

WASHINGTON SUBURBAN SANITARY COMMISSION

MINUTES OF THE COMMISSION MEETING

Wednesday, October 15, 2008

Laurel, Maryland

Chair Joyce Starks called the meeting to order at 8:46 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, 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 Mandel was present by telephone.

AGENDA APPROVAL

Vice Chair Counihan moved to adopt the agenda as long as he had time to make a statement. Commissioner Moore seconded the motion. During the discussion on the motion, Vice Chair Counihan read a statement into the record regarding two actions taken at the September Commission meeting. He concluded by announcing that the Montgomery County Commissioners would not attend any meeting "unless all three Montgomery County Commissioners were present" and "until and unless our bylaws are changed to require at least one affirmative vote from a Commissioner appointed by each county in order to pass a motion." The motion to approve the agenda carried with six affirmative votes.

Later in the meeting, Vice Chair Counihan moved to add Contract 5509 as a voting item separate from the consent agenda. Commissioner Agarwal seconded the motion. The motion carried with six affirmative votes.

SLMBE Office

Commissioners reviewed the latest version of the standard procedure that describes the proposed Minority Business Enterprise Program. Chair Starks scheduled a meeting to discuss the program. It will be held November 5, 2008 at 9:30 a.m.

Finance Office

Mr. Traber described the new Bond Anticipation Note Program to be used to authorize notes to finance the WSSC construction programs through Fiscal Year 2011. The program's structure will reduce bond counsel fees. Next, in the discussion on changes to the WSSC Employees' Retirement Board of Trustees, it was noted that term limits for members of boards of this type varies among public agencies and it was left for final consideration of Commissioners to determine the need for changing term limits for the Retirement Board of Trustees. Lastly, Commissioners received a copy of the year-end status report that was sent to the Counties.

Logistics

Contract 5052. Commissioners were briefed on the terms of this contract for purchasing manhole frames and covers.

Contract 5473. Commissioners were briefed on the terms of this contract for furnishing, delivering and unloading graded-aggregate base to WSSC depots and various job sites.

Contract 5028. Commissioners were briefed on the terms of this contract for truck delivery services of ultra low sulfur diesel fuel to Mansfield Oil Company.

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

Contract 5509. Commissioners were briefed on this contract for ductile iron pipe and accessories.

Engineering & Construction

Contract PM0002A08. Commissioners were briefed on this Architect-Engineer Basic Ordering Agreement to provide engineering services for a variety of tasks to support administration of WSSC's Sanitary Sewer Overflow System as required in the Consent Decree.

Contract BR/CR4772A08. Commissioners were briefed on the Water/Sewer Main Reconstruction project, Laurel I, for Prince George's County.

Contract BR/CR4772C08. Commissioners were briefed on the Water/Sewer Main Reconstruction project, Laurel III, for Prince George's County.

Contract CI4687A07. Commissioners were briefed on Change Order Number One for Contract CI4687A07, for Sewer Main Refurbishment/Lateral Lining in Montgomery County.

Contract 4937. Commissioners were briefed on Change Order Number One for Prince George's County Lateral Lining for street repair.

Update on Contractor Performance Evaluation Program. This item was moved to the afternoon session but because of the early termination of the meeting was not presented.

MORNING CLOSED SESSION

Commissioner Agarwal 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) and (a)(13) to discuss the Transition Plan. Commissioner Miller seconded the motion. The motion carried with five affirmative votes. At 12:50 p.m. the meeting was closed.

ATTENDEES: Vice Chair Counihan, Commissioners Prem Agarwal, Adrienne Mandel (by telephone), Juanita Miller, and Roscoe Moore, Jr. were present at the meeting and Corporate Secretary Charlett Bundy.

Commissioners discussed the Transition Plan relating to the selection of a general manager for WSSC.

Commissioner Agarwal moved to resume the open session. Vice Chair Counihan seconded the motion. The motion carried with six affirmative votes. At 1:30 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 Commissioner Moore to lead the pledge of allegiance.

APPROVAL OF MINUTES

September 17, 2008 Minutes. Commissioner Agarwal moved that the Commission approve the open session minutes from the September 17, 2008 Commission Meeting. Vice Chair Counihan seconded the motion. The motion carried with five affirmative votes as Commissioner Miller was temporarily off the dais.

PRESENTATION OF WSSC RETIREES

One retiree was acknowledged this month and she was not present at the meeting to be recognized. Doris A. Carr, a Policy Development Specialist in the Human Resources Group retired with 14 years and 3 months of service.

EMPLOYEE EXCELLENCE VIDEO

This month's video highlighted employees working in the environmental group.

COMMISSIONERS' ITEMS/COMMENTS

Chair Starks asked all to sing happy birthday to Commissioner Miller. She then cautioned staff to check candy their children might

receive during trick or treating. She expressed appreciation for the work of all WSSC employees.

Commissioner Agarwal noted it was also Chair Starks' birthday and engaged the audience in singing happy birthday to her.

INTERIM GENERAL MANAGER'S ITEMS/COMMENTS

Interim General Manager Teresa Daniell acknowledged the progress in WSSC's United Way Campaign. She said WSSC was well on the way to reaching the \$70,000 goal of donations.

She asked Tom Traber to announce that the WSSC budget team has for the 13th consecutive year received the Government Finance Office's District Budget Award, the highest form of recognition in government budgeting.

PRESS COMMENTS

There were no press comments.

PUBLIC COMMENTS

There were no public comments.

CONSENT CALENDAR

Vice Chair Counihan moved that the Commission approve the contracts and the change orders on the Consent Calendar as published in the meeting agenda for October 15, 2008 and as amended by consensus during the morning briefing session. The consent agenda consists of the following items:

Engineering & Construction:

Contract PM0002A08. Architect-Engineer Basic Ordering Agreement awarded to Black & Veatch Corp. for \$1,000,000.00 for a variety of tasks to support administration of WSSC's Sanitary Sewer Overflow System as required in the Consent Decree.

Contract BR/CR4772A08. Water/Sewer Main Reconstruction project, Laurel I, for Prince George's County awarded to Joseph Canova & Son, Inc. for fixed unit prices, estimated at \$1,541,345.00.

Contract CI4687A07. Approve Change Order Number One for Sewer Main Refurbishment/Lateral Lining in Montgomery County to Insituform Technologies, Inc. for \$375,040.

Contract CI4688A07. Approve Change Order Number Two for additional sewer service connection seals to Insituform Technologies, Inc. for \$389,900.00.

Contract 4937. Approve Change Order Number One for Prince George's County Lateral Lining for street repair to Manuel Luis Construction Co., Inc. for estimated \$,996,768.00.

Customer Care:

Contract 5232. Approve first option year for locating and identifying underground facilities to Utiliquet, LLC for \$1,573,101.00.

Contract No. CI4899A08. Sewer rehabilitation projects in Montgomery County awarded to Miller Pipeline Corporation, for an estimated \$1,507,650.00.

Contract CI4924A08. Sewer rehabilitation projects, Prince George's County, awarded to Miller Pipeline Corporation, for an estimated \$1,665,600.00.

Logistics:

Contract 5052. Commissioners approved Change Order No. 2 to this contract which constitutes an increase of \$724,524.92 to Business Promotion Consultants, Inc. for manhole frames and covers, on an as needed basis.

Contract 5473. Commissioners awarded this contract for \$1,141,755.00 to Elite Hauling, Inc. for furnishing, delivering and unloading graded-aggregate base to WSSC depots and various job sites.

Contract 5028. Commissioners approved Option Year II in the amount of \$1,129,492.00 for truck delivery services of ultra low sulfur diesel fuel delivered to Mansfield Oil Company.

Contract 5464. Commissioners awarded \$777,231.00 to Business Promotion Consultants, Inc. for rough cast brass pipe fittings and brass service fittings on an as needed basis.

Finance Office

Transmittal of FY 2009 Operating Budget Supplement Request.

Commissioner Agarwal seconded the motion. The motion carried with six affirmative votes.

Vice Chair Counihan moved to approve Contract 5509. Commissioner Moore seconded the motion. During the discussion, Commissioner Miller asked staff to request the contractor's attendance at the next meeting to answer the Commissioners' questions. Chair Starks agreed to table the motion to the November meeting.

Commissioners then resumed the meeting in the Commissioners' Conference Room at 1:57 p.m.

COMMISSION BYLAW REVISIONS

Vice Chair Counihan then introduced the changes to the Bylaws and asked Ms. Bundy to detail the changes as she and former senior counsel Mike Berman had finalized the draft for presentation to the Commissioners. Commissioners asked to have a second draft with the changes proposed at the meeting presented at the November Commission meeting. The public was placed on notice that the Commissioners were invoking Article V, Paragraph A of the Bylaws regarding public notice of the Commissioners' intent to amend the Bylaws.

Commissioner Moore had advised Chair Starks that he had to leave at 3:00 p.m. When he left, Vice Chair Counihan announced he would leave also. At 3:17, 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 discuss an administrative matter related to public safety. Commissioner Agarwal seconded the motion. The motion carried with six affirmative votes. At 3:19 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, and Corporate Secretary Charlett Bundy.

Commissioner Moore discussed a safety matter regarding the video on employee excellence.

Commissioner Moore then moved to end the closed session. Commissioner Agarwal seconded the motion. The motion carried with six affirmative votes. At 3:23 p.m., the open meeting resumed.

OPEN SESSION RESUMED

Once the meeting was opened, Commissioner Moore and Vice Chair Counihan left the room. Commissioner Mandel stated she did not hear what had just happened. Chair Starks explained that Commissioner Moore left because he had a 3:00 p.m. appointment and Vice Chair Counihan indicated he was not going to stay. She noted there were numerous items left on the agenda such as the report from the external auditors, there were candidates for the WSSC Ethics Board that had come to be interviewed by Commissioners and the performance evaluations were due for the Commissioners' direct reports. Commissioner Mandel stated she had to leave because she could not hear well over the telephone system

and therefore could not fully participate in the meeting.

Chair Starks asked that Commissioner Mandel stay on the meeting long enough to have a motion to formally end the meeting.

Adjournment

Commissioner Miller moved to adjourn the meeting. Commissioner Agarwal seconded the motion. The motion carried with four affirmative votes.

At 3:30 p.m. Chair Starks declared the meeting was adjourned.

Respectfully submitted,

 //signed//
Charlett Bundy
Corporate Secretary