

WASHINGTON SUBURBAN SANITARY COMMISSION

MINUTES OF THE COMMISSION MEETING

Wednesday, May 13, 2009  
Laurel, Maryland

Chair Joyce Starks, Commissioners Prem Agarwal and Juanita Miller were present at 8:50 a.m. and there was an informal discussion about certain WSSC contracting matters until 1:58 p.m. when a quorum was formed upon the arrival of Vice Chair Counihan and Commissioners Adrienne Mandel and Roscoe Moore. At 2:40 p.m. Chair Joyce Starks called the meeting to order 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. 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 approve the amended agenda for May 13, 2009 as amended. Commissioner Mandel seconded the motion. The motion carried with six affirmative votes.

**OPEN SESSION  
AUDITORIUM**

Chair Starks called the meeting to order in the auditorium at 2:57 p.m. Vice Chair Counihan was asked to lead the pledge of allegiance.

**Customer Care**

**Contract CI4824B08.** Vice Chair Counihan moved that the Commission award Contract CI4824B08 for sewer lining, sewer house connection renewals and other sewer rehabilitation at Rock Creek Branch Basin, Montgomery County to Metra Industries in the amount of \$7,643,650.00. Commissioner Mandel seconded the motion. The motion failed: three affirmative votes from the Montgomery County Commissioners and three nay votes from the Prince George's County Commissioners.

**Contract CI4841B08.** Vice Chair Counihan moved that the Commission award Contract CI4841B08 for sewer lining, sewer house connection renewals and other sewer rehabilitation at Broad Creek Basin, Prince George's County to Am-Liner in the amount of \$6,738,200.00. Commissioner Agarwal seconded the motion. The motion carried with five affirmative votes. Commissioner Miller abstained because there was a lack of MBE participation on the contract.

**Contract CI4895B08.** Vice Chair Counihan moved that the Commission award Contract CI4895B08 for sewer lining, sewer house connection renewals and other sewer rehabilitation at Paint Branch Basin, Montgomery and Prince George's Counties to Miller Pipeline Corp. in the amount of \$1,770,325.00. Commissioner Agarwal seconded the motion. The motion carried with five affirmative votes. Commissioner Miller abstained because there was a lack of MBE participation on the contract.

**Contract CI4898B08.** Vice Chair Counihan moved that the Commission award Contract CI4898B08 for sewer lining, sewer house connection renewals and other sewer at North West Branch Basin, Montgomery County to Reynolds Inliner LLC in the amount of \$3,333,000. Commissioner Agarwal seconded the motion. The motion carried unanimously.

**Contract 5104.** Vice Chair Counihan moved that the Commission award Contract 5104 for cleaning and closed circuit television inspection services in existing sanitary sewers throughout the Commission's Sewer District to Video Pipe Service, Inc, National Water Main Cleaning Co., Robinson Pipe Cleaning Co., B. Frank Joy, LLC and TRB Specialty Rehabilitation in the amount of \$3,131,200. Commissioner Mandel seconded the motion. The motion carried unanimously.

#### **Production**

**Contract 5571.** Vice Chair Counihan moved that the Commission award Contract 5571 for Blue Plains biosolids management and utilization to Recyc Systems, Inc. in the amount of \$7,955,500. Commissioner Agarwal seconded the motion. The motion carried unanimously.

**Contract 5605.** Vice Chair Counihan moved that the Commission award Contract 5605 for Western Branch Biosolids management and utilization to Jabb II, LLC in the amount of \$820,017. Commissioner Mandel seconded the motion. The motion carried unanimously.

**Contract 5606.** Vice Chair Counihan moved that the Commission award Contract 5606 for Parkway Biosolids management and utilization to Synagro Central, LLC in the amount of \$776,304. Commissioner Moore seconded the motion. The motion carried unanimously.

**Contract 5618.** Vice Chair Counihan moved that the Commission award Contract 5618 Sections A, B, C, D, E and F for street repair services to M.T. Laney in the amount of \$ \$12,921,995. Commissioner Moore seconded the motion. The motion carried with five affirmative votes as Commissioner Agarwal was temporarily off the podium.

**Contract BL9972A94.** Vice Chair Counihan moved that the Commission award Contract BL9972A94 for work on the Bi County Tunnel to Renda, Southland, SAK (joint venture) in the amount of \$112,552,414.00. Commissioner Moore seconded the motion. The motion carried with four affirmative votes: Commissioner Miller abstained because of the way the minority business enterprise and small, local business enterprises are being used in the contract and Commissioner Agarwal was off the podium.

**PUBLIC COMMENTS**

There were no comments in the auditorium.

**PRESS COMMENTS**

There were no press comments.

At 3:30 p.m. the meeting resumed in the Commissioners' Conference Room. Chair Starks recognized a speaker.

**COMMISSIONERS' CONFERENCE ROOM**

**PUBLIC COMMENTS**

William Pugh of Metra Industries addressed the Commissioners regarding the Commissioners failure to approve CI4824B08. After his comments, Chair Starks noted that there was a page missing from the packet that caused the nay vote. Following additional discussion, a motion was made by Commissioner Agarwal to reconsider the vote taken by Commissioners earlier in the meeting on Contract CI4824B08. Commissioner Moore seconded the motion. The motion carried unanimously.

Thereafter, Vice Chair Counihan moved that the Commission award Contract CI4824B08 for sewer lining, sewer house connection renewals and other sewer rehabilitation at Rock Creek Branch Basin, Montgomery County to Metra Industries in the amount of \$7,643,650.00. Commissioner Mandel seconded the motion. The motion carried unanimously.

Vice Chair Counihan 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 the following personnel matter: Review staff contract and terms of Change Leadership Team; Discussion on Authority for Revised Employee Policy. Commissioner Agarwal seconded the motion. The motion carried unanimously. At 3:58 p.m. the meeting was closed.

**In attendance were: Chair Joyce Starks, Vice Chair Counihan, Commissioners Agarwal, Miller, Mandel, and Moore. The General Counsel, Jerry Blask, Teresa Daniell, Rudy Chow and Corporate Secretary Charlett Bundy were also in attendance.**

Commissioners discussed the appropriateness of WSSC paying for outside legal counsel to pay for representation of persons working for WSSC and related to matters within the scope of the duties of those persons but which litigation could not be managed by the General Counsel's Office due to a conflict of interest or for some other legal or ethical reason.

A motion was made to address payment of legal services but the motion failed because of a tied vote.

Commissioner Agarwal moved to end the closed session. Commissioner Miller seconded the motion. The motion carried with five affirmative votes.

**OPEN SESSION RESUMED**

**Adjournment**

Commissioner Mandel moved to adjourn. Commissioner Agarwal moved to adjourn the meeting. The motion carried with five affirmative votes as Chair Starks was still out of the room. At 5:30 Vice Chair Counihan declared the meeting was adjourned.

Respectfully submitted,

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                /s/                  
Charlett Bundy, Esq.  
Corporate Secretary