

**WASHINGTON SUBURBAN SANITARY COMMISSION**

**MINUTES OF THE COMMISSION MEETING**

**Tuesday, August 14, 2012  
Laurel, Maryland**

Chair Chris Lawson called the meeting to order at 8:47 a.m. in the Auditorium of the Richard G. Hocevar 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 Jones to lead the pledge of allegiance.

**AGENDA APPROVAL**

Commissioner Mandel moved to approve the agenda for the WSSC Commission meeting for Tuesday August 14, 2012. Commissioner Hartwig-Davis seconded the motion. The motion carried with six affirmative votes.

**MINUTES**

Commissioner Mandel moved to approve the open session minutes of the July 18, 2012 Commission meeting. Vice Chair Counihan seconded the motion. Commissioner Mandel asked that the words "and advise that" be inserted on page 8 in relation to information provided by Council President Berliner. The motion carried with six affirmative votes.

**WSSC RETIREES**

Wanda D. Dent, a Materials Planner I, in the Materials Services Group/Parkway retired with 32 years and 2 months of service and was the sole retiree this month.

**COMMUNICATIONS**

Given the recent adoption of the Bay Restoration Fee Fund and the possible ways of being exempt from paying this fund, the Communications Director showed a video describing this special fee and the ways to be exempt from paying the Restoration Fee. The video also covered the process for seeking an exemption from paying the tax.

Gary Gumm, WSSC's Chief Engineer presented information on the erection of the Laytonsville water tower that included photographs by Ronald Williams of the WSSC Communications Department.

Mujib Lodhi presented the latest improvement to the WSSC cell phone app which allows vendors to download bids and customers to review a history of their billing and water usage.

#### **COMMISSIONERS ENGINEERING SCHOLARSHIP**

Chair Lawson presented Mr. Sebastian Snowberger with the \$1,000 Joyce Starks Engineering Scholarship. The award was based on his grades, references and an essay about challenges to water/wastewater treatment plants. He wrote about the trace elements of pharmaceuticals in water. He was present with his mother and father.

#### **COMMISSIONER COMMENTS**

Commissioner Moore reported on his briefing before the U.S. Congress as part of the HIV/AIDS Conference that was held in the U.S. last month, the first time it was held in the U.S.

Commissioner Counihan noted that the video on the Restoration Fee was well done and asked that it be shown at WSSC's booth at the Maryland Association of Counties (MACo) Conference where persons from all over the state might see it.

Commissioner Mandel advised of the attendance of Commissioners at the MACo in Ocean City that begins Wednesday, August 15, 2012 which necessitated changing the meeting day from Wednesday to Tuesday this month. She noted that the Commissioners look forward to attending the conference and sharing information about WSSC with other county officials across Maryland.

#### **MEDIA/PUBLIC COMMENTS**

There were no comments from the media or the public

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

**Monthly Report.** Mr. Johnson first commended the Communications Office on the video on the bay fund tax/exemptions and noted that about 90 applications for such exemptions had

already been received since the tax went into effect on July 2, 2012.

Turning to the call center, Mr. Johnson advised 45,000 calls had been received and the answer rate was 92%. The rate peaked at 99% but he noted that the goal is to seek consistency. The delinquencies are up from \$7.4 to \$7.5 million. As most of these accounts are government payers who pay late rather than not at all he advised there was no need to be concerned about the increase. Since last month's report, all plants operated well within their respective permit parameters.

Mr. Johnson went on to report that several information meetings were held around the state about the proposed changes to biosolids transporting/storing. The regulation was published in The Register June 29<sup>th</sup>. The review of the initial draft of the permit application to allow Loudon County to draw from the Potomac River (briefed last month) is officially underway.

Sewer backups were reviewed and there was no correlation between those backups and any other major events. Some were due to the rain storm but that alone was not the universal cause. So there is no answer why the backups fluctuated in May 2012.

HR reporting will be included in future General Manager's reports as a series of dashboards. There was an active month of outreach. With only one month into the fiscal year there is not much to report from the finance office.

WSSC will host a booth at the MACo conference which begins tomorrow. On Thursday morning WSSC's Intergovernmental Affairs Office will host a continental breakfast. Mr. Johnson reported on his participation in a panel on diversity in the public sector in Washington, D.C. HR Director Yvonne McKinney and Western Branch Plant Superintendent Brian Mosby participated in a cable TV show in Bowie called, "The Launch Pad." It was shown on July 20. The show seeks to expose youth to resources and activities to strengthen their academic performance and broaden their career outlook. Joe Johnson of WSSC's Laboratory hosted a tour of WSSC for five analysts from the U.S. Environmental Protection Agency (EPA) who were relatively new to their policy-shaping duties at EPA.

Sam Ahmad (Acting Chief of Production while Jay Price was on vacation) received on behalf of the wastewater plant operators the following Peak Performance Awards from the National Association of Clean Water Agencies: Silver Awards were presented each to Piscataway and Western Branch Wastewater Plants in recognition of compliance in calendar year 2011; Gold Awards were presented to

Hyattstown and Marlboro Meadows Wastewater Treatment Plants for five consecutive years of compliance with their respective operating permit; a Platinum Award Five was presented to Parkway Wastewater Treatment Plant for operating more than five consecutive years without any permit violations; a Platinum Award Six was presented to Seneca Wastewater Treatment Plant for operating more than six consecutive years without any permit violations; and a Platinum Award Twelve was presented to Damascus Wastewater Treatment Plant for operating more than 12 consecutive years without any permit violations.

#### **Internal Audit Office**

**Monthly Activity Report.** Ms. Bardwell provided the Internal Audit Monthly Report which covered July 9, through August 3, 2012. For the report period, System Financial Development audit savings totaled \$294,000, an amount unchanged from the end of the fiscal year. The Internal Audit department is awaiting the completion of a risk management survey by members of WSSC management.

Other audits were described as listed in the printed report. The Consent Decree Compliance Audit has begun. The Facilities Information Tool Audit and the Procurement Card Audit is under review by the audit management staff. The Human Resources Regulatory Compliance Phase II Audit is at the point where the discussion draft has been completed and it is being prepared for an exit conference.

There were 21 starting; 14 pending and 94 closed items.

**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. The Board acknowledged the resignation of Attorney Rachel Brown effective July 12<sup>th</sup>. The position will be advertised when the term expires in the Fall for another Board member. Several closed and open items were reviewed.

#### **DEPARTMENT BRIEFINGS**

##### **Finance**

Mr. Traber presented possible dates for public hearings on the Fiscal Year 2014 Proposed Budget at 7:30 p.m. on February 6, 2013 in Montgomery County and February 7 in Prince George's County with the inclement weather date set for February 13, 2013 at RGH. The item was moved to the consent calendar.

Mr. Traber also presented information to Amend WSSC Fiscal Years 2013-2018 Capital Improvement Program for Westphalia Town Center Water and Sewer Main projects. This item was approved by

Prince George's County Council last month and was also moved to the consent calendar for adoption.

Resolution 2013-1974. Commissioner Jones moved to adopt Resolution 2013-1974 Authorizing Issuance of Water Supply Bonds. Commissioner Mandel seconded the motion. The motion carried with five affirmative votes. Commissioner Hartwig-Davis was temporarily off the dais.

Resolution 2013-1975. Commissioner Jones moved to adopt Resolution 2013-1975 Authorizing Issuance of Sewage Disposal Bonds. Vice Chair Counihan seconded the motion. The motion carried with six affirmative votes.

Resolution 2013-1976. Commissioner Jones moved to adopt Resolution 2013-1976 Authorizing Issuance of General Construction Bonds. Vice Chair Counihan seconded the motion. The motion carried with six affirmative votes.

Resolution 2013-1977. Commissioner Jones moved to adopt Resolution 2013-1977 to Authorize Providing for the Sale and Publication of Notice of Sale of Water Supply Bonds of 2012, Sewage Disposal Bonds of 2012, General Construction Bonds of 2012, and Providing for Consolidation of such Bonds for Issuance. Commissioner Hartwig-Davis seconded the motion. The motion carried with six affirmative votes.

#### **Engineering & Construction**

##### *Construction Contract*

**BR/CR/BT5008A09.** Mr. Gumm provided information on this water/sewer main/vault replacement/re-location project in Cheverly.

#### **LOGISTICS**

**Contract 6195.** Mr. Roscoe Wade presented Commissioners with the information regarding Contract 6195 for Mechanical Joint Fittings and Accessories.

**Contract 6023.** Next Mr. Wade discussed the information relative to exercising an option on Contract 6023 for Mechanical Joint Gate Valves.

**Contract 5827 - Change Order 2.** Mr. Wade offered information regarding Change Order 2 to Contract 5827 which addresses Underground Brass Service Fittings

**Contract 6173.** In this last Logistics item, Mr. Wade described the purchase of Chassis Cab Trucks (8) and a Swab Body Model 150 truck (1).

#### **CONSENT CALENDAR**

Commissioner Hartwig-Davis moved that the Commission approve Resolution 2013-1979 that adopts the Consent Calendar for the August 14, 2012 Commission meeting containing the following items:

A. Finance

1. Set public hearing dates for the Fiscal Year 2014 Proposed Budget as at 7:30 p.m. on February 6, 2013 in Montgomery County at the Stella B Werner Office Building, 7th Floor Hearing Room 100 Maryland Avenue, Rockville, MD and February 7 in Prince George's County at the RMS Building, Room 308, 1400 McCormick Drive, Largo, MD with the inclement weather date set for February 13, 2013 at RGH, 14501 Sweitzer Lane, Laurel, MD.
2. Amend WSSC Fiscal Years 2013-2018 Capital Improvement Program for Westphalia Town Center Water and Sewer Main projects.

B. Engineering and Construction

Construction Contract  
BR/CR/BT5008A09, Water/Sewer Main/Vault  
Replacement/Relocation, Cheverly to Taylor Utilities in the amount of \$2,012,645.00.

C. Logistics

1. Contract 6195, Mechanical Joint Fittings and Accessories to The Daytner Corp. in the amount of \$2,443,331.41.00.
2. Contract 6023, Mechanical Joint Gate Valves to the Daytner Construction Group in the amount of \$1,800,000.00.
3. Contract 5827, Change Order 1, Underground Brass Service Fittings to Construction Management and Technology, Inc., in the amount of \$900,000.00.
4. Contract 6173, Chassis Cab Trucks (8) & Swab Body Model 150 (1) to K. Neal International Truck, Inc. in the amount of \$1,383,492.00.

Vice Chair Counihan seconded the motion. The motion carried with five affirmative votes. Commissioner Moore was temporarily off the dais.

**General Manager's Office**

**Design Manual Amendment - Status Report.** Mr. Johnson gave Commissioners the updated status of the progress on the formation of the Ad Hoc Committee that was created to address the Design Manual Amendment. He also provided Commissioners a synopsis of the public hearings that had been held on the topic.

Commissioner Counihan suggested that the Ad Hoc committee establish a mission and he provided an example: 1) Achieve consensus on the language needed in the Design Manual that has to do with setback distances; 2) identify and evaluate the risks with the existing setback standard; 3) identify options for mitigating the risks, e.g. establish a setback; and 4) make recommendations with specific language for any changes needed in the Design Manual or state and/or county law. Commissioners agreed to drop the first item and include the others as elements of the Ad Hoc Committee's mission to study the recommendations in the WSSC Pipeline Design Manual.

Commissioner Counihan moved that the Commissioners amend Resolution 2012-1972 that formed the Ad Hoc Committee to study the Design Manual to include the mission statements: 1) identify and evaluate the risks with the existing setback standard; and 2) identify options for mitigating the risks, e.g. establish a setback; and make recommendations with specific language for any changes needed in the Design Manual or state and/or county law. Commissioner Hartwig-Davis seconded the motion. The motion carried with six affirmative votes.

Commissioner Counihan moved to amend Resolution 2012-1972 to add members from the school systems in Montgomery County and Prince George's County to the Ad Hoc Committee to Study the Pipeline Design Manual. Commissioner Hartwig-Davis seconded the motion. The motion carried with six affirmative votes.

#### **Engineering & Construction / IT**

##### **Development Services Group Process and Technology**

**Improvements.** The new electronic permits process to improve and deliver "superior" customer service was described by Mike Harmer, Developmental Services Group Leader and Minchy Shaw, Chief Technology Implementation Officer.

#### **Communications/IT**

**Video Streaming of Commission Meetings.** Mr. Mujib Lodhi and Mr. Jim Neustadt gave Commissioners estimates of the costs and equipment needed to give the public greater access to the commission meetings via streaming or television broadcasting.

#### **Corporate Secretary's Report**

Ms. Bundy gave an update on her activities. She commented on the increase in refund hearings.

#### **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 July 25, 2012 reported results as of June 10, 2012. The Plan's assets were \$623.8 million which represents an investment gain of \$19.6 million dollars or a 3.3% increase from the previous month's report. Domestic and international equities represented 56.3% of the Plan's investment assets; domestic fixed represented 25.8%; global tactic 14.7%, and real estate 3.2%. As

of June 30, 2012 all asset classes were within range limits for their respective allocation ranges.

**LUNCH RECESS**

At 12:28 p.m. Chair Lawson called for the lunch recess.

**AFTERNOON SESSION  
COMMISSIONERS' CONFERENCE ROOM**

Chair Lawson resumed the meeting at 1:27 p.m. in the Commissioners' Conference Room.

**ENGINEERING SCHOLARSHIP**

Vice Chair Counihan began describing the proposed changes to the engineering scholarship sponsored by Commissioners. The qualifications are to be based on a student enrolled for a minimum of 12 credit hours per quarter or semester. The cut-off date for applications will be May 31<sup>st</sup> of each year and Commissioners will make a selection annually in June.

**Ad Hoc Committee on Pipeline Design Manual.** General Counsel Blask advised Commissioners that inviting a representative from the school system in each county to serve on the Ad Hoc Committee on the Pipeline Design Manual would not violate any law or regulation and he advised against inviting private members of the community.

**Video Broadcasting of Commission Meetings**

Commissioners resumed the discussion about the broadcasting or streaming of live Commission meetings. It was determined that the budget would be adjusted to allow for the expense in this Fiscal Year. Commissioner Moore moved to authorize the General Manager/CEO to proceed with plans to install video equipment for video streaming/broadcasting and recording of meetings and various events in the WSSC auditorium. Commissioner Counihan seconded the motion. The motion carried with six affirmative votes.

**CLOSED SESSION**

At 2:46 p.m. Commissioner Jones 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 July 18, 2012 Closed Session Minutes; Sections 10-508(a)(3) and (a)(7) to obtain legal advice from General Counsel concerning acquisition of temporary construction easements and rights of entry in connection with sewer rehabilitation work required under the Consent Decree; Section 10-508(a)(7) to obtain legal advice concerning litigation



and the Design Manual Ad Hoc Committee; and Section 10-508(a)(1) to complete performance evaluations of direct reports; and Section 10-508(a)14) to discuss a potential proposal for services related to lobbying. Commissioner Hartwig-Davis seconded the motion. The motion carried with six affirmative votes.

**Commissioners**

At 2:47 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, Antonio Jones and Melanie Hartwig-Davis; General Manager Jerry Johnson, General Counsel Jerry Blask, Corporate Secretary Charlett Bundy, Chief Engineer Gary Gum.

**Litigation Advice.** Mr. Blask advised Commissioners on potential litigation involving the eminent domain taking of certain properties on a temporary basis to allow for projects to be completed that relate to obligations placed on WSSC in the Consent Decree. Mr. Gumm left the closed session and then Mr. Blask updated Commissioners on the status of several cases that would require their authority to approve and/or authorize a settlement.

**Proposal for lobbying.** Commissioners discussed strategy to provide assistance to the Intergovernmental Relations Office as would be described in a request for proposal to provide lobbying services for WSSC in the next legislative season.

**Closed Session Minutes.** Commissioner Hartwig-Davis moved to adopt the Closed Session Minutes for July 18, 2012. Commissioner Mandel seconded the motion. The motion carried with six affirmative votes.

**Personnel Matter.** Commissioners voted to approve the recommendations of the Personnel & Governance Committee regarding performance evaluations of two direct reports and approved the renewal contract of two direct reports.

At 3:37 p.m. Commissioner Mandel moved to end the closed session. Commissioner Jones seconded the motion. The motion carried with six affirmative votes. At 3:38 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**

Commissioner Jones moved to adjourn the meeting.  
Commissioner Hartwig-Davis seconded the motion. The motion  
carried with six affirmative votes.

Respectfully submitted,

                  //signed//                    
Charlett Bundy  
Corporate Secretary