

**WASHINGTON SUBURBAN SANITARY COMMISSION**

**MINUTES OF THE COMMISSION MEETING**

**Wednesday, March 18, 2009  
Laurel, Maryland**

Chair Joyce Starks called the meeting to order at 8:50 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 Gene Counihan, Commissioners Prem P. Agarwal, Adrienne Mandel, Juanita Miller, and Roscoe M. Moore, Jr. were present at the meeting. Also, present were Interim General Manager Teresa Daniell, Interim Deputy General Manager Rudy Chow, Corporate Secretary Charlett Bundy and General Counsel, Jerry Blask.

**AGENDA APPROVAL**

Commissioner Agarwal moved to amend the agenda by removing the word "vote" from Contract B69972A94. Vice Chair Counihan seconded the motion. The motion carried with six affirmative votes. Commissioner Mandel moved to approve the amended agenda. Vice Chair Counihan seconded the motion. The motion carried with six affirmative votes.

**MORNING CLOSED SESSION  
COMMISSIONERS' CONFERENCE ROOM**

Commissioner Agarwal moved that the meeting be Closed pursuant to Subtitle 5 of Title 10 of the State Government Article, Maryland Code Section 10-508(a)(13) to approve closed session minutes for: February 18, 2009 and May 20, 2009; and Section 10-508(a)(7) to discuss legal advice on settling an Employee's claim and review a former employee's EEO/ADA claim; Section 10-508(a)(13) to discuss the Transition Plan; and Section 10-508(a)(7) to discuss a personnel matter related to performance of a direct report. Vice Chair Counihan seconded the motion. The motion carried with six affirmative votes. At 9:00 a.m. the meeting was closed.

**ATTENDEES: Chair Joyce Starks, Vice Chair Gene Counihan, Commissioners Prem Agarwal, Adrienne Mandel, Juanita Miller, Roscoe Moore, Jr., Teresa Daniell, Rudy Chow, Jerry Blask and Charlett Bundy were present. Associate Counsel Vickie Webb and Carol Silberhorn joined the discussion on the settlement of a legal claim.**

Commissioners discussed the announcement of a candidate for the general manager position and the need for the status quo to continue at WSSC until that process was complete, i.e., that the Interim General Manager and Interim Deputy General Manager would continue with their assigned duties until a formal announcement of a replacement. Commissioner Moore moved to approve the closed session minutes for February 18, 2009. Commissioner Agarwal seconded the motion. The

motion carried with six affirmative votes. The vote on the May 20, 2008 closed session minutes was tabled until the next full Commission meeting. Next Commissioners discussed a proposed settlement with an employee. The Commissioners were advised why General Counsel's office was not prepared to discuss the EEO claim of a former employee at the meeting. Commissioner Miller moved to resume the open meeting. Commissioner Moore seconded the motion. The motion carried with six affirmative votes.

At 11:00 a.m. the open meeting resumed.

#### **Engineering and Construction**

Commissioners were briefed on these contracts: Contract AC4819A08 for area water and sewer house connection and Contract RC4949A09 for area specific water and sewer house connection renewals cover for work in Prince George's County and Montgomery County and Contract BR4720F07 Oxon Hill II, IV and V for water main reconstruction contract. Two change orders were briefed; Change Order Two for Contract 4937 - for paving and the other, Change Order for Contract CI4688A07 for lateral lining in Prince George's County.

Commissioners received an update on the progress of the Bi-county Tunnel.

#### **SECOND MORNING CLOSED SESSION COMMISSIONERS' CONFERENCE ROOM**

Commissioner Moore moved to close the meeting pursuant to Subtitle 5 of Title 10 of the State Government Article, Maryland Code Section 10-508(a)(1) to discuss a personnel matter related to the hiring of a general manager. Commissioner Mandel seconded the motion. The motion carried with six affirmative votes. At 11:57 a.m. the meeting was closed.

**ATTENDEES: Chair Joyce Starks, Vice Chair Counihan, Commissioners Agarwal, Miller, Mandel and Moore and Mr. David Chardavoyne.**

The Corporate Secretary was advised that Commissioners discussed Mr. Chardavoyne's nomination as general manager by County Executives Jack Johnson (Prince George's County) and Isaiah Leggett (Montgomery County). She was also advised that at the conclusion of the discussion, Vice Chair Counihan moved to end the closed session. Commissioner Mandel seconded the motion and that the motion carried with four affirmative votes as Commissioners Miller and Agarwal were temporarily out of the room. At 1:05 p.m. the open meeting resumed.

**OPEN SESSION RESUMED -**

**COMMISSIOENRS' CONFERENCE ROOM****General Counsel**

**1. Authorization to enter into National Capital Region Mutual Aid Agreement.** Commissioners were briefed on this emergency aid and assistance agreement that allows government agencies who sign to aid other such agencies. It was created in response to an initiative following the Intelligence Reform and Protection Act.

**2. Laytonsville Funding Agreement Amendment.** Commissioners received a briefing that indicated WSSC rejected the proposed change in the interest rate to be paid under the agreement. This change would result in a favorable decrease in payments to the developer in the agreement while passing higher costs to WSSC.

**3. Bolling Air Force Base.** Commissioners moved this item to the April meeting agenda.

**IT/CAMO**

**1. Contract No. 5484. ERP/EAM Implementation.** There were no questions about this item which had been briefed in previous months.

**2. Contract No. 5550. Implementation of Information Lifecycle Management Phase 2.** There were no questions about this item which had been briefed in previous months.

**OPEN SESSION  
AUDITORIUM**

Chair Starks called the meeting to order in the auditorium at 1:30 p.m. Commissioner Agarwal was asked to lead the pledge of allegiance.

**APPROVAL OF THE MINUTES**

Commissioner Mandel moved to approve the open session minutes from February 18, and March 4, 2009. Vice Chair Counihan seconded the motion. The Motion carried with five affirmative votes.

**EMPLOYEE EXCELLENCE VIDEO**

A video of the Customer Care Meter Unit was shown as part of the series of WSSC employees at work.

**PRESENTATION OF WSSC RETIREES**

Four employees retired this month. None attended the meetings. Frederic L. Omohundro retired as a Laboratory Analyst in the Laboratory Services Group with 14 years and 3 months of service; Deborah L. Fielder, Customer Care Agent I retired with 28 years and 3 months of

service; Ginger C. Le, Laboratory Analyst I, retired with 26 years and 11 months of service; and Edward E. Mudd, Utility Technician III retired with 23 years and 9 months of service.

**COMMISSIONERS' ITEMS/COMMENTS**

Chair Starks expressed appreciation to the two County Executives, Jack Johnson and Isaiah Leggett for collaborating and recommending Mr. David Chardovayn for the position WSSC Chief Executive Officer/General Manager. She noted WSSC Commissioners would next process the candidate in accordance with WSSC personnel policies. She noted that the Commissioners continue to support the Interim General Manager, Ms. Teresa Daniell and Interim Deputy General Manager, Mr. Rudy Chow who would continue in their respective positions. She expressed the Commissioners' expectations that staff continue to provide Ms. Daniell and Mr. Chow with support until the Commissioners officially announce a change.

Vice Chair Counihan also expressed gratitude to the two county executives for moving forward with a nomination for WSSC CEO/GM. He noted that Commissioners had met the candidate briefly and would expedite the process to thoroughly bring it to closure. He expressed thanks to the staff for the leadership of Teresa Daniell and Rudy Chow both of whom he noted have performed outstandingly for over a year in their interim roles and asked the audience to join in recognizing them.

Ms. Daniell and Mr. Chow received a standing ovation.

Chair Starks reminded the public about the availability of the WSSC engineering scholarship and asked all to spread the word so that a deserving resident of the water district could receive the information and apply for the scholarship.

Vice Chair Counihan reminded the public that Commissioners and Ms. Daniell have been aggressively seeking stimulus funds to pay for WSSC infrastructure projects and even after WSSC has been told it would not be eligible for such funds, Mr. Counihan stated that Governor O'Malley had agreed to review the policy decision. Hopefully, WSSC will receive a favorable decision after this review, allowing WSSC to participate by receiving some of the stimulus funds. Lastly, Mr. Counihan thanked county and state elected officials for creating the opportunity for Governor O'Malley to reconsider awarding stimulus funds to WSSC.

Chair Starks noted that she had attended an MBE session in Annapolis. Mike Turner of the WSSC SLMBE Office stated the attendees included: Tomaneci Waller; Brandon Stewart; Leidi Reyes; and Tracey Edwards, as well as about 700 MBEs. He stated the event was a tremendous success and met its goal of demonstrating to the Governor and others that MBEs are viable and want to be considered for business contracts.

Lastly, Chair Starks announced she is organizing a non-profit organization, "Women in Water," to help women working in water utilities and other utilities to come together for networking, empowering and promoting their presence in these industries.

#### **INTERIM GENERAL MANAGER'S ITEMS/COMMENTS**

Interim General Manager Daniell thanked Chair Starks and Vice Chair Counihan for their kind remarks. She recognized Sylvia Anderson for organizing the events held at WSSC commemorating Black History Month. She also recognized Ms. Anderson for organizing the WSSC Employee Talent Show. Seven WSSC employees volunteered to do the clean-up of the Brighton Dam azalea garden. They were assisted by a dozen rate-payers who wanted to help prepare the garden for its Spring floral display.

#### **PRESS COMMENTS**

There were no press comments.

#### **PUBLIC COMMENTS**

There were no public comments.

#### **ENGINEERING AND CONSTRUCTION**

Vice Chair Counihan moved to amend the agenda to add an eighth item to the Engineering and Construction items, Contract BR4720F07 for water main reconstruction and that we defer items 3 and 4 to the April meeting and place these items on a consent calendar for approval.

Commissioner Mandel seconded the motion. The items voting on were:

**Contract AC4819A08** for area water and sewer house connection to City Contractors, Inc. in the amount of \$ 985,535.00;

**Contract RC4949A09** for various locations in Prince George's County and Montgomery Counties, MD to City Contractors, Inc. in the amount of \$1,442,200.00;

**Resolution No. 2009-1819** for Use of the WSSC Sewer Model in conjunction with Phase 1 Hydraulic Planning Analyses;

**Contract 4937** for street repair services for Montgomery and Prince George's Counties, Maryland to Fort Myer Construction in the amount of \$1,131,566; and

**Contract BR4720F07** for water main reconstruction contract in Oxon Hill.

The motion carried with five affirmative votes.

**Resolution 2009-1820.** Commissioners were briefed on the need to adopt amendments proposed by staff to the 2006 International Plumbing Code; 2006 International Fuel Gas Code; and the 2006 International Residential Code.

#### **FINANCE OFFICE**

##### **WSSC Employees' Retirement Plan Trust Agreement Amendment.**

Commissioners decided to special order this item to the April meeting because of the absence of Commissioner Miller.

#### **IT/CAMO**

**Contract 5484.** Commissioners decided to special order this item to the April meeting because of the absence of Commissioner Miller. Commissioners were advised of the consequences for delaying the award of this contract until April.

**Contract 5550.** Vice Chair Counihan moved that the Commission award Contract No. 5550, implementation of Information Lifecycle Management Phase 2 to IP Data Systems, Inc. in the amount of \$1,592,786.75. Commissioner Mandel seconded the motion. The motion carried with five affirmative votes.

#### **Production**

**Contract 5577.** Vice Chair Counihan moved that the Commission award Contract No. 5577 for furnishing and delivering methanol to C&E Services of Washington and Intercoastal Trading, Inc. in the amount of \$1,500,000. Commissioner Mandel seconded the motion. The motion carried with five affirmative votes.

#### **OPEN SESSION RESUMED COMMISSIONERS' CONFERENCE ROOM**

#### **Intergovernmental Relations**

Mr. Wineland provided an update of current legislation that included a discussion on the FY 09 Omnibus Bill which will include a \$570,000 grant to WSSC for a feasibility study for the use of anaerobic digesters at Seneca and Piscataway plants. This is the largest federal grant WSSC has received in many years. He also discussed the ongoing negotiations to obtain funding for infrastructure projects, the continuing assistance provided legislators with current information on the status of WSSC shovel-ready projects, and information on the bills on which Commissioners had voted to support, oppose or take no

position. Mr. Wineland advised that the bill to change the composition of the WSSC Commissioners had been withdrawn.

**Finance Office**

**1. January 2009 Monthly Status Report.** Commissioners were advised that this report had been transmitted to the Counties. Changes in projections were discussed.

**2. Front Foot Benefit Appeal Hearing Dates/Officers (Decision).** Commissioners by consensus agreed that on May 20<sup>th</sup> at 5:30 p.m. as the hearing date for appeals of front foot benefit levies.

**3. WSSC Employees' Retirement Plan Trust Agreement Amendment.** This item was not discussed.

**4. Howard County Water Agreement.** Mr. Traber discussed a six-month pilot with Howard County Water that would determine usage in order to set a rate that is competitive with the City of Baltimore Water rate that Howard County currently pays. Authority for the Interim General Manager to enter an agreement confirming the pilot was requested and granted by consensus.

**SLMBE Office**

Chair Starks noted she had changes to Standard Procedure 96-01 for staff to review to assist in reaching a final program for the MBE Program. Next Commissioners were briefed on modifying SP 08-01, Paragraph 1.0.3 regarding changing the wording from awarding a subcontract to a small, local business to awarding a subcontractor that is either a small, local business or a minority-owned business.

Commissioner Agarwal moved that the Commission approve Standard Procedure SLMBE 96-01 with the change that construction which is voluntary be made mandatory and representing 15 and 20 percent of a contract. The motion failed for lack of a second.

**AFTERNOON CLOSED SESSION**

Commissioner Moore moved to close the meeting pursuant to Subtitle 5 of Title 10 of the State Government Article, Maryland Code Section 10-508(a)(7) to discuss legal advice regarding settling a legal claim of a employee and Subtitle 5 of Title 10 of the State Government Article, Maryland Code Section 10-508(a)(1) to discuss a personnel matter related to a complaint lodged by an employee pursuant to WSSC Policy 2:38. Commissioner Mandel seconded the motion. The motion carried with five affirmative votes as Commissioner Miller was out of the room. At 4:19 Chair Starks declared that the meeting was closed.

**ATTENDEES:** Chair Joyce Starks, Vice Chair Gene Counihan, Commissioners Prem Agarwal, Adrienne Mandel, Roscoe Moore, Jr. and an employee were present for the discussion pursuant to WSSC Policy 2:38. For the settlement of a legal claim, the Commissioners, Mr. Blask, and Ms. Bundy were present.

Commissioners discussed an employee's complaint until 5:05 p.m. and then reviewed advice of general counsel about a legal settlement proposed to resolve a complaint by another employee. A motion was made and seconded to settle a claim as proposed by General Counsel. The motion carried with five affirmative votes as one Commissioner was temporarily out of the room. Ms. Bundy was asked to leave so that Commissioners could discuss a matter related to the discussion about WSSC Policy 2:38 raised by an employee with that employee's supervisor.

At 5:27 p.m. Vice Chair Counihan moved that the closed session terminate. Commissioner Agarwal seconded the motion. The motion carried with five affirmative votes. At 5:29 the meeting was declared open.

#### **Internal Audit Office**

**1. Monthly Report.** The monthly report of the Internal Audit Office was presented to Commissioners for review. There were questions raised during the discussion last month and the answers were provided in the monthly audit report: i.e., qualifications for audit committee members; recommended reporting level for an internal auditor, and firms that could offer ethics services on as-needed bases.

**2. Water Fund Audit Results.** Commissioners received an overview of the results of this audit.

**3. Board of Ethics Officer.** Commissioners were advised that the WSSC Board of Ethics requested a formal reply to their inquiry about the status of filling the Ethics Officer vacancy.

**4. Board of Ethics Annual Report.** Commissioners received this report of the year's activities for the WSSC Board of Ethics. Commissioner Moore moved to accept the 2008 Ethics Report. Vice Chair Counihan seconded the motion. The motion carried with five affirmative votes.

#### **Interim General Manager's Office**



**Monthly Report.** Ms. Daniell presented highlights of various operational matters. She discussed the operator error that caused the SLMBE Report to contain a serious error regarding contract award dollars. She briefly discussed the dash boards about operations and highlighted the graph that showed water revenue was down due to the fact water production was also down.

**Corporate Secretary**

**Monthly Report.** Ms. Bundy provided a synopsis of her monthly activities. She also provided details of a review of the minutes for 2008. It was determined that the minutes for the May 20, 2008 meeting had not been approved. Commissioners decided to approve the May 20, 2008 minutes at the April 15, 2009 meeting to allow the two Prince George's County Commissioners who had to leave early an opportunity to address the technical changes proposed to the minutes. Commissioner Moore suggested the formation of the "Friends of WSSC" as a non-profit organization that could manage and dispense funds from the WSSC water fund if an improved arrangement with the Salvation Army is not viable.

**Adjournment**

With no other business to be addressed at this meeting, Commissioner Mandel moved to adjourn the meeting. Commissioner Moore seconded the motion. The motion carried with four affirmative votes: At 6:50 p.m. Chair Starks declared the meeting was adjourned.

Respectfully submitted,

          //signed//            
Charlett Bundy  
Corporate Secretary