

WASHINGTON SUBURBAN SANITARY COMMISSION

MINUTES OF THE COMMISSION MEETING

**Wednesday, May 20, 2009
Laurel, Maryland**

Chair Joyce Starks called the meeting to order at 9:10 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

After changing the agenda to show that all closed session items were anticipated voting items, Commissioner Mandel moved to approve the agenda as modified. Commissioner Moore seconded the motion. The motion carried with six affirmative votes.

Later in the meeting, Vice Chair Counihan moved to amend the agenda to add Contract 5242 as a voting item. Commissioner Mandel seconded the motion. The motion carried with five affirmative votes. Commissioner Miller voted nay.

Interim General Manager's Office

Monthly Report. As part of her monthly report, Ms. Daniell advised the Commissioners that the investigation of the rupture of a 66" water main on River Road in Bethesda had been completed. The forensic report on the cause of the rupture of the 66" water main in December 2008 was distributed to Commissioners. The report indicated that the installation over rock without a cushion of gravel led to the corrosion that eventually caused the pipe to rupture.

Contract 5242. After Ms. Daniell briefed Commissioners on the need to approve a partial option year to maintain continuity of the contract, Vice Chair Counihan moved to authorize the IGM after staff review to exercise up to six months of Option Year 1 of Contract 5242 provided Commissioners receive documentation and a report within three months. Commissioner Mandel seconded the motion. The motion did not proceed to a vote as there were two amendments proposed. It was then decided staff would draft an amended motion and bring it back for a vote after lunch.

Customer Care

Contract 76-2882K. Commissioners were briefed on Contract 76-2882K, Requisition PR0077369 which addressed emergency repairs to a 96-inch pre-stressed concrete cylinder pipe in Project 80. A decrease in the number of water mains available for water delivery in the area impacted by the repair constituted the emergency.

Engineering and Construction

Contact CP4441B06. Commissioners were briefed on Contract CP4441B06 for developing Anacostia Power Reliability.

**OPEN SESSION
AUDITORIUM**

Chair Starks called the meeting to order in the auditorium at 1:40 p.m. Commissioner Mandel was asked to lead the pledge of allegiance.

APPROVAL OF THE MINUTES

Commissioner Mandel moved to approve the open session minutes from March 29, 2009 and April 15, 2009. Commissioner Agarwal seconded the motion. The motion carried with six affirmative votes.

PRESENTATION OF WSSC RETIREES

Glenn R. Williams was present to be recognized as he retired as a Systems Construction Inspector II, with 30 years and 7 months of service. Not attending were: Joyce E. Gibson who retired as a Training Unit Coordinator with 29 years and 10 months of service and Rhonda L. Tantalo (Sanchez) who retired as a Senior Collection System Analyst with 23 years and 9 months of service.

Award of Annual Robert G. Berger Scholarships

The WSSC Robert G. Berger Scholarship Committee awarded nine scholarships to children of WSSC employees or retirees. Two members of the Berger family were present to witness the awards: Barbara Sweeney and Alfred Berger.

Students who received scholarships were: Jonathan Batselos who will attend Montgomery College of Rockville (parent - Elizabeth Forbes); Geoffrey and Jonathan Chandler both of whom will attend Towson University (parent - Martin Chandler); Irfan Elahi who will attend University of Maryland College Park (parent - Rizwan Elahi); Peter Humphries who will attend University of North Carolina, Wilmington (parent - Ray Humphries); Clarence Landers, Jr. who will attend University of Maryland, Baltimore County (parent -Angela Ballard-Landers); Derek Lange who will attend Oberlin College (parent - Loree Benziger); Kiera San Nicolas who will attend McDaniel College (parents

- Stephen and Rose San Nicolas); and Saria Widatalla who will attend Penn State (parent - Nasraldean Widatalla).

EMPLOYEE EXCELLENCE VIDEO

A video of the Fleet Services Group in Lyttonsville was shown as part of the series of employees at work.

COMMISSIONERS' ITEMS/COMMENTS

Commissioner Miller read a letter from an anonymous WSSC employee who criticized the Commissioners for taking over a year to select a general manager for WSSC.

Chair Starks awarded Sheilah Mirmiran a plaque of recognition for Ms. Mirmiran's efforts that caused WSSC to receive a half million dollar grant from the federal government. Next Chair Starks recognized Kevin Woolbright who received recognition at a Miss Utility event. She mentioned her attendance at the luncheon held at WSSC on Administrative Assistants' Day and how impressed the attendees were with the program and workshops held throughout the day. Lastly she noted that Earth Day celebration had been a huge success.

Commissioner Miller then discussed the success of the WSSC Children's Water Festival. She thanked Angela Ballard-Landers for her management of the event and her continuing interest over the years.

Vice Chair Counihan recognized the number of volunteers outside of WSSC as well as the WSSC employees who helped make the Children's Water Festival a success. He stated the event was a wonderful educational opportunity and he applauded all those who made it possible.

INTERIM GENERAL MANAGER'S ITEMS/COMMENTS

Ms. Daniell spoke first of the men and women of WSSC, the smart workers who serve in the community and keep the operations going 24 hours a day/7 days a week for the 1.8 million residents. Next, she thanked Tami Maul for the background work on the activities for Administrative Assistants' Day. She stated, "people notice the hard work and smart work that you do."

CLT REPORT

Chair Starks then called on Gary Gumm, WSSC Chief Engineer to give a report on the status of business in his department as part of her on-going impromptu reports from the senior leaders of WSSC. Mr. Gumm highlighted the activities that demonstrated his staff will complete the repair of 35 miles of pipe he promised at the beginning of the fiscal year. He recognized the assistance from Customer Care in achieving this milestone. Mr. Gumm noted that the Fats, Oil and Grease (FOG) Program is well underway toward keeping the restaurant owners in compliance with WSSC regulations. Lastly, he praised the Environmental

Group for early completion of the water testing required under the 2005 Consent Decree.

PRESS COMMENTS

There were no press comments.

PUBLIC COMMENTS

Mignoh Marie Davis, a 14-year resident of Montgomery County and a 23-year resident of Oxon Hill spoke about the frequency of water main breaks and how the coincidence of their occurrence in relation to the seismic tremors recorded in various parts of the world.

Customer Care

Contract 76-2882K, Requisition PR0077369, for Project 80. Vice Chair Counihan moved that the Commission award Contract 76-2882K, Requisition PR0077369, for Project 80, (P72301) for emergency repair to a 96-inch pre-stressed concrete cylinder pipe to Ross Contracting, Inc in the amount of \$1,500,000. Commissioner Mandel seconded the motion. The motion carried with six affirmative votes.

**Engineering and Construction
Consent Calendar**

Contract BR/CR4762B08 and Contract BR/CR4764C08. Vice Chair Counihan moved that the Commission award two contracts on a consent calendar, Item 1, Contract BR/CR4762B08 for Water Main Replacement on various streets in Montgomery County to Schummer, Inc. in the amount of \$6,711,602.50. Commissioner Mandel seconded the motion. The motion carried with six affirmative votes; and Item 2, Contract BR/CR4764C08, University Park III, Water Main Replacement and Relocation in College Park, MD to W.F. Wilson & Sons, Inc. in the amount of \$1,373,100. Commissioner Agarwal seconded the motion. The motion carried with six affirmative votes.

Commissioners then returned to the Conference Room to complete the day's business.

**OPEN SESSION -
COMMISSIONERS' CONFERENCE ROOM**

SSMO

Environmental Scan - Strategic Planning FY 2010. Commissioners reviewed the choices to focus in the Strategic Plan for fiscal year 2010. The three areas were: Enterprise Risk Management, Utility Master Plan and Ethics.

Internal Audit Office

Monthly Report. Ms. Bardwell provided an overview of the activities described in her monthly report. Although there were no questions, there was a comment about ensuring that certain confidential reports are marked as such to ensure there would be no breach of confidentiality.

Finance Office

March 2009 Monthly Status Report. Commissioners were advised that the report had been transmitted to the counties and there were no significant changes.

WSSC Retirees Other Post-Employment Benefits Trust Report.

Commissioners reviewed this report which had not been audited. They were advised that an audited version would be provided by the external auditors.

Resolution 2009-1823 Check Signing Authority for the Water and Sewer Refund Account. Commissioner Mandel moved that the Commission approve Resolution 2009-1873 authorizing administrative functions and certifying signatures for the Refund Check Account for the Customer Relations Group. Commissioner Agarwal seconded the motion. The motion carried unanimously.

Customer Care

Contract 5242. Commissioners addressed a matter that was not completed in the morning, Contract 5242. Vice Chair Counihan amended his motion to state, I move that the Commission authorize the Interim General Manager to exercise up to six months of the first option year of Contract 5242 to provide Security Guard Services based on the hourly rate of \$18.87 and the proposed six-month option, the estimated amount is \$440,983.20 with a three-month report to the Commissioners. Further this action can only be implemented if notice has been given to the Commissioners at least 24 hours before implementation. Commissioner Mandel seconded the motion. The motion carried with six affirmative votes.

SLMBE

MBE Program. Chair Starks proposed that the Commission adopt Standard Procedure 96-01 as the permanent MBE Program. A discussion on the legal sufficiency or lack thereof of SP 96-01 ensued. No action was taken.

Corporate Secretary

Monthly Report. Ms. Bundy provided an abbreviated report as time did not allow any discussion on other matters.

**CLOSED SESSION
COMMISSIONERS' CONFERENCE ROOM**

Commissioner Moore 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 review Internal Audit Manager's Special Audit Request Results and Section 10-508(a) (1) to discuss the following personnel matters: a) Finalize performance evaluations of direct reports; b) Contracts of corporate secretary. Commissioner Mandel seconded the motion. The motion carried with six affirmative votes. At 5:45 p.m. the meeting was closed.

ATTENDEES: Chair Joyce Starks, Vice Chair Gene Counihan, Commissioners Prem Agarwal, Adrienne Mandel, Juanita Miller, and Roscoe Moore. Maxene Bardwell appeared for the discussion on Internal Audit Manager's Authority in Investigations. Commissioner Mandel left at 6:00; Commissioner Moore left at 6:15 p.m.

Commissioners discussed the performance reviews for their direct reports and approved an extension to the employment contract of the corporate secretary. Commissioners discussed the need to complete the performance reviews before the conclusion of the fiscal year. Next, Commissioners received a report from the Internal Audit Manager on an investigation.

After the discussion concluded, Vice Chair Counihan moved to resume the open meeting. Commissioner Agarwal seconded the motion. The motion carried with five affirmative votes. At 6:15 the meeting was reopened.

OPEN SESSION RESUMED

Commissioners discussed the dates for the proposed telephone meeting and Commissioner Moore left.

Adjournment

At 6:58 p.m. Commissioner Agarwal moved to end the meeting. Commissioner Miller seconded the motion. The motion carried with four affirmative votes. With no other business to be addressed at this meeting, Chair Starks declared the meeting was adjourned.

Respectfully submitted,

_____/s/
Charlett Bundy, Esq.
Corporate Secretary