○ Kristen Stolipher	Gordon	304-725-8456
✓ Jay Plummer	CJ Miller-1	410-239-8006
✓ Deane Dunn	Fred Co.	

