

WASHINGTON SUBURBAN SANITARY COMMISSION

MINUTES OF THE COMMISSION MEETING

Wednesday, August 20, 2008

Laurel, Maryland

Chair Joyce Starks called the meeting to order at 9:01 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 Counihan, Commissioners Adrienne A. Mandel, Juanita Miller, and Roscoe M. Moore, Jr. were present at the meeting. Also, present were Interim General Manager Teresa Daniell, Corporate Secretary Charlett Bundy and General Counsel, Jerry Blask. Commissioner Mandel left the meeting at 8:10 p.m.

AGENDA APPROVAL

Vice Chair Counihan moved to adopt the agenda and add as additional authority for closing the morning session, Maryland Ann. Code, Title 10, Section 10-508(a)(1), to discuss a personnel matter. Commissioner Mandel seconded the motion. The motion carried with five affirmative votes.

Commissioner Miller 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 address the following administrative matters: a) Discuss status of the Transition Plan; b) Discuss status of pending EEO litigation; c) Discuss follow-up of contract grievance and d) Approve closed session minutes for April 16, June 18, and July 16, 2008; and Section 10-508(a)(1) to discuss a personnel matter related to the contracts of certain Change Leadership Team members. Commissioner Mandel seconded the motion. The motion carried with four affirmative votes. Commissioner Counihan abstained because he said it is not clear to him what a motion to close a meeting means. At 9:24 a.m. the meeting was closed.

**MORNING CLOSED SESSION
COMMISSIONERS' CONFERENCE ROOM**

ATTENDEES: Vice Chair Counihan, Commissioners Adrienne A.

Mandel, Juanita Miller, and Roscoe M. Moore, Jr. were present at the meeting. Also, present were Interim General Manager Teresa Daniell, Corporate Secretary Charlett Bundy and General Counsel Jerry Blask. General Counsel Blask left the meeting during the discussion on the personnel matter. Towanda Livingston, John Bednarczyk, and Bobbie Tolston were present only for the discussion on the contract grievance and left the closed session at 9:59 a.m.

Closed Session Minutes, June 16, 2008. Commissioner Miller moved to adopt the June 16, 2008 minutes. Commissioner Mandel seconded the motion. The motion carried with four affirmative votes as Commissioner Moore abstained: He was not present at the June 16, 2008 meeting.

All other matters on the agenda were discussed. At 12:03 p.m. Commissioner Moore moved to end the closed session and resume the open meeting. Vice chair Counihan seconded the motion. The motion carried with five affirmative votes. The open meeting resumed at 12:05 p.m.

**OPEN SESSION RESUMED
COMMISSIONERS' CONFERENCE ROOM**

Logistics

Contract 5475. Commissioners were briefed on the terms of this contract for ductile iron pipe and accessories.

Production

Contract 05-01. Commissioners were briefed on this contract for purchasing a water and wastewater chemical (sulfuric acid).

Contract 3869. Commissioners were briefed on the Blue Plains Biosolids hauling, fuel adjustment charge.

Engineering & Construction

Contract 5483. Commissioners were briefed on the street repair services contract for certain streets in Montgomery County.

Public Comments

Frederick Tutman Chief Executive Officer of Patuxent Riverkeepers presented a brief presentation on the Patuxent River and possible alliance with WSSC for the preservation of this waterway. Larry Silverman, Chair of the Patuxent Riverkeepers Board of Directors was also present. There were no public comments during the auditorium session.

AUDITORIUM SESSION

Chair Starks called the meeting to order in the auditorium at 1:20 p.m. She asked Vice Chair Counihan to lead the pledge of allegiance.

APPROVAL OF MINUTES

July 16, 2008 Minutes. Commissioner Mandel moved that the Commission approve the open session minutes from the July 16, 2008

Commission Meeting. Vice Chair Counihan seconded the motion. The motion carried with five affirmative votes.

PRESENTATION OF WSSC RETIREES

Four retirees were acknowledged this month and none were present at the meeting to be recognized. Three retired in July: Leola D. Toomer-Castro, Customer Outreach Representative, Intergovernmental Relations Office, 18 years and 3 months of service; Robert E. Dunn, HVAC Controls Technician in Property Management section of Engineering & Construction, 20 years and 4 months of service; Phillip R. Edgin, Budget Unit Coordinator, Finance Office, 31 years and 2 months of service. The lone August retiree is Virginia E. Green, Administrative Assistant III, Acquisition, 29 years and 9 months of services (including a buy back of 9 years and 10 months).

EMPLOYEE EXCELLENCE VIDEO

This month's video highlights featured excerpts of the 2008 WSSC Children's Water Festival.

COMMISSIONERS' ITEMS/COMMENTS

On behalf of the Small, Local, Minority Business Enterprise Office, Chair Starks presented Floyd Wilson with a certificate of outstanding service in supporting minority contracting.

The 2008 Commissioners' Engineering Scholarships were awarded: \$1,000 to Melanie Wong of The University of Maryland, College Park and \$900 to Tiffany Bailey of Morgan State University.

Next Chair Starks awarded the Commissioners' Appreciation Award to Corporate Secretary Charlett Bundy.

INTERIM GENERAL MANAGER'S ITEMS/COMMENTS

Interim General Manager Teresa Daniell recognized Charles "Mike" Turner for the award bestowed at the 2008 Pro Biz Event for his outstanding development and service to minority businesses.

Yvonne McKinney presented the peak performance awards presented to various plants at WSSC by the National Association of Clean Water Agencies: Platinum to Damascus for 8 consecutive years of compliance with the discharge permit. WSSC's award is one of the 103 platinum awards bestowed nationwide in 2008. The Gold Award was presented to Parkway for 100% compliance with the discharge permit for one year. A Silver Award was presented to Piscataway and Western Branch for having no more than five violations at each plant in a calendar year.

PRESS COMMENTS

There were no press comments.

CONSENT CALENDAR

Commissioner Counihan moved that the Commission approve the contracts on the Consent Calendar as published in the meeting agenda for August 20, 2008. The consent agenda consists of the following:

Engineering & Construction

1. Contract CM4626A07, Architect-Engineer Design, Amendment 2 for Utility Master Plan - Phase II, Tracks 1 & 2 to the following companies in the stated amounts:

Stearns & Wheeler, LLC -- \$1,159,896.10;

GHD Consulting, Inc. -- \$1,363,326;

Whitman, Requardt & Assocs. LLP -- \$605,476.16;

Bryant Assocs. Inc., -- \$531,225.51;

Phoenix Engineering, Inc. -- \$96,662.57;

The Edgecombe Group, Inc. -- \$42,877.71; and

DACCO SCI, Inc. -- \$141,273.32.

2. Contract No. 5463, to Romano Concrete Construction, Inc. for \$1,924,051; and to NZI Construction Corp. for \$2,847,826.
3. Resolution 2009-1804: Adoption of Chapter 10 of the International Plumbing Code.

Logistics

Contract No. 5475 to Business Promotion Consultants, Inc. for \$2,000,000.

Production

Contract No. 05-01 to Basis Chemical Solutions, LLC. for \$1,087,500.08.

Finance

1. Approval of the Howard County Water Agreement Amendment for Sustainable Consumption Test;
2. Approval of Resolution 2009-1803, Authorization to Execute and File Grant and Loan Applications with EPA and Maryland Department of the Environment.

Commissioner Mandel seconded the motion. The motion carried with five affirmative votes.

Amendments to Commission Meeting Calendar. Vice Chair Counihan moved that the Commission amend the Commission meeting dates to delete September 24, 2008 and May 27, 2009 and add September 17, 2008 and May 20, 2009 as meeting dates. Commissioner Moore seconded the motion. The motion carried with five affirmative votes.

Commissioners then resumed the meeting in the Commissioners' Conference Room at 2:09 p.m.

OPEN SESSION - COMMISSIONERS' CONFERENCE ROOM

Intergovernmental Relations Office

Mr. Wineland explained that there were no new state bills to report on and advised that the deadline for Prince George's County to submit bills is September 15th. He noted that development of federal legislation would be dormant until after the Labor Day recess.

**FIRST AFTERNOON CLOSED SESSION
COMMISSIONERS' CONFERENCE ROOM**

Commissioner Mandel moved that the meeting be closed pursuant to Subtitle 5 of Title 10 of the State Government Article, Maryland Code Section 10-508(a)(1) to discuss the following personnel matters: a) Approve employment contracts for certain CLT members and b) finalize performance evaluations of direct reports. Vice Chair Counihan seconded the motion. The motion carried with five affirmative votes. At 2:25 p.m. the meeting was closed.

ATTENDEES: Vice Chair Counihan, Commissioners Adrienne A. Mandel, Juanita Miller, and Roscoe M. Moore, Jr. were present at the meeting. Also, present were Interim General Manager Teresa Daniell and Corporate Secretary Charlett Bundy.

Motion. Vice Chair Counihan moved that any employment contract of a Change Leadership Team member that either expires before a new Chief Executive Officer/General Manager (CEO/GM) assumes his/her duties or has a notice requirement that expires before a new CEO/GM assumes his/her duties will be extended for a period of six months after the new CEO/GM assumes his/her duties and if there are notice requirements in those contracts the notice period can be adjusted by the Interim General Manager, by no more than 60 days. If there are any deviations from this edict the issue comes back to the Commissioners for approval. Commissioner Mandel seconded the motion. The motion carried with five votes. Immediately thereafter, Commissioner Mandel left the meeting at 3:10 p.m. The performance evaluations of direct reports were tabled to another meeting.

At 4:05 p.m. Commissioner Moore moved to end the closed session and resume the open meeting. Commissioner Miller seconded the motion. The motion carried with four affirmative votes.

**OPEN SESSION
COMMISSIONERS' CONFERENCE ROOM**

SLMBE OFFICE

Chair Starks asked Ms. Livingston to provide Commissioners with a copy of the final proposed MBE Policy that includes public comments imbedded in the text at the appropriate place. Discussion on all other items for this department was tabled until the next meeting.

FINANCE OFFICE

CIP Budget Hearing Dates. Commissioner Moore moved that the Commission adopt hearing dates for the 2010 CIP Budget as follows: 7:30 p.m. on February 4, 2009, Room 308 RMS Building, 1400 McCormick Drive, Largo, MD and 7:30 p.m. on February 5, 2009 at the Stella B. Werner Building, 7th Floor Hearing Room, Rockville, MD and 3:00 p.m. February 11, 2009 at WSSC Headquarters, Robert G. Hocevar Building, 14501 Sweitzer Lane, Laurel, MD 20707. Commissioner Miller seconded the motion. The motion carried with four affirmative votes.

FY 2009 Budget Supplement. Commissioners were advised of the three items in the budget that necessitate issuing a request for a budget supplement: 1) temporary generators for Broad Creek; 2) payment of a county energy tax levied by Prince George's County; and 3) inspection of pre-stressed concrete cylinder piping. Commissioners were asked to consider payment of these items from the fund balance.

Internal Audit Office

FY 2009 Audit Plan. Commissioner Miller moved to adopt the audit plan for Fiscal Year 2009. Commissioner Moore seconded the motion which carried with four votes.

Monthly Report. Commissioners reviewed highlights of the audit manager's monthly report. There were no questions.

**SECOND AFTERNOON CLOSED SESSION
COMMISSIONERS' CONFERENCE ROOM**

Commissioner Miller moved that the meeting be closed pursuant to Subtitle 5 of Title 10 of the State Government Article, Maryland Code Section 10-508(a)(1) to address the following personnel matter: a) Interview candidates for the WSSC Ethics Officer position. Commissioner Moore seconded the motion. The motion carried with four affirmative votes. At 5:15 p.m. the meeting was closed.

