

WASHINGTON SUBURBAN SANITARY COMMISSION

MINUTES OF THE COMMISSION MEETING

**Wednesday, February 16, 2011
Laurel, Maryland**

Chair Antonio Jones called the meeting to order at 8:56 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 Dr. Roscoe M. Moore, Jr., Commissioners Prem A. Agarwal, Joyce Starks, Adrienne A. Mandel, and Gene W. Counihan were present at the meeting. Also, present were General Manager Jerry Johnson, Corporate Secretary Charlett Bundy, and General Counsel Jerry Blask.

PLEDGE OF ALLEGIANCE

Chair Jones asked Crystal Knight-Lee, Acting Director of WSSC's Strategic Management System Office, to lead the pledge of allegiance.

AGENDA APPROVAL

Commissioner Agarwal moved to approve the Commission public meeting agenda for Wednesday February 16, 2011. Commissioner Mandel seconded the motion. The vote was called by Chair Jones and the motion carried with five affirmative votes as Commissioner Starks had not arrived when the vote was taken.

MINUTES

Commissioner Mandel moved to approve the open session minutes of the January 19, and February 7, 2011 Commission meetings. Commissioner Agarwal seconded the motion. The motion carried with four affirmative votes from Chair Jones, Commissioners Agarwal, Counihan, and Mandel: Commissioner Starks had not arrived when the vote was taken. Vice Chair Moore voted to approve the January 19th minutes but abstained voting on the February 7th minutes because he was absent from that meeting.

WSSC RETIREES

Three retirees were recognized this month: Helen Romaine Lucas was present to be recognized. She retired as the Information Support Analyst in the Customer Care Information Support Group with 34 years and 3 months of service. She noted that WSSC "has taken care of me all my life." Her grandfather, father, and a cousin all worked for WSSC. Her cousin, Alonzo Sharps was killed in a trench accident in 1937 and is memorialized with other WSSC employees who lost their lives while

on duty on a plaque in the lobby of the Richard G. Hocevar building. Now as she retires, her son is employed with WSSC. She expressed her appreciation for the opportunity to serve WSSC.

Two retirees were absent from the meeting: David L. Christian who retired as a Fleet Technician in the Fleet Services Group/Lytonsville with 27 years of service and Maxine B. Taylor Information Support Technician in the Production Team Information Support.

WSSC MEDIA UPDATE

Mr. Neustadt showed a video commemorating the service anniversaries of over 100 employees who were honored for having 10 or more years of service. The WSSC Employee Service Awards Ceremony was held January 26, 2011 in the auditorium of the Richard G. Hocevar building.

MEDIA / PUBLIC COMMENTS

There were no comments from the media and only Ms. Lucas provided comments (noted above under Retirees) from the public.

COMMISSIONERS' COMMENTS/INTENTIONS

Chairman Jones recognized former Commissioner Gerald Roper who was attending the meeting because of the release of the WSSC 2010 Disparity Study. Chairman Jones also noted that the accumulated water main reconstruction in January marked the completion of goals up through April. He applauded all of the staff responsible for early completion of the April sewer reconstruction goals.

Commissioner Counihan noted an error in a newspaper article that listed him as Chair of the Commission. He advised that he was not quoted as having spoken on behalf of the Commission or on any WSSC policy. He remarked that it was great that WSSC received visibility in the article for its infrastructure funding needs and surmised he had been interviewed because of his keen interest in this topic that began during the many years he served in the Maryland legislature.

Commissioner Starks wished all a belated Happy Valentine's Day. She commended a WSSC employee for off-duty work: Acting Customer Care Chief Derrick Phillips provided her information on a particular water main break. She commended Recyc Inc. for 38% minority participation on a contract.

GENERAL MANAGER'S OFFICE

Monthly Report. This month's report began with Mr. Johnson's statement of how proud he is to be the general manager

of WSSC because of the many comments made by employees honored at the service awards ceremony in January. He noted it is true that WSSC's greatest asset is its employees. The overwhelming tone of WSSC employees is positive and that Mr. Johnson said makes him proud.

Next, Mr. Johnson addressed the 54" water main break in Prince George's County. Congresswoman Donna Edwards came to the scene and Mr. Johnson noted she has been a continuous supporter and advocate for funding sources to repair WSSC's aging infrastructure. Mr. Johnson also noted that Senator Ben Cardin wrote a letter to President Obama referring to the 54" break as an example of why infrastructure funding needs to be supported by the Federal Government. All businesses harmed by the break were relocated and other claims from that break were being processed. Engineering is conducting forensic work on the pipe to try to determine the cause of the break. With the pipe out of service, at least two miles will be inspected to determine if any prophylactic work is needed to avoid breaks in other areas of the pipe.

The Call Center's performance dropped 5% which Mr. Johnson attributed to inclement weather that caused a reduction in staffing of the Call Center and increased calls to the center. Phase II of improvements to the Call Center will be installed in September.

Next Mr. Johnson referenced a study indicating that fluoride levels in public water should be reduced. He commented that the level referenced in the article is the level WSSC has been using.

As to other areas Mr. Johnson advised: All plants are operating within full compliance of applicable permits; there is an on-going dialogue regarding mixed use property billing with entities impacted by this proposed regulatory change; the Disparity Study public meeting would be held at 7 p.m. after the Commission meeting; the American Water Works Association will host its annual convention in Washington, D.C. and Mr. Johnson noted that Kimberly Knox and a number of other WSSC employees will make a presentation at that national conference; Project Warmth continues to collect new mittens, gloves, scarves, and hats for the needy; and employees continue to raise money for Haitian relief -- over \$500 was raised in February; and WSSC is within a few dollars of reaching its goal for the United Way campaign.

Resolution 2011-1908. Mr. Johnson presented Cathy Martin with a resolution wherein the Commissioners recognized: 1) March as purchasing month and 2) the professionalism and dedication of the WSSC employees in the Acquisition Department. Mr. Johnson also thanked the Acquisition team for their good work. Vice Chair Moore moved to approve Resolution 2011-1908 that recognizes March as Purchasing Month. Commissioner Agarwal seconded the motion. The motion carried with six affirmative votes.

Legislative Report. Mr. Wineland reported on eight pieces of legislation:

- MCPG 102-11 authorizing WSSC to enter property to post notices - passed favorably in Prince George's County House Delegation and scheduled for review by Montgomery County Bi-County Committee and is scheduled for a vote on February 21st.
- MCPG 103-11 repealing requirements related to examinations, adding preference for veterans, removing approval of Maryland Secretary of Budget and Management for personnel actions -- passed favorably in Prince George's County House Delegation and scheduled for review by Montgomery County Bi-County Committee and is scheduled for a vote on February 21st.
- MCPG 104-11 expanding the definition of facilities construction contract to allow for pipeline construction -- passed favorably in Prince George's County House Delegation and scheduled for review by Montgomery County Bi-County Committee and is scheduled for a vote on February 21st.
- MCPG 105-11 prohibiting transfer of title on property with unpaid water bills - Unfavorably reported in Prince George's County House Delegation so this legislation is out of consideration for this legislative session.
- MCPB 106-11 authorizing receivership for delinquent accounts - not yet in committee.
- MCPG 107-11 authorizing WSSC to collect security deposits - not yet in committee.
- MCPG 113-11 establishing a Procurement Oversight Committee over WSSC - General Manager recommends that WSSC oppose this bill. Commissioners agreed to consider this matter later in the meeting.
- MCPG 116-11 altering terms of WSSC bonds and refunding bonds -- General Manager recommends that WSSC oppose this bill.

Commissioners agreed to consider this matter later in the meeting.

Mr. Wineland reported on a number of other bills of interest in the Maryland legislature (HB 24, 47, 48, 3, and 901 and SB 752, HJ 3) and two in the Virginia legislature (SJ 334 and 1056).

Internal Audit Office

Monthly Activity Report. Ms. Bardwell advised

Commissioners that the Human Resources regulatory compliance audit had been postponed at the request of the Human Resources Director until April. The Dispute Resolving Board audit is in its final stages. The Blue Plains audit is proceeding, the auditors continue with their advising services.

Board of Ethics. The meeting was held January 20, 2011 with one open session item and two closed session items. Ethics training of new hires continues.

DEPARTMENT BRIEFINGS

Finance Office

Transmittal of Proposed FY 2012 Operating and Capital

Budgets. Mr. Traber requested a vote to transmit the Fiscal Year 2012 Operating and Capital budgets to the counties for approval. Commissioners postponed a vote on the transmittal until later in the meeting. Whereupon it was decided that the vote would have to take place in a telephone meeting at a date to be determined.

Engineering & Construction - Architect/Engineer Contracts

P74846. Mr. Gumm provided a brief overview of the Option Term Program Management for Long-Term Control Plan a necessary element to comply with the Consent Decree.

Contract CD4261A05. Commissioners were advised of the Amendment One to this contract for the Damascus Waste Water Treatment Plant ENR Design Services During Construction.

Engineering & Construction - Construction Contracts

Sewer Main Lining & Lateral Renewals. Mr. Gumm briefed contracts: CI4523A06 for work in Silver Spring; CI4923B08 for work in Quaint Acres, CI4925A08 for work in New Hampshire Estates; CI4925C08 and CI4925D08 for work at the Northwest Branch Basin; and CI4925F08 for work in Oakview.

Water Main Replacement. Next Mr. Gumm briefed the following Contract, BR5010A09, for work on Route 450 in

Bladensburg; Contract BR4874A08, for Water Main and WHC Replacement/Relocation, Cedar Parkway, Chevy Chase; Contract BR/CR4877D08 for Water Sewer Main Replacement/Relocation, Woodlawn; and Contract BF5014A09 for the Potomac Plant HVAC.

Customer Care

PM0002A08. Mr. Derrick Phillips, Acting Customer Care Team Chief presented information on this Architect/Engineer Basic Ordering Agreement, for Sanitary Sewer Rehabilitation Support. The request was to renew the first of two, one-year option terms.

Commissioners agreed to remove the budget transmittal item from the Consent Calendar and to consider it at a later time.

CONSENT CALENDAR

Commissioner Mandel moved to approve Resolution 2011-1905 that adopts the Consent Calendar for February 16, 2011 and deletes the transmittal of the item Transmittal of the FY 2012 Fiscal and Operating Budgets and includes the following:

A. Engineering & Construction - Architect/Engineer Contracts

1. Option Term for P74846 Program Management for Long-Term Control Plan WSSC Consent Decree) to Greeley & Hansen for a total of \$4,000,000.00;

2. Contract CD4261A05, Amendment One, Damascus WWTP ENR Design Services During Construction to GHD, Inc. for a total of \$1,057,507.81.

B. Engineering & Construction - Construction Contracts for Sewer Main Lining & Lateral Renewals to Miller Pipeline Corp. Contracts:

1. CI4523A06, Silver Spring for \$1,861,754.50.
2. CI4923B08, Quaint Acres, for \$2,898,309.50
3. CI4925A08, New Hampshire Estates, for \$2,253,973.00.
4. CI4925C08, Northwest Branch Basin, for \$2,278,717.50.
5. CI4925D08, Northwest Branch Basin, for \$3,054,602.00.
6. CI4925F08, Oakview, for \$1,700,036.00.

B2. Engineering & Construction Water Main Replacement Contract:

1. BR5010A09, Route 450, Bladensburg, to Fort Myer Construction Corp., for \$1,966,487.00.
2. BR4874A08, Water Main and Water House Connection Replacement/Relocation, Cedar Parkway, Chevy Chase, to Fort Myer Construction Corp., for \$1,453,061.50.

3. Contract BR/CR4877D08, Water Sewer Main Replacement/Relocation, Woodlawn, to Taylor Utilities, Inc. for \$2,268,340.00.

4. BF5014A09, Potomac Wastewater Treatment Plant HVAC Upgrade to J. F. Fischer, Inc., for \$1,232,450.00;

C. Customer Care

PM0002A08 - Architect/Engineer Basic Ordering Agreement, Option Year One for Sanitary Sewer Rehabilitation Support, to Black & Veatch, for \$1,500,000.00.

Commissioner Agarwal seconded the motion. The motion to adopt the Consent Calendar for the February 16, 2011 meeting passed with six affirmative votes.

STRATEGIC INITIATIVES

Engineering & Construction: Ms. Laura Swisher repeated a previous presentation on set-back requirements for pre-stressed concrete cylinder pipes and large water mains.

COMMISSIONER REPORTS

Working Group Reports

There were no Committee reports this month as two committees were scheduled to meet after the monthly Commission meeting.

Corporate Secretary

Monthly Report. Ms. Bundy then briefed Commissioners on the status of her monthly activities.

Continued Business

Matters under continued business were carried over to the next meeting.

Chair Jones recessed for lunch at 12:08 p.m. and resumed the meeting at 2:04 p.m.

INTERGOVERNMENTAL RELATIONS OFFICE Legislation Recommendations

Commissioners reviewed certain legislation with the intent to vote to approve, not approve, or take no action and took the following actions:

MCPG 113-11 (Establishment of a Procurement Oversight Committee). Commissioner Counihan moved to support the General Manager's recommendation that the commission not support this bill. Commissioner Mandel seconded the motion. The motion failed as Vice Chair Moore and Commissioners Mandel and Counihan voted aye and Chair Jones and Commissioners Agarwal and Starks voted nay. Commissioner Agarwal then moved that the Commission take no

position on MCPB 113-11. Commissioner Starks seconded the motion. The motion failed as Chair Jones and Commissioners Agarwal and Starks voted aye and Vice Chair Moore and Commissioners Mandel and Counihan voted nay. Mr. Wineland was advised that the forgoing motions meant the Commissioners had not taken a position to oppose the bill or to not to oppose the bill.

MCPG 116-11 (Altering terms of WSSC bonds and refunding bonds). Commissioner Counihan moved that the Commission accept the General Manager's recommendation and oppose this legislation. Vice Chair Moore seconded the motion. The motion carried with six affirmative votes.

MEETING CLOSING

At 2:32 p.m. Commissioner Starks moved to close the meeting pursuant to Maryland State Government Article 10, Subtitle 5, Section 10-508(a)(13) to approve the January 19, 2011 Closed Session Minutes and to discuss an administrative matter regarding the Ethics Code and pursuant to Section 10-508(a)(7) to receive an update on a litigation matter and to receive legal advice on the minority contracting data (an error on the agenda listed a briefing on WSSC's Emergency Preparedness but this was not included in the motion). Commissioner Mandel seconded the motion. The motion carried with six affirmative votes. At 2:36 p.m. Chair Jones declared the meeting was closed.

CLOSED SESSION

COMMISSIONERS' CONFERENCE ROOM

ATTENDEES: Chair Antonio Jones, Vice Chair Dr. Roscoe Moore; Commissioners Prem A. Agarwal, Adrienne A. Mandel, Joyce Starks, Gene W. Counihan; General Manager Jerry Johnson, General Counsel Jerry Blask, and Corporate Secretary Charlett Bundy.

Closed Session Minutes. Commissioner Agarwal moved to approve the minutes of the Closed Session for January 19, 2011. Commissioner Mandel seconded the motion. The motion carried with four affirmative votes: Commissioner Counihan abstained because he was absent from that portion of the meeting and Vice Chair Moore was temporarily out of the room.

Attorneys Laura Swisher and Carl Isler joined the meeting to discuss settlement of a legal matter.

Legal Settlement. Commissioners voted to authorize the General Manager to settle a legal matter. The motion carried with five affirmative votes because Vice Chair Moore was temporarily out of the room. Mr. Isler and Ms. Swisher then left the meeting.

The following additional persons joined the closed session at 4:24 p.m.: Attorney Keith Wiener of Holland & Knight, Dr. Eleanor Ramsey and Attorney Ed Norton of Mason Tillman Assoc.; WSSC Employees Cathy Martin, Jim Neustadt, Towanda Livingston, Linda Dorman, Crystal Knight-Lee, and Johnnie Hemphill. Vice Chair Moore left during the discussion but he did not advise of his departure so no exact departure time was recorded.

Minority Contracting Data Analysis. Commissioners received legal advice and discussed administrative matters related to the minority contracting data collected by Mason Tillman Associates.

Commissioner Counihan moved to end the closed session. Commissioner Agarwal seconded the motion. The motion carried with four affirmative votes as Commissioner Starks was temporarily out of the room. At 5:45 p.m. the meeting was declared open.

OPEN SESSION RESUMED

Minority Business Enterprise Policy. Commissioner Agarwal moved to release for publication the MBE Policy dated February 16, 2011, titled SP MBE 11-01 with the modifications recommended by Commissioners. Commissioner Starks seconded the motion. The motion carried with five affirmative votes (Vice Chair Moore had left the meeting).

Adjournment

Commissioner Agarwal moved to adjourn the meeting. Commissioner Starks seconded the motion. The motion carried with five affirmative votes. At 5:53 p.m. Chair Jones declared the meeting was adjourned.

Respectfully submitted,

//signed//
Charlett Bundy, Esq.
Corporate Secretary