

**WASHINGTON SUBURBAN SANITARY COMMISSION**

**MINUTES OF THE COMMISSION MEETING**

**Wednesday, July 18, 2012  
Laurel, Maryland**

Chair Chris Lawson called the meeting to order at 8:45 a.m. in the Auditorium of the Richard G. Hovevar Building, 14501 Sweitzer Lane, Laurel, MD 20707, with due notice having been given to all members of the Commission and the public. Vice Chair Gene Counihan, Commissioners Adrienne A. Mandel, Antonio L. Jones, Melanie Hartwig-Davis, and Roscoe M. Moore, Jr. were present at the meeting. Also, present were General Manager Jerry Johnson, General Counsel Jerry Blask, and Corporate Secretary Charlett Bundy.

**PLEDGE OF ALLEGIANCE**

Chair Lawson asked Commissioner Mandel to lead the pledge of allegiance.

**AGENDA APPROVAL**

Commissioner Jones moved to approve the agenda for the WSSC Commission meeting for Wednesday July 18, 2012. Vice Chair Counihan seconded the motion. The motion carried with six affirmative votes.

**MINUTES**

Commissioner Hartwig-Davis moved to approve the open session minutes (with one correction under Commissioner Comments) of the June 20, 2012 Commission meeting. Commissioner Mandel seconded the motion. The motion carried with six affirmative votes.

**WSSC RETIREES**

Of the seven retirees, three were in attendance. They were: Ronald (Buck) Sanders, Trade Shop Unit Coordinator, Industrial Assets Management Group/Anacostia who retired with 34 years of service; Jerome Johnson, a Crew Leader in the Meter Unit, Customer Care Central who retired with 30 years and 1 month of service; and Sandra Y. Pyles, an Accounting Clerk I, in the Revenue/Finance Office who retired with 15 years and 8 months of service.

Not in attendance were the following retirees: Sally Barkley, a Functional Implementer II in the Information Technology Team who retired with 21 years and 6 months of service; Philip R. Day, a Facility Technician II in the Parkway Group who retired with 23 years of service; Randy J. Clark, an Electrical and Mechanical Maintenance Unit Coordinator in the Piscataway Group who retired with 30 years and 7 months of service and Cynthia A.

Lowery, a Senior Laboratory Analyst in Human Resources Non-Department who retired with 21 years and 1 month of service.

#### **COMMUNICATIONS**

The Communications Director showed a video of the comments from employees who were honored at the July 11, 2012 Employee Service Awards Ceremony. It was shown also at the Employee Service Awards ceremony.

#### **COMMISSIONER COMMENTS**

Commissioner Moore noted that Washington, D.C. will host a Global Aids Conference. It is the first time in 20 years that the conference will be hosted in the U.S. He noted that he will be briefing members of the U.S. Congress and would leave today's meeting early to prepare.

#### **MEDIA COMMENTS**

There were no comments from the media.

#### **PUBLIC COMMENTS**

Ms. Tammy Lane of Flower Avenue presented a statement about her dissatisfaction with WSSC's resolution of a claim related to her property.

Attorney Larry Taub addressed Commissioners on behalf of his client, a developer of Town Center at Camp Springs. The developer owns 700 Units across from the Branch Avenue Metro Station. He advised Commissioners of the pending development that includes an additional 53 townhomes which would cause an additional .38% flow to the Broadcreek basin. He requested that Commissioners grant the waiver pursuant to SP ENG 11-01 as not to do so would create an undue hardship on his client who has spent significant time and money in preparing to build the additional townhomes. He advised that the Prince George's County government is seeking to increase the population density near the Camp Springs Metro stop.

#### **GENERAL MANAGER'S OFFICE**

**Monthly Report.** Mr. Johnson started this month's report with the statistics of the Call Center's performance. He advised that this month there was an increase of 5% to a 92% answer rate. This increase was attributed to staffing changes, modifications to operating hours, and work schedule changes. The pilot project with delinquency collection efforts has generated \$650,000. All plants and facilities are operating well within regulatory parameters with no violations in any facility. The water main reconstruction project by the Systems Enhancement crews is doing well because of the mild winter: They have completed 14 plus

miles over a goal of 12 miles. He noted that the extra two miles is a significant length of pipe and he offered kudos to the crews. The overall miles were planned at 41 but the company has achieved 59.9 miles. Sewer main replacement had a goal of 39.9 miles but the company reached 42.47 miles, again exceeding the goal. Using contractors kept the price of the work affordable. Lateral replacements had a goal of 5 miles but the company achieved 11.7 miles. Assistance from Commissioners to allow varying contracting methods contributed to the success of the lateral program.

Then Mr. Johnson introduced the recently-hired Rhonda Exxum who will serve as the Fair Practices Officer. He described her work history at federal and corporate employers.

A storm called a derecho came through on June 30<sup>th</sup>. Mr. Johnson first saluted all the employees who worked to ensure that customers continued to have water service during the storm. He asked Jay Price, Director of Production to give Commissioners a briefing on how the various plants managed to weather the storm. Mr. Price indicated that the storm hit during the evening when water storage is at its lowest level. By 10:30 Patuxent and Potomac Plants were down but through a series of decisions and with the help of the counties and the various electric utilities the power was restored. Generators were used at the sewage plants to restore power; however a mechanical failure caused a slight spill when the power was restored. Although there was not much rain there were the considerably high winds that make up a derecho and it was these high winds that caused trees to fall which in turn created most of the damage. It was the dedicated staff that worked through the night and all during the weekend that maintained water/sewer service for WSSC customers.

Commissioner Mandel asked that communication lines remain open between the counties in special weather situations. Commissioner Counihan commended the employees and asked for a final report on the storm and lessons learned. Commissioner Moore asked if WSSC uses satellite phones when weather events interrupt the electric power service.

Commissioner Jones noted that "it is one thing to execute a strategic plan but," he stated "the achievement of exceeding the strategic goals was masterful." He encouraged all to recognize the accomplishment and the leadership of Mr. Johnson that led to this accomplishment. Chair Lawson congratulated Mr. Johnson on serving 92% of the calling public.

**Internal Audit Office**

**Monthly Activity Report.** Ms. Bardwell provided the Internal Audit Monthly Report which covered June 4, through July 12, 2012. For the report period, System Financial Development audit savings totaled \$28,500, an amount unchanged from the end of the fiscal year. Other audits were described as listed in the printed report. The HR regulatory compliance Phase II audit has been completed. The discussion draft is being revised. A Commissioner audit request was added to the Fiscal Year 2013 audits. There are 19 items from the Human Resources Office and implementation of management action plans for 13 are delinquent but auditors continue to work with management to bring them up-to-date. External auditors continue to complete the external audit for FY 2012.

**Board of Ethics.** The Ethics Officer continued to complete the Smart Start meetings. The Board of Ethics held its regularly-scheduled meeting on July 12, 2012. Several closed and open items were reviewed. As of the end of the fiscal year 99% of the work force has completed ethics training and 95% have received copies of the Code of Conduct. A temporary employee serves the Ethics Officer and will continue to do so until December 2012.

Ms. Bardwell met with DC Water to discuss WSSC's use of a hotline for fraud waste and abuse reporting as they are considering purchasing a hotline service similar to WSSC's hotline service. The next quarterly hotline report will be presented in September 2012.

#### **DEPARTMENT BRIEFINGS**

##### **Engineering & Construction**

##### *Architect/Engineer Contracts*

**Contract CD5415A12.** Mr. Gary Gumm presented information on this contract for riding an agreement with Hampton Roads for Western Branch Wastewater plant emissions control.

**Contract CP4231C05.** Next Mr. Gumm presented information on Change Order 2 to Contract CP4231C05 for the Broad Creek Wastewater Treatment Plant Augmentation Project. It will address sewer overflows as required by the Consent Decree.

##### *Construction Contracts*

**Contract BR5229B11 and BR5276A11.** Lastly Commissioners received information from Mr. Gumm on these two water main replacement projects - BR5229B11 for English Manor II & III and BR5276A11 for Chevy Chase V.

#### **CONSENT CALENDAR**

Commissioner Jones moved that the Commission approve Resolution 2013-1973 that adopts the Consent Calendar for the July 18, 2012 Commission meeting containing the following items:

Engineering and Construction

Architect/Engineer Contracts

1. CD5415A12, Western Branch WWTP Emissions Control to Hampton Roads Sanitation District and HDR Engineering, Inc in the amount of \$3,014,677.00.
2. CP4231C05, Change Order 2, Broad Creek WWPS Augmentation Project to Ganett Fleming/Hatch Mott MacDonald Joint Venture in the amount of \$544,638.15.

Construction Contracts

1. BR5229B11, English Manor II & III to A&M Concrete Corporation in the amount of \$3,873,675.00.
2. BR5276A11, Chevy Chase V to Sagres Construction Corporation in the amount of \$1,430,275.00.

Commissioner Mandel seconded the motion. The motion carried with six affirmative votes.

**Finance**

**WSSC's Proposed Six-year Capital Improvements Program, Fiscal Years 2014-2019.** Mr. Mark Brackett, the Acting Budget Group Leader provided an overview of the proposed Capital Improvements Program for the fiscal years 2014-2019.

**General Manager's Office**

**Design Manual Amendment - Status Report.** Mr. Johnson advised Commissioners of a meeting with the National Capital Park and Planning Commission to discuss the setback amendment to the Pipeline Design Manual. He also mentioned a meeting with the President of the Montgomery County Council, Roger Berliner who acknowledged the Council's efforts to address this policy issue and to reach out to stakeholders. Mr. Johnson stated Mr. Berliner expressed reservations that WSSC pursue the work with the soon-to-be-created Ad Hoc Committee before proceeding to further brief the full council. Mr. Johnson made the commitment that letters of invitation to join the Ad Hoc Committee as established in Resolution 2012-1972 will be sent to the principles within days of today's Commission meeting.

**Production**

**Loudon County Water Intake Application and Co-Op Agreement.**

Dr. Roland Steiner, WSSC's Regional Water and Wastewater Manager, presented information about the pending application of Loudon County (VA) Water to seek permits for taking water from the Potomac River for their reservoir/aqueduct. Mr. Johnson stated the Commissioners would be receiving an update as the project

progresses and he would seek their approval to have WSSC sign on to the Co-op Agreement once the Loudon County issues were resolved.

**Commissioners - Agenda Amendment**

Commissioner Mandel moved that the Commission amend the agenda for the Commission meeting to include the SSO Consent Decree update under Policy items, Item D and revise Item D to reflect this addition. Commissioner Jones seconded the motion. The motion carried with six affirmative votes.

**Engineering & Construction**

**Consent Decree Update.** Mr. Gary Gumm offered a synopsis of: 1) the status of contracts 2) the scheduling of implementation of the Consent Decree work, and 3) the areas that require the continued attention of the Commission. He warned that overflows continue despite the changes that have already been completed in the system's infrastructure. He also explained the status of and challenges in obtaining the necessary rights of entry and noted that a report on the Fats, Oils & Grease Program is due to Commissioners next month. Regarding environmentally sensitive areas, he described the challenges in obtaining permits in order to do the required remedial work in those areas. He also referenced the need to expand the contractor base in order to have sufficient resources to rely on for completing the remaining work under the Consent Decree.

At 12:20 p.m. Chair Lawson called for the lunch recess.

**LUNCH RECESS**

Chair Lawson resumed the meeting at 1:20 p.m. in the Commissioners' Conference Room. Commissioner Moore was absent from the afternoon session.

**AFTERNOON SESSION  
COMMISSIONERS' CONFERENCE ROOM**

**Resolution 2013-1978 Denial of Request to Waive SP ENG 11-01 (Town Center at Camp Springs).** Mr. Johnson provided the information in the SP that describes the conditions under which WSSC should grant or deny a waiver to allow development beyond the capacity of the system. Mr. Taub and the developer of Town Springs at Camp Springs provided their opinion of the basis for granting the waiver. At 2:38 p.m. Chair Lawson called for a five minute recess. At 2:50 the meeting resumed and Chair Lawson announced that no vote would be taken on the waiver.

**Corporate Secretary's Report**

Ms. Bundy gave an update on her activities including the number of applicants for the Starks Engineering Scholarship.

#### **Committee Reports**

**Personnel & Governance.** Mr. Blask is reviewing the Governance Policy draft and Commissioners Hartwig-Davis and Mandel will review his comments and then present them to the Commissioners.

**WSSC Employee Pension Board of Trustees.** Mr. Jones stated that the meeting held June 27, 2012 reported results as of May 31, 2012. The Plan's assets were \$608.2 million which represents an investment loss of \$35.8 million dollars or a 5% decrease from the previous month's report. Domestic and international equities represented 55.2% of the Plan's investment assets; domestic fixed represented 27.1%; global tactic 14.6%, and real estate 3.1%. As of May 31, 2012 all asset classes were within range limits for their respective allocation ranges. Mr. Jones provided a synopsis of the market conditions that impacted these statistics. A discussion ensued about the sustainability of the Pension Plan given the high number of employees eligible to retire in the next several years.

**Starks Engineering Scholarship.** Commissioners discussed making changes to the amount of the award and the frequency of the award. It was agreed that a resolution will need to be drafted to fully describe the award conditions and the type of engineering majors eligible to apply for the scholarship.

**Resolution 2012-1971.** Commissioner Jones moved to approve Resolution 2012-1971 which sets the Commission meeting schedule for Fiscal Year 2013 with the November meeting date on the 19th. Commissioner Mandel seconded the motion. The motion carried with five affirmative votes.

#### **CLOSED SESSION**

At 3:30 p.m. Commissioner Hartwig-Davis moved that the Commission go into closed session pursuant to Maryland State Government Article 10, Subtitle 5, Section 10-508(a)(13) to approve the June 20, 2012 Closed Session Minutes; Section 10-508(a)(7) to receive legal advice on litigation; and Section 20-508(a)(1) to discuss a personnel matter - year end evaluations of direct reports. Commissioner Jones seconded the motion. The motion carried with five affirmative votes.

#### **Commissioners**

At 3:32 p.m. Chair Lawson declared the meeting was closed.

**CLOSED SESSION**

**ATTENDEES:** Chair Dr. Roscoe Moore; Vice Chair Chris Lawson; Commissioners Adrienne A. Mandel, Gene Counihan, and Antonio Jones; General Manager Jerry Johnson, General Counsel Jerry Blask, Corporate Secretary Charlett Bundy.

**Closed Session Minutes.** Commissioner Jones moved to adopt the Closed Session Minutes for the June 20, 2012. Commissioner Mandel seconded the motion. The motion carried with five affirmative votes.

**Personnel Matter.** This item was tabled until the August meeting.

**Attorney Andrew H. Baida of Rosenberg, Martin, Greenberg, LLP** joined the discussion regarding litigation advice at 3:37 p.m.

**Litigation Advice.** Commissioners received information about two cases in litigation and voted to authorize the General Manager to continue to pursue settlement.

At 3:57 p.m. Commissioner Jones moved to end the closed session. Commissioner Mandel seconded the motion. The motion carried with five affirmative votes. At 3:58 p.m. Chair Lawson declared the meeting was re-opened.

**OPEN SESSION RESUMED**

Chair Lawson asked if there was any additional business. There being none he requested a motion for adjournment.

**Adjournment**

At 4:01 p.m. Commissioner Hartwig-Davis moved to adjourn the Commission meeting for July 18, 2012. Commissioner Jones seconded the motion. The motion carried with five affirmative votes. At 4:02 p.m. Chair Lawson declared the meeting was adjourned.

Respectfully submitted,

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//signed//  
Charlett Bundy  
Corporate Secretary