

WASHINGTON SUBURBAN SANITARY COMMISSION

MINUTES OF THE COMMISSION MEETING

Wednesday, September 17, 2008

Laurel, Maryland

Chair Joyce Starks called the meeting to order at 8:55 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 A. 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. Commissioner Miller attempted to be present by telephone until she arrived but there were technical difficulties that precluded her joining the meeting by telephone until she arrived.

AGENDA APPROVAL

Vice Chair Counihan moved to adopt the agenda. Commissioner Mandel seconded the motion. The motion carried with five affirmative votes. Later in the meeting, Vice Chair Counihan moved to amend the agenda to have the approval of the CIP as a voting item. Commissioner Mandel seconded the motion. The motion carried with five votes.

Finance Office

Vice Chair Counihan moved to approve the 2009 Front Foot Benefit Charges and House Connection Rates. Commissioner Mandel seconded the motion. The motion carried with five affirmative votes.

Vice Chair Counihan moved to approve the schedule for the 2010-2015 Capital Improvements Program for transmission to the counties if no substantive comments were received from the public by September 24, 2008. Commissioner Mandel seconded the motion. The motion carried with five affirmative votes.

Logistics

Contract 5464. Commissioners were briefed on the terms of this contract for standard rough cast brass pipe fittings and brass service fittings.

SLMBE OFFICE

Annual Report. Commissioners reviewed the draft annual report prepared for the legislators as required in Maryland State Government Annotated Code, Article, 29, Section 3-109(d)(2)(f).

MBE Program. Commissioners reviewed the latest draft of the proposed WSSC MBE Program with comments from the public. Mr. William Kahn was present to answer any questions as a subject matter expert.

MORNING CLOSED SESSION

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)(7) to receive a legal opinion on the proposed MBE Program 09-01, discuss issues related to legal claims; Subtitle 5 of Title 10 of the State Government Article, Maryland Code Section 10-508(a)(1) and Section 10-508(a)(13) to discuss administrative matters including approval of the closed session minutes for April 16, 2008 and August 20, 2008. Commissioner Agarwal seconded the motion. The motion carried with five affirmative votes (Commissioner Miller was temporarily out of the room). At 12:08 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, Interim Deputy General Manager Rudy Chow, General Counsel Jerry Blask, WSSC Associate Counsel, Vicky Webb, Attorney Franklin Lee and Corporate Secretary Charlett Bundy.

Commissioners received the legal opinion of Franklin Lee on the latest draft version of the MBE Program. Other items were deferred to the afternoon closed session.

Commissioner Mandel moved to resume the open session. Commissioner Moore seconded the motion. The motion carried with five affirmative votes (Commissioner Miller was temporarily out of the room). At 1:45 p.m. the meeting was declared open.

**OPEN SESSION
AUDITORIUM**

Chair Starks called the meeting to order in the auditorium at 1:50 p.m. She asked Vice Chair Counihan to lead the pledge of allegiance.

APPROVAL OF MINUTES

August 20, 2008 Minutes. Commissioner Mandel moved that the Commission approve the open session minutes from the August 20, 2008 Commission Meeting. Vice Chair Counihan seconded the motion. The motion carried with five affirmative votes as Commissioner Agarwal abstained. He was not present at the August 20, 2008 meeting.

PRESENTATION OF WSSC RETIREES

Three retirees were acknowledged this month and none were present at the meeting to be recognized. They included: Elizabeth A. Forbes, Principal Hydraulic Engineer, retired with 18 years and 3 months of service; Alejo James Lopez, Facility Technician II, retired with 29

years and 4 months of service and Barbara A. Miller, Customer Care Agent I, retired with 8 years and 5 months of service.

EMPLOYEE EXCELLENCE VIDEO

This month's video highlights employees working as meter readers.

COMMISSIONERS' ITEMS/COMMENTS

Chair Starks thanked the Honorable Adrienne A. Mandel and Dr. Juanita Miller for agreeing to serve on the WSSC Employees' Retirement Board of Trustees. She yielded the floor to Vice Chair Counihan at the beginning of the meeting so he could make an announcement. She thanked the corporate secretary for facilitating the rearrangement of the furniture in the Commissioners' Conference Room. Lastly, she thanked the employees for the continuing great work at WSSC and their families who allow the employees to do the great work that they do for WSSC.

Vice Chair Counihan announced that during the week of September 8, 2008, the first Montgomery County Executive, James Gleason, passed away. Vice Chair Counihan asked everyone to stand in a moment of silence and recognition of Mr. Gleason's outstanding contributions to public service. Mr. Gleason served as county executive from 1970-1978 and had an active role in the development of the subway service for the Montgomery County area.

Commissioner Juanita Miller recognized the attendance of the Honorable Alexander Williams, Judge of the 4th Circuit, Maryland District Federal Court. Commissioner Miller also noted that Judge Williams was the first African American Attorney General in Prince George's County.

INTERIM GENERAL MANAGER'S ITEMS/COMMENTS

Interim General Manager Teresa Daniell recognized WSSC employee, Rutland Jones, III whose application of the WSSC core values of individual initiative and cost awareness, led to his invention of a device that makes meter reading easier. Jones' invention, the RJIII Universal Adjustable Plate, allows meter mechanics to drill manhole covers in the field so they can install remote meter readers without having to wait for the cover to be sent to a workshop, have the hole drilled and then returned to the field. He received a patent with WSSC for his invention. Mr. Jones believes this device will save the commission about \$79,000 a year. He received congratulations from the Commissioners for his invention.

PRESS COMMENTS

There were no press comments.

PUBLIC COMMENTS

The Honorable Alexander Williams, Judge Fourth Circuit, Maryland District Court and a former WSSC Commissioner joined the Commissioners for lunch and thanked the Commissioners for inviting him back to see the many changes at WSSC. He was here in 1986 and noted that serving as a commissioner launched his career. He recalled that when he was chair of WSSC he always referred to WSSC as the best water, wastewater and storm water agency in the world.

Employee Robert Russell spoke as President of the Prince George's County Volunteer Fire and Rescue Association. He came to honor several WSSC employees who provided water during the funeral services of fallen officer, Richard Findlay. Over 3000 people attended the memorial services and WSSC provided water for the attendees. Each employee recognized received a certificate of appreciation. The WSSC employees who received certificates were: Kevin Woolbright; James Troxler; Jonathan Bishop; Orlando Boone; Jerome Pickeral; and David Wilkins. Interim General Manager Daniell received The Rescue Association's certificate of appreciation for WSSC.

Kevin Woolbright spoke of the customer care outreach program in which he works that provides the opportunity to serve the community. He thanked former Team Chief, Rudy Chow and Acting Team Chief Marcia Tucker for supporting this important aspect of WSSC business.

Commissioner Miller noted how much WSSC employees are valued in the WSSC service area.

CONSENT CALENDAR

Commissioner Miller moved that the Commission approve the contracts and the one change order on the Consent Calendar as published in the meeting agenda for September 17, 2008. The consent agenda consists of the following:

Production

Contract 3869 to Recyc Systems, Inc. for \$1,066,667.

Customer Care

Contract 5337 to Flow Monitoring Services, ADS Environmental for \$7,763,533.50 and Contract 1023 for On-Call Emergency Water and Sewer Main Repair Program for \$7,000,000.00.

Commissioner Moore seconded the motion. The motion carried with five affirmative votes. Commissioner Agarwal abstained because he missed the briefing as he was absent from the August meeting.

Commissioners then resumed the meeting in the Commissioners' Conference Room at 2:30 p.m. when the chair entertained a motion to close the meeting.

Commissioner 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 matters: a) Finalize performance evaluations of direct reports and contracts and b) to interview candidates for the WSSC Ethics Officer position; and Section 10-508(a)(13) to discuss administrative matters including the November retreat for Commissioners, the approval of closed session minutes for April 16, 2008, July 16, 2008 and August 20, 2008. Commissioner Mandel seconded the motion. The motion carried with four affirmative votes as both Commissioner Miller and Agarwal had temporarily left the room. At 2:32 p.m. the meeting was closed.

AFTERNOON CLOSED SESSION

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, Interim Deputy General Manager Rudy Chow, General Counsel Jerry Blask, and Corporate Secretary Charlett Bundy.

A motion was made and seconded to allow an EEO case to proceed through the courts. The motion was discussed and before calling for the vote, Chair Starks ruled the motion out of order. Next, a motion was made and seconded regarding amending the agenda to include the discussion and vote on the item that had just taken place. The motion failed as the vote was tied, three each from each county. A question on the accuracy of the vote was raised by Commissioner Counihan regarding a Commissioner who voted on the motion but who in previous votes on the subject of the motion had a reason that necessitated the Commissioner abstain from voting.

A candidate for the Commission Ethics Officer was interviewed by Commissioner Miller, Vice Chair Counihan and Chair Starks. Commissioner Moore introduced himself to the candidate and then left before the interview proceeded.

Closed Session Minutes April 16, 2008. Commissioner Miller moved to approve the April 16, 2008 minutes with a correction in the time. Commissioner Mandel seconded the motion. The vote carried with five affirmative votes.

Closed Session Minutes July 16, 2008. Commissioner Miller moved to approve the July 16, 2008 Closed Session Minutes. Commissioner Mandel seconded the motion. The motion carried with four affirmative votes. Commissioner Counihan abstained because he was absent from that meeting.

Closed Session Minutes August 20, 2008. Approval of the minutes for this meeting was tabled until Commissioner Mandel has an opportunity to review the tape of the meeting.

Transition Plan. A motion was made and seconded by Prince George's County Commissioners regarding a selection of a candidate to be offered a contract as WSSC general manager. The only two Montgomery County Commissioners still in attendance stated the motion was premature and at 4:20 p.m. they left the meeting before Chair Starks called for a vote on the motion.

At 4:25 p.m., with only three commissioners from Prince George's County in attendance, the meeting was terminated for lack of a quorum.

Respectfully submitted,

 //signed//
Charlett Bundy
Corporate Secretary