

**WASHINGTON SUBURBAN SANITARY COMMISSION**

**MINUTES OF THE COMMISSION MEETING**

**Wednesday, March 20, 2019  
Laurel, Maryland**

Chair T. Eloise Foster called the meeting to order at 10:06 a.m., in the Auditorium of the Washington Suburban Sanitary Commission (hereinafter "WSSC") Richard G. Hocevar ("RGH") Building, 14501 Sweitzer Lane, Laurel, Maryland, 20707, with due notice having been given to all members of the Commission and the public. In addition to Chair Foster, Commissioners Fausto R. Bayonet, Omar M. Boulware, Howard A. Denis, Chris Lawson and Thomasina V. Rogers were present at the meeting, reflecting the presence of a quorum. Also in attendance were WSSC General Manager and Chief Executive Officer ("GM") Carla A. Reid, General Counsel Amanda Stakem Conn and Corporate Secretary Sheila R. Finlayson, Esq., who recorded the minutes of the meeting. Other members of WSSC management were called upon, during certain portions of the meeting, to provide information to the Commission.

**PLEDGE OF ALLEGIANCE**

Chair Foster opened the meeting by welcoming everyone and asking Commissioner Bayonet to lead the pledge of allegiance.

Following the pledge, the Chair asked GM Carla Reid to lead the Commission in the recitation of its mission and vision statements.

**AGENDA APPROVAL**

Commissioner Bayonet moved to adopt the Commission's Public Meeting Agenda of March 20, 2019, as amended, to which Commissioner Lawson seconded the motion. The motion carried unanimously with six affirmative votes. Agenda Item 3.G.1., HomeServe USA Contract Renewal (Management Recommendation), was removed from the agenda.

**APPROVAL OF MINUTES**

Commissioner Bayonet moved to approve the open session minutes of the January 16, 2019 Regular Commission Meeting, as drafted. Commissioner Boulware seconded the motion. The motion carried unanimously with six affirmative votes.

Adoption of the February 28, 2019 Meeting Minutes was deferred until next month, at the request of the Corporate Secretary.

**WSSC RETIREES**

WSSC Retirement and Investments Division Manager Richard Baker recognized the following Retirees for the months of February 2019 and March 2019:

## February 2019 Retirees

John Hoffman, Contract Manager, Utility Services Division, retires with 35 years of service.

Walter Snoddy, Central Garage Vehicle Supervisor, Fleet Services Division, retires with 29 years of service.

Mark Behe (present), Utility Services South Division Manager, Utility Services South Division, retires with 31 years of service.

#### March 2019 Retirees

David Brown, Crew Supervisor, Utility Services North Division, retires with 30 years and 2 months of service.

Gary Grey (present), Deputy Director, Production Support Division, retires with 33 years and 1 month of service.

Sylvia Anderson (present), Event Coordinator, Communications and Community Relations Office, retires with 37 years and 3 months of service.

#### **COMMISSIONER/PUBLIC COMMENTS**

**Commissioner Comments.** The following comments were shared:

Chair Foster stated she, Commissioners Bayonet, Denis, GM Carla Reid and members of her fiscal team, had all attended the WSSC Budget Public Hearing before the Montgomery County Council in February, with the Council taking a straw vote unanimously approving WSSC's \$639 million Capital Budget submission. In addition, the Chair, along with Commissioners Bayonet and Denis, also attended Montgomery County Executive Marc Elrich's press briefing on Montgomery County's FY 2020 Budget, which was well-attended and very informative.

Commissioner Denis followed by sharing that, on occasion, County Executive Elrich has commented on issues involving WSSC and the Montgomery County communities of Clarksburg, Damascus, and Lyttonsville, asking that the Commission be kept up-to-date on any response and progress in those areas. The Montgomery County Council is also conducting a luncheon meeting with U.S. Senator Chris Van Hollen with Commissioner Denis recommending that WSSC also look into scheduling a meeting with the Senator who is a past State Senator and thus, quite knowledgeable about Bi-County and WSSC issues. Commissioner Denis, also a former State Senator, had the pleasure of again attending the Society of Senates Past Annual Dinner of former and current Maryland Senators, held recently in Annapolis, where long-standing Senate President Mike Miller was honored, noting that former President Bill Clinton was the highlight of the event and guest speaker. This is the first time any U.S. President has attended this event. He also noted his enjoyment in again attending this year's WSSC legislative luncheon in Annapolis on March 5<sup>th</sup> and serving as a tour guide of the State House Office Building for WSSC's new Inspector General.

Commissioner Denis concluded his remarks by taking a moment to recognize former Maryland Governor Harry Hughes, who passed away on March 13, 2019 and will be funeralized tomorrow (March 21, 2019) in Annapolis, sharing that Governor Hughes had served two-terms from 1979 to 1987 and was credited for saving the Chesapeake Bay, appointing the Critical Areas Commission and fighting for adoption of its recommendations, including limitations on the development

and banning of Rock Fish harvesting. The Bay is in good shape as a result of his exemplary efforts and hard work.

In recognition of Women's History Month, Commissioners took a moment to recognize and thank all of the women at WSSC and beyond, with Commissioner Rogers providing history and sharing some of the contributions and great strides women have made, and continue to make, since the month was officially declared in 1987.

**Public Comments.** There were no comments from the public.

#### **GENERAL MANAGER REPORT**

**Monthly Report.** GM Carla Reid provided her monthly report, reporting from a power point presentation displayed at the meeting and incorporated herein by reference. The GM's full report can be found in the presentation handout and corresponding segment of the archived meeting video and both are referred to for this purpose.

**Following the GM's briefing and Commissioner questions, the GM's Monthly Report was received as information.**

#### **INSPECTOR GENERAL REPORT**

**Monthly Activity Report.** Inspector General ("IG") Arthur Elkins reported on the monthly activities of the Office of the Inspector General (OIG) for the periods of January and February 2019. Mr. Elkins presented from a power point presentation displayed at the meeting and incorporated herein by reference. The full report can be found in the presentation handout and corresponding segment of

the archived meeting video, and both are referred to for this purpose.

**Following Commissioner questions, the Commission received the OIG Report, as information.**

#### **OTHER REPORTS**

##### **General Counsel's Office (GCO)**

**Ethics Program Update.** The Chair indicated the update was provided in the advance materials, asking if Commissioners had questions, to which none were raised.

**The Commission received the Ethics Program Update, as information.**

#### **FINANCE**

**Connection Pipe Emergency Replacement Loan Program Regulation - Briefing.** Chief Financial Officer Patricia Colihan, provided a briefing on the Connection Pipe Emergency Replacement Loan Program Regulation. Ms. Colihan indicated, during last year's legislation session, House Bill 408 was passed, establishing the Connection Pipe Emergency Replacement Loan Program. The Loan Program, which is to be in place by July 1, 2019, provides loans to eligible customers to finance the replacement of leaking pipes located on residential properties that connect from the Commission's service connection to the residence. Legislation requires an annual budget of \$100,000 per year to cover program for FY 2020 to FY 2029. Maximum amount per loan is \$5000 to be disbursed directly to licensed plumber with liens placed on property. WSSC Federal Credit

Union to administer the program. Draft Regulation is contained in advance materials. Management to come back to Commission next month for approval.

**Following Commissioner' questions, the Commission received the briefing, as information.**

**Set Front Foot Benefit Appeals Hearing Date - May 15, 2019 at 3:30 p.m.** Affected property owners are notified in writing in early spring of their front foot benefit assessments. Customers with issues may request an appeal hearing before the Commission. Management is recommending the Commission set Wednesday, May 15, 2019, at 3:30 p.m., as the date and time for the 2019 Front Foot Benefit Assessment Appeal Hearings, with one Commissioner to be appointed as the hearing officer.

**Whereby, a motion was made by Commissioner Lawson and seconded by Commissioner Bayonet, to set the Front Foot Benefit Appeals Hearing date for Wednesday, May 15, 2019 at 3:30 p.m., in the WSSC Auditorium, with Commissioner Denis to serve as the Hearing Officer.**

**The motion carried unanimously with six affirmative votes.**

**WSSC Employees' Retirement Plan 2018 Annual Results.** Retirement Plan Executive Director Richard Baker presented the 2018 Annual Results for the WSSC Employees' Retirement Plan. Mr. Baker reported from a power point executive summary provided to Commissioners in the advance materials and incorporated herein by reference.

Specific details can be found in the handout and corresponding segment of the archived meeting video.

As of December 31, 2018, the Plan's assets were \$741.7 million.

**The Commission received the Annual Results plan summary as information.**

#### **INFORMATION TECHNOLOGY (IT)**

**Monthly Project Cornerstone Update.** Chief Information Officer Vennard Wright, provided the monthly update, reporting from a power point presentation displayed at the meeting and incorporated herein by reference. Specific details can be found in the presentation handout and archived meeting video. Release One amended Go-Live date is July 2, 2019 due to high number of system defects.

**Following discussion, the Commission received the Monthly Project Cornerstone Update, as information.**

#### **ENGINEERING AND CONSTRUCTION**

**Resolution 2019-2216 - Developer Waiver Request/One Town Center, LLC.** Management is seeking Commission approval of a request from Developer to waive the requirements under WSSC Code of Regulations Chapter 11.165 (formerly SP REG-IFSM-EC-2016-007).

On January 30, 2019, the Commission received a request from One Town Center, LLC (the Developer of One Town Center) to waive the requirements of WSSC Code of Regulations Chapter 11.165 for the



proposed One Town Center construction project. The project consists of a new 581,244 square foot office building for the U.S. Customs and Immigration Services (USCIS) located at Auth Road in Camp Springs, MD and within the Broad Creek Basin in Prince George's County. As required by the Regulation, the request also included a letter from Prince George's County Council Chair Todd Turner, supporting it.

In summary, One Town Center LLC, is requesting a transfer of authorized flow capacity from one of its previously-approved properties/projects (i.e., the Alta Branch Town Center at Camp Springs also owned by Developer), and WSSC's permission to swap the flow previously allotted for the Alta Branch project and use for the One Town Center project which will enable it to proceed now.

Management has reviewed and considered the developer request in accordance with WSSC Code Chapter 11.165, and has determined that the swap flow is acceptable and is thereby recommending that the waiver be granted subject to certain conditions. The staff review is summarized in the letter of February 27, 2019 from the GM to the Chair, contained in the meeting package materials and incorporated herein by reference.

**Whereby, a motion was made by Commissioner Bayonet and seconded by Commissioner Lawson, to adopt Resolution 2019-2216, approving the request for waiver of WSSC Code Chapter 11.165, as submitted by Developer One Town Center, LLC, for the One Town Center USCIS Construction Project, subject to conditions as specified by the**

**General Manager in her recommendation letter to Commissioners of February 27, 2019.**

**The motion carried unanimously with six affirmative votes.**

#### **PRODUCTION**

**New Electricity Supply Program - Contract 16009, Electric Supply and Service.** Energy Manager Robert Taylor, provided information regarding the new electricity supply program, reporting from a power point presentation contained in the advance materials and incorporated herein by reference. Current electricity supplier is Constellation Energy. Contract expires on June 30, 2019. Management is recommending new electricity wholesale supply contract to begin July 1, 2019 for a period of five years and projected savings of \$700,000 per year.

Management is requesting approval to award Contract No. 16009 for Electric Supply and Service to Direct Energy Business, LLC.

**Whereby, a motion was made by Commissioner Boulware and seconded by Commissioner Denis, to approve Contract 16009 for Electric Supply Service, to Direct Energy Business, LLC, in a not to exceed amount of \$56,000,000.00, for a five-year base term, with five (5), one-year options, if exercised by the Commission.**

**The motion carried unanimously with six affirmative votes.**

#### **UTILITY SERVICES**

**Advanced Metering Infrastructure (AMI) Implementation - Briefing.**

Utility Services Director Damion Lampley and Principal Civil Engineer/Contract Manager Crystal Wheaden, provided a briefing on the Advanced Metering Infrastructure (AMI) Implementation that WSSC will soon undertake, reporting on the anticipated project schedule and related benefits to WSSC and its customers. Goal is to move all WSSC customers to AMI network. IRO Director Karyn Riley also reported on the information that was provided to County officials on this subject matter. Specific details can be found in the presentation handout and corresponding segment of archived meeting video.

**Following discussion and Commissioner questions, the Commission received the AMI Briefing, as information.**

**CUSTOMER SERVICE**

**HomeServe USA Contract Renewal - Management Recommendation. Item removed from Agenda.**

**Proposed New Billing and Collecting Water and Sewer Use Charges**

**Regulation - Briefing.** Monica Johnson, Deputy General Manager ("DGM"), Strategic Partnerships, and Crystal Knight-Lee, Director, Customer Service, provided a briefing on the proposed new Billing and Collecting Water and Sewer Use Charges Regulation which will replace the current language under Chapter 3.25 of the WSSC Code of Regulations. The proposed new language reflects current practices, aligns with the new Customer-to-Meter billing system, and ensures compliance with the Public Utilities Article. In summary, the

regulation governs how WSSC bills and collects payment for water and sewer use charges and related fees, including how WSSC bills through its rate structure and how WSSC collects revenue from residential, commercial and wholesale customers who receive water and sewer services from the Commission. The proposed regulation represents a modernization and complete overhaul of the old regulation which is 20 years old. The draft regulation is contained in the board materials and management plans to request approval at the April 2019 Commission Meeting.

**Following discussion, the Commission received the briefing as information.**

**INTERGOVERNMENTAL RELATIONS OFFICE (IRO)**

**Legislative Update.** Karyn Riley, Director, Intergovernmental Relations Office ("IRO"), provided an update on WSSC-related bills moving through the 2019 Legislative Session, reporting from her legislative update handout contained in the advance materials and incorporated herein by reference.

**Following the briefing, the IRO report was received as information.**

**CONSENT CALENDAR**

*Contracts for Approval*

The Chair asked if Commissioners wished to remove any contracts included on the Consent Calendar prior to consideration of the Resolution, to which there was no such request.

A motion was thereby made by Commissioner Boulware and seconded by Commissioner Denis, to adopt Resolution 2019-2217, approving the five contracts included on the Consent Calendar for the March 20, 2019 Commission Meeting as follows:

A. Engineering and Construction

*Construction Contract*

1. BRCRLR5355C12, Takoma Park Water and Sewer Main Replacement, to Sagres Construction Corporation, in the amount of \$1,587,170.00, with a completion time of 265 days.

B. Production

1. Contract 6522, Rental of Equipment and Tools, Change Order 1, Option Term IV, to Sunbelt Rentals, Inc., in the amount of \$800,000.00. This Change Order is to provide funding for three long term rental projects at the Piscataway Water Resource Recovery Facility (WRRF) and for additional contingency funds for emergency services for Commission wide projects.

C. Utility Services

1. Contract 110928, Condition Assessment of Buried Water Assets, Metallic Pipe, to Carollo Engineers, Inc., in the amount of \$3,000,000.00, with a three (3) year base term, and one (1), one-year option to renew if exercised by the Commission.
2. Contract 1121, Emergency Water and Sewer Main Repairs, Option Term 1, to Anchor Construction Corporation, in the amount of

**\$28,000,000.00, originally approved by Commissioners on February 17, 2016 for a three (3) year base term.**

**D. General Services**

1. **Bridge Contract 110262, FY'19 Vehicles, to 72 Hour LLC DBA National Auto Fleet Group, Sourcewell Contract No. 120716-NAF, with a two (2) year base term, with an upset limit of \$1,815,507.00.**

**The motion carried unanimously with six affirmative votes.**

**ADDITIONAL BRIEFINGS**

**COMMISSION OFFICE**

**Corporate Secretary Report.** Corporate Secretary Sheila Finlayson provided an overview of her activities for the month, presenting from her report distributed to Commissioners in the advance materials. The Corporate Secretary advised that the 2019 Commissioners' Engineering Scholarship Campaign will kick-off within the next week. The application deadline is June 3, 2019. No questions were raised.

**The Commission received the Corporate Secretary's report as information.**

**WSSC Employees' Retirement Plan Board of Trustees.** Report provided earlier in meeting during Finance presentations.

**Governance & Strategic Visioning Committee.** No report.

**Legislative & Compliance Committee.** No report.

**Audit Committee.** Quarterly meeting to be conducted following committee reports.

**Customer and Other Stakeholder Relations Committee.** No report.

**Innovation & Infrastructure Committee.** Commissioner Bayonet provided an overview of the 1<sup>st</sup> Annual Innovation Day that will be held on May 14, 2019 at the Consolidated Lab. In addition, the Commission is moving forward with a number of water/waste water network initiatives. Prime Slime for water mains will be piloted; focus will be on bridge crossings.

The Potomac Bio-Filtration pilot is an ongoing project with review to continue over the next several months. The Enhanced Biological Phosphorus Removal pilot at the Parkway Water Resource Recovery Facility to begin later this year.

**The Innovation & Infrastructure Committee report was received as information.**

**Quarterly Audit Committee Meeting.** The Commission officially convened in open session as an Audit Committee at 1:07 p.m. to conduct its quarterly meeting. Business related to the Audit Committee concluded at 1:53 p.m. Minutes of this proceeding are

recorded separately and can be found in the Audit Committee Minutes, incorporated herein by reference. Additional details can also be found in the corresponding segment of the archived meeting video.

Following conclusion of the Audit Committee meeting, the Chair announced that the Morning Open Session business had concluded and called for a motion to go into Closed. After noting her approval of the written closing statement, the Chair called for a vote.

**CLOSED SESSION**

Whereby, at 1:55 p.m., Commissioner Bayonet moved and Commissioner Lawson seconded, that the Commission go into Closed Session, pursuant to Maryland Code Annotated, General Provisions Article: Section 3-305(b)(13) to approve the December 19, 2018 and January 16, 2019 Closed Session Minutes; and Sections 3-305(b)(7) and 3-305(b)(8) to consult with counsel to obtain legal advice and discuss pending or potential litigation for attorney/client privileged legal matters.

The motion carried unanimously with six affirmative votes.

The Chair declared the meeting was closed at 1:55 p.m. The Commission then took a lunch recess, with the Commission reconvening in Closed at 2:54 p.m. in the Commission Office Large Conference Room.



**ATTENDEES:** Chair Eloise Foster, Vice Chair Chris Lawson, Commissioners Fausto Bayonet, Omar Boulware, Howard Denis, and Thomasina Rogers. Staff present: Corporate Secretary Sheila Finlayson, GM Carla Reid, General Counsel Amanda Conn, Deputy General Counsel Russel Beers, DGM James Price, DGM Joseph Beach, DGM Monica Johnson, Associate Counsel Jim O'Day, Associate Counsel Heather Ashbury, Chief of Staff Jackie Vincent, Police and Homeland Security Division Manager David McDonough and Director of Communications Chuck Brown.

**Closed Session Minutes** - On motion made by Commissioner Boulware and seconded by Commissioner Denis, the Commission voted unanimously six-to-zero, to adopt the closed session minutes of its December 19, 2018 and January 16, 2019 Meetings, as drafted.

**Pending Litigation/Legal Advice** - Commissioners were briefed by WSSC Counsel and management on confidential attorney/client privileged pending legal matters affecting the Commission.

At 4:40 p.m., Commissioner Boulware moved to end the Closed Session. Commissioner Denis seconded the motion. The motion carried unanimously with six affirmative votes.

**OPEN SESSION RESUMED**

**Board Governance Work Session.** Commissioners reviewed and discussed a governance document prepared by the Corporate Secretary.

**ADJOURNMENT**

There being no additional business, the Chair called for a motion to adjourn, to which Commissioner Boulware moved to adjourn the meeting. Commissioner Denis seconded the motion. The motion carried with six affirmative votes.

At 5:00 p.m., the meeting was declared, adjourned.

Respectfully submitted,

//signed//

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Sheila R. Finlayson, Esq.  
Corporate Secretary