

WASHINGTON SUBURBAN SANITARY COMMISSION

MINUTES OF THE COMMISSION MEETING

Wednesday, March 21, 2007

Laurel, Maryland

Chairman Prem Agarwal called the meeting to order at 8:42 a.m. in the Commissioners' Conference Room at 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 Botts, Commissioners Sandra Allen and Juanita Miller were present. Also, present were General Manager Andy Brunhart, General Counsel Jerry Blask and Corporate Secretary Charlett Bundy. Commissioner Joyce Starks arrived after the agenda had been approved. Commissioner Marc P. Lieber arrived soon thereafter.

**Agenda Approval**

Commissioner Miller moved to amend the agenda to include an additional item under the closed session, Section 10-508(a)(7) and (13), personnel matter and to approve the amended agenda. Vice Chair Botts seconded the motion. The motion carried with four affirmative votes.

**Finance Office**

**Future Retirement Plan Document Amendment.** Sheila Cohen presented information on the WSSC Retirement Plan regarding adjustments that needed to be made to the Plan's mortality tables.

**January 2007 Status Report.** Ms. Cohen advised Commissioners that the January 2007 Status Report had been transmitted to the county governments.

**Front Foot Benefit Appeal Hearing Date /Officers.** Ms. Cohen asked for two commissioners to volunteer to preside over Front Foot Benefit Appeals scheduled for May 16, 2007 at 5:30 p.m. Vice Chair Botts volunteered. Commissioner Starks volunteered to be the alternate hearing officer.

**Engineering and Construction**

**Water Main Replacement, Takoma Park.** Commissioners were briefed on Contract BR/CR4395A06.

**Utility Master Plan.** Commissioners were briefed on contract CM4626A07 which will create a baseline analysis to develop a plan for WSSC's infrastructure.

**Rocky Gorge Valve Rehabilitation Project.** Commissioners were briefed on Contract BF1582E91 which will address rehabilitation to the pumping station at the base of Duckett Dam.

**Duckett Dam Intake Repair.** Commissioners were briefed on Contract BD4356A06 which addresses repairs to the screens and gates at Duckett Dam.

**Bethesda Water Main Replacement.** Commissioners were briefed on JOC 4334. At the conclusion of the briefings on these contracts, several Commissioners expressed strong disappointment with the Acquisitions staff for not adhering to or following the procurement process which resulted in the contracts for chemical replenishment at Rocky Gorge and Duckett Dam to be in a near crisis situation when these essential contracts were submitted to Commissioners for approval.

After the briefings for the Engineering and Construction contracts, it was noted on the record that the contracts are ready to be awarded at the April 18, 2007 Commission meeting.

#### **Production**

Three contracts were briefed and deemed prepared to vote on in the afternoon session. They were:

**Blue Plains WWTP Bio-solids Mgmt. Contract 3869.** The Production Team requested that Commissioners exercise the last option year of this contract;

**Western Branch WWTP Bio-solids Mgmt. 4979.** In briefing this contract, Production noted that the contract is for "as needed" hauling services and;

**Liquid Chlorine Contract 05-01.** This contract is for awarding a portion of the second option year.

**National Capital Region Water Redundancy Study.** This study is a study by a consulting group in cooperation with the Federal government to review what improvements are needed to area water department systems to render them more resilient if disaster strikes or if the systems are attacked by an act of terrorism.

#### **Intergovernmental Relations Office**

Sheila Mirmiran briefed Commissioners on the progress of bills proposed by WSSC as well as those proposed by others that impact WSSC that are moving through the legislative process.

#### **Customer Care Team**

Commissioners were briefed on three items that will be presented for a vote at the next regular Commission meeting.

**Piscataway Creek Sewer Basin Study - Contract 76702095A.** This contract involves a trunk walk to inspect certain lines.

**Underground Utility Locator Service, Change Order to 4259.** This contract will create utility markings for digging.

**Consent Decree Update - Annual Action Item 16.** This project addresses specific items stated in the Sanitary Sewer Overflow Consent Decree.

**General Manager's Report**

Mr. Brunhart shared information about the continuing development of the Marlboro Meadows Water Line. He also updated Commissioners on information about the improvements to the Blue Plains plant to meet nitrogen removal requirements. The status of the Broad Creek Emergency Generator was highlighted. Mr. Brunhart advised Commissioners that at the June Commission meeting he plans to present a recommendation for awarding a contract for the design and installation of emergency generators at Broad Creek. A brief water outage at both plants - Patuxent and Potomac - did not impact customers' water service due to the speedy action taken by WSSC technical personnel.

Mr. Brunhart also discussed the meetings with Maryland Department of the Environment (MDE), the Counties, and the Patuxent Riverkeeper, Fred Tutman to discuss the ongoing testing/sampling at Western Branch in anticipation of the design and implementation of an enhanced nutrient removal system.

Lastly, Mr. Brunhart gave the Commissioners an overview of the operations for the month, including the start of the E-billing for WSSC customers.

**OPEN SESSION -- AUDITORIUM**

At 1:09 p.m. Chairman Agarwal called the public meeting to order. Vice Chair Botts and Commissioners Starks, Lieber, Allen, and Miller were present. Chair Agarwal asked Commissioner Lieber to lead the pledge of allegiance.

**APPROVAL OF MINUTES**

Commissioner Miller moved that the Commission approve the open session minutes from the February 21, 2007 Commission meeting. Commissioner Lieber seconded the motion. The vote for the February 21, 2007 minutes was unanimous to approve the minutes; so the motion carried.

**AREA PRESS QUESTIONS**

There were no press questions.

**PRESENTATION OF WSSC RETIREES**

Two employees were recognized as they retired from WSSC: Shirley A. Belleci, Administrative Assistant I, retired with 22 years and 4 months of service. Joyce E. Chambers, Accounting Clerk III, retired with 26 years and 9 months of service. Irina Sloatsky was not in attendance but retired from her position as a Senior Information Systems Support Analyst with 16 years and 1 month of service.

**COMMUNICATIONS/COMMUNITY RELATIONS**

Children's Water Day, a community event sponsored by WSSC's Communications and Community Relations Department planned for May 2, and 3, 2007. Names of the elementary schools in WSSC's district were placed in a bowl and the Chair and Vice Chair were asked to select the schools that would be allowed to participate in this event. Chair Agarwal selected the following Montgomery County Elementary Schools as participants: W.T. Page (Silver Spring) and Whetstone (Gaithersburg). Travilah (North Potomac) was selected as an alternate. Vice Chair Botts selected the following Prince George's County Elementary Schools: Valley View (Oxon Hills) and Carroll Highlands (Takoma Park). Waldon Woods (Clinton) was selected as an alternate.

**COMMISSIONERS' ITEMS/COMMENTS**

Commissioner Lieber remarked that he was pleased that the kick-off event at WSSC for Earth Month is the showing of the documentary about Bernie Fowler's crusade to preserve the Patuxent River. Commissioner Lieber remarked that a bill is being introduced to the Maryland legislature to celebrate May 2<sup>nd</sup> as Rachel Carson Day. Ms. Carson lived in the WSSC district in Silver Spring and was a student at Johns Hopkins University. She is listed as one of the 100 Most Influential People of the Century as she is considered to be the mother of the modern day environmental movement. Commissioner Lieber noted Ms. Carson's important stewardship of the environment.

**GENERAL MANAGER'S ITEMS/COMMENTS**

Mr. Brunhart first introduced Mr. Tom Laboon, the newly-hired WSSC Acquisition Director. Next, Mr. Brunhart recounted how more than 100 firms attended the WSSC SLBE Open House. The topic of discussion was the Bi-County Tunnel, a \$150 million project.

Sylvia Anderson of the WSSC Communications/Community Relations Department was recognized for raising \$1,700 for the Water for People Fund, a charity to impact the water system in Malawi, Africa. The Water for People Fund is the charity of choice for the Chesapeake Chapter of the American Water Works Association.

**Customer Care**

**Contract 76702095A.** Commissioner Allen moved that the Commission award Contract 76702095A for the Piscataway Creek Sewer Basin Study to Hazen & Sawyer, P.C. in the amount of \$5,998,300. Commissioner Starks seconded the motion. The motion carried unanimously. Commissioner Miller congratulated Hazen & Sawyer for their voluntary inclusion of a MBE sub-contractor in their bid.

**Change Order No. 2 to Contract 4259.** Vice Chair Botts moved that the Commission approve Change Order No. 2 to Contract 4259 which covers the locating, identifying, and marking of the Commission's underground facilities in Montgomery and Prince George's County to Utiliquest, LLC. Change Order No. 2 increases the contract funds by \$620,000 to cover the required services during both the original contract period and the extension and to pay off outstanding balances. This increase results in a new contract value for the current year of \$1,600,190. Change Order No. 2 adds \$620,000 to the Contract Value. Commissioner Starks seconded the motion. The motion carried with five affirmative votes. Commissioner Miller voted nay.

#### **Engineering & Construction**

**Contract No. BR/CR4373A06.** Commissioner Lieber moved that the Commission award Contract No. BR/CR4373A06 for the Glenmont Water and Sewer Main Replacement to Fort Myer Construction Corp. in the amount of \$998,235. Commissioner Miller seconded the motion. The motion carried unanimously, resulting in an award to this certified SLBE firm.

**JOC 4334.** Commissioner Miller moved that the Commission award JOC 4334 for the Bethesda Water Main Replacement to Anchor Construction Corporation in the amount of \$1,490,872.19. Vice Chair Botts seconded the motion. The motion carried with five affirmative votes -- Commissioner Lieber voted nay.

#### **Finance Office**

**FEMA Resolution 2007-1771.** Commissioner Lieber moved that the Commission approve Resolution 2007-1771 to appoint an agent for FEMA transactions. Vice Chair Botts seconded the motion. The motion carried unanimously.

**Resolution 2007-1772.** Vice Chair Botts moved that the Commission approve Resolution 2007-1772 that authorizes the issuance of 2007 Sewage Disposal Bonds. Commissioner Allen seconded the motion. The motion carried unanimously.

**Resolution 2007-1773.** Vice Chair Botts moved that the Commission approve Resolution 2007-1773 that authorizes the issuance of 2007 Water Supply Bonds. Commissioner Allen seconded the motion. The motion carried unanimously.

**Resolution 2007-1774.** Vice Chair Botts moved that the Commission approve Resolution 2007-1774 that provides for the public sale and publication of a notice of sale of the 2007 Water Supply Bonds and the 2007 Sewage Disposal Bonds. Commissioner Lieber seconded the motion. The motion carried unanimously.

At 1:38 p.m. the meeting then adjourned to the Commissioners' Conference Room for the afternoon session.

**AFTERNOON SESSION -  
COMMISSIONERS' CONFERENCE ROOM**

At 1:45 p.m. the meeting resumed in the Commissioners' Conference Room.

**Internal Audit**

**February 2007 Report.** Rong Zhao presented the department's monthly audit report to Commissioners. There were no questions.

**Nomination of Ethics Board Chair - Resolution 2007-1770.** Ms. Zhao presented Commissioners with information on the nomination of Charles Kuderna as Ethics Board Chair for Fiscal year 2007-2008. Commissioner Lieber moved to adopt Resolution 2007-1770. Vice Chair Botts seconded the motion. The motion carried unanimously.

**Corporate Secretary**

**Monthly Report.** Ms. Bundy provided Commissioners a report of her monthly activities.

Commissioners then discussed the idea of a continuing scholarship to be awarded from the Joint Corporate Sponsorship funds. It was agreed that the scholarship would be offered to any institution of higher learning that has a Water Resources Program. It would be reserved for a student in that program whose permanent address is in the WSSC district. The value of the scholarship will be \$1,000. Each student will have to apply annually, including any previous awardees. The Corporate Secretary was tasked with identifying the colleges/universities and providing information so students could apply. The nominees are to be presented to the Commissioners no later than the June 2007 meeting for a decision.

**AFTERNOON CLOSED SESSION**

At 3:25 p.m. Commissioner Allen moved to close the meeting pursuant to Government Article, Maryland Code Section 10-508(a)(1) and (2) personnel to discuss HR staff reassignment; Section 10-508(a)(13) to approve Closed Session Minutes from the February 21, 2007 meeting; Section 10-508(a)(7) and (13) to discuss settlement of a claim and to delegate authority to settle the claim; and to discuss legal counsel's opinion regarding the MBE Program. Commissioner Lieber seconded the

motion. The motion passed with five affirmative votes as Commissioner Miller was temporarily out of the room.

At 3:27 p.m. the closed meeting began. In attendance were Chair Agarwal, Vice Chair Botts, Commissioners Lieber, Starks, Allen and Miller; General Manager Andy Brunhart; General Counsel Jerry Blask; and Corporate Secretary Charlett Bundy. Towanda McNeil, Director SLMBE joined the discussion on the MBE Program only. She left the meeting at 5:10 p.m. as did Attorney Lee. HR Director Yvonne McKinney joined the meeting at 5:11 p.m. for the item on HR reorganization and left at 5:20 p.m.

All of the matters listed in the motion to close the meeting were discussed. Commissioner Lieber moved to have a second Commission meeting in April, on April 4, 2007 to discuss a plan from Attorney Lee on the development of a MBE program that would be within the confines of MBE legislation that is anticipated to be passed and implemented by July 1, 2007. Two items not discussed were tabled for that meeting also, to wit the retreat for Commissioners and the discussion on the modification to the SOP that applies to Commissioners' travel/entertainment. Commissioner Allen seconded the motion. The vote was unanimous so the motion carried.

At 5:35 p.m. Commissioner Allen made a motion to close the closed session. Commissioner Starks seconded the motion. The motion carried with six affirmative votes.

#### **ADJOURNMENT**

Immediately thereafter, Commissioner Allen made a motion to end the meeting. It was seconded by Commissioner Lieber. The vote was unanimous. At 5:36 p.m. Chair Agarwal declared the meeting was adjourned.

#### **Communications/Community Relations Office**

**Earth Month Preview Reception.** Commissioners Lieber, Starks and Miller joined the public in the First Floor Atrium in the Robert G. Hocevar building for a reception and display on Earth Month that was prepared by the Communications Team.

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