

WASHINGTON SUBURBAN SANITARY COMMISSION
MINUTES OF THE COMMISSION MEETING

Wednesday, March 16, 2011
Laurel, Maryland

Chair Antonio Jones called the meeting to order at 8:53 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 WSSC General Manager/CEO Jerry N. Johnson, to lead the pledge of allegiance.

AGENDA APPROVAL

Commissioner Agarwal moved to approve the agenda for the Commission public meeting for Wednesday March 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 reached the dais by the time the vote was taken.

MINUTES

Commissioner Mandel moved to approve the open session minutes of the February 16 and 24, 2011 Commission meetings. Commissioner Agarwal seconded the motion. The motion carried with four affirmative votes: Commissioner Starks had not arrived when the vote was taken and Vice Chair Moore abstained from the February 24th meeting because he was absent from the meeting.

WSSC RETIREES

None of the four retirees were present to be recognized this month. They were: Sherry Verdin Eccleston, an Administrative Assistant

I with the Fleet Services Group in Anacostia who retired with 29 years and 5 months of service; Delma Bob Grooms, a Bindery Operator with the Materials and Services Group who retired with 16 years and 9 months of service; Gary Hess, a Customer Care Maintenance Unit Coordinator at Temple Hills who retired with 30 years and 6 months of service; and Verhne W. Turner Richards, a Development project Manager II who retired with 32 years and 2 months of service.

WSSC MEDIA UPDATE

This month Mr. Neustadt showed a video explaining the Facilities Information Tool (FIT) a product of the IT Department.

MEDIA / PUBLIC COMMENTS

There were no comments from the media. Mr. Albert Nunez Chairman of the WSSC Customer Advisory Board and Dispute Resolving Board appeared but not as a representative of either of these entities. He presented written comments on WSSC's large water main monitoring system; the 20-year renewable energy power purchase agreements; the Smart Meter (AMR/AMI) Roll Out; and Funding High Bill Adjustments.

COMMISSIONERS' COMMENTS/INTENTIONS

Commissioner Mandel made remarks commemorating Women's History Month. She noted that there have been only 13 female Commissioners in the 93-year history of WSSC. She urged all women of WSSC to be all they can be to pursue their dreams and create their own "herstory." She ended by quoting sociologist Margaret Meade who advised women to "never doubt that a small group of people can change the world - indeed it's the only thing that has." She read a list of "[s]heroes."

GENERAL MANAGER'S OFFICE

Monthly Report. Mr. Johnson noted that the timing of the meeting would only allow him to report that Montgomery County had approved the WSSC Capital Budget. The meeting on the budget in Prince George's

County was pending. Next he offered information from the dashboards, noting that the Call center continues to show improvement in answering calls and the atmosphere is generating enthusiasm to meet the target numbers in a customer-friendly way. The IVR system will help increase the credit card payments. Mr. Johnson reported that \$800,000 had been collected in electronic payments thus far with a total of \$3.7 million collected since the inception of the IVR in October 2010.

The power outage on February 25, 2011 at the Potomac Plant did not pose any problems; water service was maintained despite the outage. Also in February (28th) the tunnel boring machine, Ms. Colleen, broke down. The machine was shipped to Ohio for repair and the tunnel work schedule will be reviewed to determine the impact of the work stoppage.

A feature about last month's retiree, Romaine Lucas and her several family members who still work for and previously worked for WSSC was published in the local newspaper.

Mr. Johnson attended the employee showcase briefly and said he was "amazed at the quality of talent among the WSSC employees." He also alluded to the science fair and tree planting activities that were sponsored by the WSSC Communications/Community Relations Department during the month of February.

Legislative Report. Mr. Wineland reported on the status of HB24, a bill addressing storage of biosolids. Mr. Gary Grey of the Production Department noted that for WSSC such storage would increase costs and be difficult to implement because the WSSC plants are not designed to store biosolids on site.

Next, Mr. Wineland gave an overview of HB 641 and mentioned that there was some surprise that WSSC had not taken a position on this bill that would create a WSSC Procurement Oversight Committee (POC); provide for membership, terms, and duties of the Committee; require WSSC to submit, on or before December 1, 2011, a written report to the POC demonstrating compliance with a specified minority business enterprise law; and require the POC to report to specified delegations to the

General Assembly on or before January 1, 2013. Commissioner Coughlin moved to take a position in opposition to HB 641 and express the opposition to state senators in appropriate form. Commissioner Starks seconded the motion. The motion carried with five affirmative votes as Commissioner Agarwal was temporarily off the dais when the vote was taken.

Internal Audit Office

Monthly Activity Report. Ms. Bardwell reported on matters from February 7, 2011 through March 4, 2011. Phase II of the Human Resources regulatory compliance audit began; one newly-hired auditor resigned and the position for Auditor I has been re-opened; the awareness program for fraud, waste and abuse continues. Advertisement for an external auditor continues.

Board of Ethics. The February 10, 2011 meeting covered open and closed items where it was reported that 11 new hires received ethics training.

DEPARTMENT BRIEFINGS

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, Damascus WWTP ENR Design Services During Construction.

Engineering & Construction - Construction Contracts

Water Main Replacement/Relocation. Commissioners received a briefing from Mr. Gary Gumm on this project for the areas Ridge Road, Melwood Road and various streets in North Bethesda, Montgomery County.

Sewer Main Lining; Sewer House Connection Renewals and Other Sewer Rehabilitation. Next Contracts C15112010 (Hillcrest); C15112A10 (Forest Heights); C15112M10 (Marlow Heights); C15112Q10 and C1511 2R10 (various

areas) for work done generally in the Oxon Run Basin were briefed by Mr. Gary Gumm.

Finance Office

Front Foot Benefit Appeal Hearing Date/Time. Mr. Tom Traber proposed May 18, 2011, 3:00 p.m. as the walk-in date/time for the 2011 WSSC front foot benefit assessment appeal hearing for customers who do not request a hearing prior to May 13, 2011.

Production

Contract 5846. Mr. James Price gave an overview of this contract for the influent screw pump replacement at the Piscataway Wastewater Treatment Plant.

Contract 5922. Mr. James Price briefed Commissioners on this contract to repair and repaint the interior and exterior of the single pedestal water tower in Germantown.

Logistics

Contract 5835. Mr. Roscoe Wade presented a contract for the purchase of Encoder Meters which are used in residential and small commercial applications. This item was removed from the consent calendar for voting as a separate item.

Customer Care

P75040. Mr. Derrick Phillips, Acting Customer Care Team Chief presented information on this storm water management and stream restoration project which will ride Montgomery County Contract 9801000102.

CONSENT CALENDAR

Commissioner Counihan moved to approve Resolution 2011-1908 that adopts the Consent Calendar for March 16, 2011 and includes the following:

- A. Engineering and Construction - Construction Contracts
 - 1. BR4937A09, Water Main Replacement, Bethesda North to Corinthian Contractors, Inc. for a total of \$3,708,093.00.
 - 2. Sewer Main Lining, Sewer House Connection Renewals and Other

Sewer Rehabilitation:

- a. CI5112P10, Hillcrest Area, Oxon Run Basin to Reynolds Inliner for a total of \$2,093,417.00.
- b. CI5112A10, Forest Heights, Oxon Run Basin to AM-Liner East, Inc. for a total of \$2,131,680.10
- c. CI5112M10, Marlow Heights, Oxon Run Basin to Reynolds Inliner, LLC, for a total of \$2,239,147.00.
- d. CI5112Q10, Various Areas, Oxon Run Basin to Miller Pipeline Corp. for a total of \$1,650,652.20.
- e. CI5112R10, Various Areas, Oxon Run Basin to Miller Pipeline Corp. for a total of 2,041, 044.00.
- f. CI5112N10, Hillcrest Estates, Oxon Run Basin to Miller Pipeline Corp. for a total of \$1, 457,331.60.

B. Finance

Schedule the Front Foot Benefit Appeal Hearing for customers who do not request a hearing prior to May 13, 2011, to be held May 18, 2011 at 3:00 pm at the Robert G. Hocevar Building.

C. Production

1. Contract 5846, Influent Screw Pump Replacement at the Piscataway Wastewater Treatment Plant to EMH Environmental, Inc. for a total amount of \$904,000.
2. Contract 5922, Repairing and Repainting the Exterior of the Single Pedestal Earthoid-Germantown Tank to Horizon Brothers Painting, Inc. for a total of \$857,200.

D. Customer Care

Contract P75040, Storm Water Management and Stream Restoration to HGS, LLC dba Angler Environmental for a total of \$1,600,000.00.

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

Contract 5835. After additional discussion on this contract, Commissioner Counihan moved to approve Contract 5835 for the purchase of Encoder Meters used in residential and small commercial applications to Tricon Chemical for \$2,001,769.00. Commissioner Mandel seconded the motion. The motion carried with six affirmative votes.

STRATEGIC INITIATIVES

Engineering & Construction: Mr. Gumm presented the quarterly briefing on the status of the consent decree projects and introduced proposed watershed regulation modifications necessary for security and safety concerns and to align them with environmentally sound practices.

COMMISSIONER REPORTS

Working Group Reports

WSSC Employees Retirement Board of Trustees. Mr. Richard Baker presented Commissioners the annual report from the Trustees. Despite the economic downturns of the last year the Retirement Plan investments provided a very strong return. Total assets for the year are at \$660 million and nearing \$670 million.

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

Chair Jones recessed for lunch at 12:15 p.m. and resumed the meeting at 1:22 p.m.

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.

MEETING CLOSING

At 1:55 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 February 16, 2011 Closed Session Minutes and to review information on the benefits for same gender couples; pursuant to Section 10-508(a)(1) to discuss the performance evaluation of a direct report; and pursuant to Section 10-508(a)(7) to receive an update on a litigation matter and to receive legal advice on the proposed MBE Program. Commissioner Agarwal seconded the motion. The motion carried with six affirmative votes. At 1:24 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. Also in attendance were: 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.

Proposed Minority Business Enterprise (MBE) Program.

Commissioners received legal information on the proposed MBE Program.

At 3:54 p.m. all left the room except for five Commissioners, the General Manager/CEO, General Counsel and the Corporate Secretary. Vice Chair Moore left during the discussion but he did not advise of his departure so no exact departure time was recorded.

Closed Session Minutes. Commissioner Agarwal moved to approve the minutes of the Closed Session for February 16, 2011. Commissioner Counihan seconded the motion. The motion carried with five affirmative votes.

At 3:57 p.m. Commissioner Agarwal moved that the closed session end. Commissioner Counihan seconded the motion. The motion carried with five affirmative votes (Vice Chair Moore was still out of the room) whereupon at 4:01 p.m. Chair Jones declared the meeting was open.

OPEN SESSION RESUMED

Domestic Partners Policy. Commissioner Counihan moved to approve the Domestic Partners Policy for same gender couples. Commissioner Mandel seconded the motion. After discussion, the matter was special ordered to the April agenda for a vote.

Minority Business Enterprise Policy. Commissioner Counihan moved that the commission approve Resolution 2011-1909, the WSSC Minority Business Enterprise Program, SP MBE 11-01. Vice Chair Moore seconded the motion. The motion carried with six affirmative votes as Vice Chair Moore had returned to the meeting.

Adjournment

Commissioner Counihan moved to adjourn the meeting. Commissioner Agarwal seconded the motion. The motion carried with six affirmative votes. At 4:35 p.m. Chair Jones declared the meeting was adjourned.

Respectfully submitted,

//signed//
Charlett Bundy
Corporate Secretary