

**WASHINGTON SUBURBAN SANITARY COMMISSION**

**MINUTES OF THE COMMISSION MEETING**

**Wednesday, July 18, 2007**

**Laurel, Maryland**

Chairman Prem Agarwal called the meeting to order at 8:40 a.m. in the Commissioners' Conference Room at the Richard G. Hocesvar 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 Joyce Starks, Marc P. Lieber, Sandra A. Allen and Juanita D. Miller were present. Also, present were General Manager Andy Brunhart, General Counsel Jerry Blask and Corporate Secretary Charlett Bundy.

**Agenda Approval**

Vice Chair Botts moved to amend the agenda to make Item 2 under the afternoon closed session a potential voting item. Commissioner Lieber seconded the motion. The motion carried with five affirmative votes. Commissioner Starks abstained because of her interpretation of certain terms in the contract that would be discussed in the closed session.

Commissioner Lieber moved that the agenda be amended further to add an open session in the afternoon for staff to brief Commissioners on the draft SLMBE Program before attorneys provided legal advice on same in a closed session. He then modified his motion to say he moved to have two open sessions: One at 2:50 p.m. which would be an open session briefing by the SLMBE Office and the second one, after 4:50 p.m. to address all remaining items on the agenda set for 2:50 p.m. Commissioner Starks seconded the motion. The motion carried unanimously.

Next, Commissioner Allen moved to adopt the amended agenda. Vice Chair Botts seconded the motion. The motion carried unanimously.

After the presentation from Customer Care, Commissioners voted another change to the agenda. That change was from Commissioner Starks who moved to amend the agenda to add an item for discussing the auditorium procedure for awarding contracts. Commissioner Miller seconded the motion. Five aye votes allowed the motion to carry. Commissioner Lieber voted nay. Commissioner Starks moved to direct staff to develop a policy that would address the attendance of contractor awardees at the award session of commission meetings. Commissioner Lieber voted nay; Commissioner Allen abstained because she did not understand the legal implications of what the motion entailed. After Commissioner Allen was assured that the proposed policy would be reviewed by legal, she changed her vote to aye. The motion carried with five aye votes.

**FINANCE OFFICE**

Sheila Cohen presented on behalf of Mr. Traber. She advised Commissioners that the May 2007 Status Report had been transmitted to the counties. She presented Commissioners with a draft of the Proposed Capital Improvements Plan for fiscal years 2009 to 2014 and the schedule for reviewing/approving drafts prior to making it public for comment.

**CUSTOMER CARE**

Mr. Chow briefed Commissioners on Contract No. CI4688A07, a contract for sewer service renewals and relining.

**ENGINEERING AND CONSTRUCTION**

Commissioners were briefed on three contracts: Bi-County Supply Main CM Services Contract No. BL9972A94; Seneca WWTP ENR A/E Contract No. CD4260A05; and Water Main Replacement Temple Hills Contract No. BR4315B06. Having viewed the written briefing provided to Commissioners in advance of the meeting the Commissioners waived a verbal briefing on the following items: 96" Water Transmission Main Update; and the Bi-County Supply Main Brief. The briefing on the Master Plan Phase 1A Update was postponed until August for a full briefing at that time.

**INFORMATION TECHNOLOGY**

Mr. Kundu introduced Commissioners to Enterprise Resource Planning and Enterprise Asset Management as it is being developed by the IT Team. There were questions about the budgetary consideration of the proposals in the presentation. All Commissioners spoke very favorably about the presentation.

At 11:27 a.m. Commissioner Allen 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 on HR Organization. Commissioner Miller seconded the motion. The vote was four ayes and the meeting was closed (two Commissioners had temporarily left the room).

**CLOSED SESSION  
COMMISSIONERS' CONFERENCE ROOM**

When the closed session convened, Chair Agarwal, Vice Chair Botts, Commissioners Starks, Lieber, Allen, and Miller, Mr. Brunhart, Ms. Bundy and Mr. Blask were present. A discussion on the new Human Resources Organization with advice of legal counsel ensued.

Vice Chair Botts moved to end the closed session at 1:09 p.m. and resume the public meeting. Commissioner Miller seconded the motion. The motion carried unanimously. At 1:09 p.m. the closed session ended and the open session resumed in the auditorium.

**OPEN SESSION- AUDITORIUM**

At 1:15 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 Vice Chair Botts to lead the pledge of allegiance.

**APPROVAL OF MINUTES**

Commissioner Starks moved that the Commission approve the open session minutes from the June 20, 2007 Commission Meeting with the change from Vice Chair Botts as long as they are acceptable to other Commissioners after review. Commissioner Allen seconded the motion. The motion carried with six affirmative votes.

**AREA PRESS QUESTIONS**

There were no press questions.

**PRESENTATION OF WSSC RETIREES**

Those retirees present to receive recognition were: Chris Maschauer, a Microcomputer Specialist retired with 25 years and 4 months of service; Russel G. Coates, a Biosolids Technician retired with 25 years and 3 months of service; Selma Alston a Materials and Services Group Leader retired with 6 years and 10 months of service; Paul T. Bonifant, a Utility Technician I retired with 24 years and 7 months of service; Colleen E. Bowen, an IT Asset Inventory Control Services Coordinator retired with 25 years and 10 months of service; and Vernalice A. Merritt, a Senior Help Desk Specialist retired with 25 years and 8 months of service. The non-attendees were: Milton M. Childress, Collection Technician I, retired with 26 years and 5 months of service; Stephen G. Desesa, Lead Project Manager retired with 20 years and 9 months of service; John W. Derwart, Organization Planning and Support Manager retired with 11 years and 8 months of service; and Michael T. Grasso a Systems Construction Inspector I retired with 25 years and 8 months of service.

**COMMISSIONERS' ITEMS**

Commissioner Miller recognized a former student and mentee of hers who was attending the commission meeting with some business clients.

Other comments were made during the discussion on the Human Resources (HR) Reorganization item.

Commissioner Miller noted there had been lengthy discussion by Commissioners with legal input before coming to a decision on the HR department reorganization. She noted that there were some outstanding issues that needed to be addressed before she could take a conscientious position on approving the HR reorganization.

Commissioner Lieber noted that he has been pleased with the depth and thoroughness that staff and Commissioners have used in exploring the HR organization and with coming up with a final plan. He opined that the plan is sound and that it changed significantly from where it was months ago when Commissioners first started considering it. He recalled that when the General Manager and basically a new group of Commissioners came in 2-1/2 years ago, Commissioners set four strategic priorities. Three of them are underway and are doing well, i.e., IT, SLMBE/Acquisitions and the SSO Consent Decree. He noted that in FY 2008, Commissioners added a fifth strategic priority, the WSSC infrastructure reinvestment and advised that that priority is also underway.

After the adoption of the HR reorganization plan, Commissioner Lieber announced this action implements a strategic priority, which he characterized as the most important among the five strategic priorities, as all the others follow from it. He commended Yvonne McKinney the HR Director, General Manager Brunhart and all the staff who participated in developing the reorganization plan. He said he looks forward to the positive changes ahead.

#### **GENERAL MANAGER'S ITEMS**

Mr. Brunhart had two items to discuss. He remarked that after four months of planning and execution, the Potomac 96" Water Main was back in service, four to five days ahead of schedule. He acknowledged the whole team effort in Engineering and Customer Care and others who contributed to the work being completed ahead of schedule. He then described the charitable act of employee Tom Kelley who participated in the Water Buffalo Charity Motorcycle Ride to attend the American Water Works Association Conference in Toronto, Canada with 13 other motorcyclists. Mr. Kelley raised \$3,000 of the over \$42,000 the entire group raised in donations for the Water For People organization.

#### **HUMAN RESOURCES**

The Human Resources Director presented the Commissioners with a plan for reorganizing the department. Chair Agarwal noted that the Commissioners had been reviewing the plan over the last several months. Commissioner Allen moved that the Commission authorize the General Manager to proceed with the restructuring of WSSC's Human Resources Department in accordance with the attached memorandum by the Director of the Human Resources Department dated July 16, 2007. Commissioner Lieber seconded the motion. The vote was four ayes. Commissioner Miller abstained because she was not comfortable with certain elements of the program that were presented to Commissioners in terms of the research. Commissioner Starks voted nay.

**CONTRACT AWARDS/RESOLUTIONS**  
**Engineering And Construction**

**Contract Briefings:** Commissioners were briefed on the following contracts and engineering projects:

1. **Contract BR/CR4395B06.** Commissioner Lieber moved that the Commission Award Contract BR/CR4395B06 for Water/Sewer Main Replacement at Elm Drive and various streets in Takoma Park to J & M Utilities, Inc in the amount of \$1,169,191.00. Vice Chair Botts seconded the motion. The vote was five ayes so the motion carried. Commissioner Miller was temporarily off the podium.

2. **Contract BR/CR4386C06.** Commissioner Allen moved that the Commission award Contract BR/CR4386C06 for Water/Sewer Main Replacement at Buchanan Drive and various streets in Fort Washington to Taylor Utilities, Inc. in the amount of \$1,150,855.00. Vice Chair Botts seconded the motion. The motion carried with six affirmative votes.

3. **Contract BR4065A05.** Commissioner Miller moved that the Commission award Contract BR4065A05 for Water Main Replacement at Hamilton Street and Various Streets in Hyattsville; to Sagres Construction Corporation in the amount \$826,927.50. Vice Chair Botts seconded the motion. The motion carried with a unanimous vote.

4. **Contract CD4259A05.** Commissioner Allen moved that the Commission award Contract CD4259A05 for Parkway Waste Water Treatment Plant's Enhanced Nutrient Removal project; to Hazen and Sawyer, P.C. in the amount of \$1,472,651. Commissioner Miller seconded the motion. The motion carried with six affirmative votes.

**PRODUCTION**

1. **Contract 05-01 for Pebble Lime.** Commissioner Allen moved that Commission exercise Option Year III of Contract 05-01 for providing Pebble Lime which was awarded to Tricon Chemical Corp in the amount of \$909,244 plus an inflation factor based on the 2007 Bureau of Labor Statistics Producer Price Index published in that index. Commissioner Miller seconded the motion. The motion carried with five affirmative votes. Commissioner Starks voted nay.

2. **Contract No. 05-01 for Liquid Chlorine.** Vice Chair Botts made a motion that Commission exercise Option Year III of Contract 05-01 for Liquid Chlorine to Kuehne Chemical Company in the amount of \$1,041,434 plus the Bureau of Labor Statistics Producer Price Index published December 2007. Commissioner Allen seconded the motion. The motion carried with four affirmative votes. Commissioner Starks voted nay. Commissioner Miller was temporarily away from the podium.

3. **Contract No. 4550, Change Order No. 2 for Parkway WWTP Bio-solids Management and Utilization.** Commissioner Lieber made a motion

and then withdrew it to correctly state the amount of the change order. He then moved that Commission approve Change Order No. 2 of Term II Contract No. 4550, Parkway Waste Water Treatment Plant's Bio-solids Management and Utilization to Synagro-Mid Atlantic, Inc. increasing the amount of the change order in the amount of \$206,120 making the revised annual contract amount \$896,216. Vice Chair Botts seconded the motion. The motion carried with five affirmative votes. Commissioner Starks voted nay.

**4. Contract No. 4550, Term III for Parkway WWTP Bio-solids Management and Utilization.** Vice Chair Botts moved that Commission approve Contract No. 4550 of Term III for Parkway Waste Water Treatment Plant's Bio-solids Management and Utilization to Synagro-Mid Atlantic, Inc. in the amount of \$886,635. Commissioner Allen seconded the motion. The motion carried with five affirmative votes. Commissioner Starks voted nay.

#### **CUSTOMER CARE**

##### **JOC Contract No. 4336 for Montgomery County Pipe Bursting.**

Commissioner Miller moved that the Commission award Job Order M02324001 of Job Order Contract 4336, for Montgomery County Pipe Bursting, to Anchor Construction Corp in the amount of \$1,293,296.41. Commissioner Allen seconded the motion. The motion carried with five affirmative votes. Commissioner Lieber voted nay.

The auditorium session concluded at 2:15 p.m.

#### **AFTERNOON SESSION - COMMISSIONERS' CONFERENCE ROOM**

The meeting resumed at 2:28 p.m. in the Commissioners' Conference Room.

#### **SLMBE OFFICE**

General Manager Brunhart reviewed the process for creating a MBE Program to meet the September 1, 2007 deadline set by Commissioners for completion of that program. He highlighted the option for combining a small and local program with the minority business enterprise program as well as the option for leaving them separate. Then Towanda McNeil gave an overview of the philosophy that created the draft and why she and her staff support some of the race neutral programs for creating a sheltered market that was presented at the April Commission meeting.

At 3:31 Commissioner Allen moved to close the meeting pursuant to Subtitle 5 of Title 10 of the State Government Article, Maryland Code: (1) Section 10-508(a)(7) to discuss legal advice pertaining to MBE and SLBE program proposal; and (2) Section 10-508(a)(13) to discuss a personnel matter as well as a report from the internal audit manager. Commissioner Miller seconded the motion. The motion carried unanimously.

**CLOSED SESSION****COMMISSIONERS' CONFERENCE ROOM**

At 3:32 p.m. the meeting was closed. In attendance were Chair Agarwal, Vice Chair Botts, Commissioners Starks, Lieber, Allen, and Miller, Mr. Brunhart, Ms. Bundy and Mr. Blask. SLMBE Director Towanda McNeil and Attorney Franklin Lee joined the meeting to discuss the draft SLMBE Program. Commissioners received legal advice on legal impact of options for structuring the MBE and SLBE Programs.

Commissioner Allen made a motion to adopt the SLMBE policy as in the meeting packet by adding two clarifying attachments. After discussion she withdrew the motion.

Commissioners agreed to hold a Commission meeting on August 1, from 5 to 8 p.m. to review the second draft of the MBE Program.

At 6:18 p.m. Franklin Lee and Towanda McNeil left the meeting.

**CLOSED SESSION MINUTES**

Commissioner Allen moved to amend the agenda to include approval of closed session minutes. Commissioner Starks seconded the motion. The motion carried unanimously. Commissioner Starks moved that the Commission approve the closed session minutes for June 20, 2007. Commissioner Allen seconded the motion. The vote to adopt the minutes was unanimous.

Commissioner Allen moved that the closed session end temporarily to consider the Elmer School Property. Commissioner Starks seconded the motion. The vote was unanimous to resume open session. At 6:24 p.m. the meeting was opened.

**GENERAL MANAGER'S OFFICE**

**Elmer School Property Sale.** Commissioner Allen moved that the Commission authorize the general manager to execute the sale of the Elmer School Property in Montgomery County in a single payment of \$2,387,500. Vice Chair Botts seconded the motion. The vote was unanimous to approve the sale.

**Monthly Report.** There were no questions about the General Manager's July report.

At 6:29 p.m., Commissioner Miller moved that the closed session resume pursuant to pursuant to Subtitle 5 of Title 10 of the State Government Article, Maryland Code: (1)) Section 10-508(a)(13) to discuss a confidential report from the internal auditor and a personnel matter on a subordinate; Section 10-508(a)(7) to discuss legal advice pertaining to the internal auditor's report. Commissioner Allen seconded the motion. The motion carried unanimously.

**CLOSED SESSION**

At 6:30 p.m. the meeting was closed. In attendance were Commissioners Starks, Lieber, Allen, Miller and Vice Chair Botts as well as Chair Agarwal and Corporate Secretary Bundy. Maxene Bardwell, Jerry Blask and Bob Drummer attended for the session on the internal auditor's confidential report.

Commissioner Starks moved to go into open session. Commissioner Lieber seconded the motion. The motion carried with a unanimous vote.

**OPEN SESSION**

At 7:31 p.m. the meeting was opened.

**INTERNAL AUDIT OFFICE**

Internal Audit Manager Maxene Bardwell presented the Commissioners with her monthly report.

Next, Ms. Bardwell presented information on the WSSC Code of Ethics Training for new employees.

**COMMISSION OFFICE**

**Corporate Secretary's Monthly Report.** Ms. Bundy provided Commissioners a report of her monthly activities. The Commissioners agreed to send Ms. Bundy by email their votes for one of the candidates. Ms. Bundy was instructed to tally those votes and send an award letter to the finalist with an invitation to the August 14, 2007 Commission meeting.

At 7:52 p.m. Commissioner Allen moved to close the meeting pursuant to Subtitle 5 of Title 10 of the State Government Article, Maryland Code: Section 10-508(a)(13) to discuss a personnel matter related to supervision of a direct report. Vice Chair Botts seconded the motion. The vote was unanimous so the motion carried.

**CLOSED SESSION**

At 7:52 p.m. the meeting was closed. In attendance were the six Commissioners. The closed session covered matters of supervision related to a direct report to the Commissioners.

**ADJOURNMENT**

Commissioner Allen made a motion to end the closed session and adjourn the meeting. It was seconded by Commissioner Miller. The motion carried with five affirmative votes (Chair Agarwal was temporarily out of the room).

At 8:23 p.m. the meeting was adjourned.

          //signed//



Charlett Bundy, Esq.  
Corporate Secretary