

WASHINGTON SUBURBAN SANITARY COMMISSION

MINUTES OF THE COMMISSION MEETING

Wednesday, December 19, 2007

Laurel, Maryland

Chair Adrienne A. Mandel called the meeting to order at 8:52 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 Starks, Commissioners Prem Agarwal, Juanita Miller, Norman E. Pruitt and Gene W. Counihan were present at the meeting. Also, present were General Manager Andy Brunhart, General Counsel Jerry Blask and Corporate Secretary Charlett Bundy.

Agenda Approval

Commissioner Pruitt moved to amend the agenda. Commissioner Agarwal seconded the motion. The motion carried with five affirmative votes. Commissioner Miller had not yet arrived when this vote was taken.

During the auditorium session, Commissioner Agarwal moved to amend the agenda to add as a voting item, the Engineering and Construction Contract, BR3082C01. Commissioner Counihan seconded the motion. The motion carried with four affirmative votes. Vice Chair Starks and Commissioner Miller abstained because they were not in the conference room during the morning's briefing on this contract.

Commissioner Miller moved to amend the agenda during the afternoon session to add an additional item for the closed session, a personnel matter related to transition planning as allowed pursuant to the Maryland Open Meetings Act, Section 10-508(a)(1) and (13). Commissioner Pruitt seconded the motion. The motion carried unanimously.

Finance Office

FY-2009 Operating Budget. Commissioners reviewed the features of the proposed budget.

Resolution 2008-1788. General Counsel Court Related Fees Authorization. Commissioners were briefed on the change to remove retired senior counsel Robert Drummer's name from the account for court-related fees.

Resolution 2008-1789. WSSC Financial Functions and Certifying Signature Authorization. Commissioners were briefed on the need for this resolution to grant the deputy general manager, Teresa Daniell signature authority on certain WSSC accounts.

October 2007 Status Report. Commissioners were advised that the October 2007 Status Report had been sent to the counties.

Bond Sale. Commissioners were briefed on the possibility of an upcoming bond sale if the market conditions warrant such a sale.

SDC Exemption - Youth Facilities. Commissioners were briefed on the need for WSSC to create a means of allowing an exemption for System Development Charges for youth facilities in Montgomery and Prince George's Counties as this exemption was voted by county councils last fall.

WSSC Employees' Retirement Plan - Board of Trustee Research. This item provided Commissioners additional information on the progress for reconstitution of the WSSC Employees' Retirement Plan's Trustee Board.

Logistics

Contract 3972. Commissioners were given additional information regarding the need for another extension of this contract to April 30, 2008.

Engineering and Construction

Contract BR3082C01. Commissioners were briefed on this water main replacement/relocation, project scheduled for Tilton Drive, in Silver Spring. Commissioners were asked to award the contract in the afternoon because the bid was due to expire.

General Manager's Office

Monthly Report. Mr. Brunhart reported on the company's business statistics for November. Mr. Brunhart discussed his proposal to grant employees an administrative leave day for Monday, December 24, 2007. It only occurs once every seven years he noted. Commissioners agreed with his proposal. Union President Dennis Landis was present and indicated there was no objection from the union to the proposal.

Mr. Brunhart noted that November 2007 was a record breaking month for water main breaks - there were 327. The total for the calendar year makes 2007 a record breaking year for water main breaks.

Commissioners were reminded that the Patuxent plant had been shut down for repairs and that all water was produced by the Potomac plant.

Revenues were up for the month as was water production. SLMBE was behind by 2% for the month of the aspirational goal of 25% but the year-end total should be at the 25% level. He recapped the tour he had hosted for the Assistant Secretary of the Army at various WSSC plants.

OPEN SESSION -- AUDITORIUM

At 12:54 p.m. Chair Mandel called the public meeting to order. Vice Chair Starks, Commissioners Agarwal, Miller, Pruitt and Counihan were present. Chair Mandel asked Commissioner Miller to lead the pledge of allegiance.

APPROVAL OF MINUTES

November 12, 2007 Minutes. Commissioner Counihan moved that the Commission approve the open session minutes from the November 12, 2007 Commission Meeting. Commissioner Agarwal seconded the motion. Commissioner Miller abstained from voting for the November 12, 2007 minutes as she was absent from that meeting. The motion carried with five affirmative votes.

November 14, 2007 Minutes. Commissioner Agarwal moved that the Commission approve the open session minutes for the November 14, 2007 Commission Meeting. Commissioner Counihan seconded the motion. The motion carried with six affirmative votes.

PRESENTATION OF WSSC RETIREES

Four of the ten employees who retired this month were present to be recognized: Roy A. Ashlin, Jr. a Telecom Support Engineer retired with 26 years and 3 months of service; Stephen c. Gerwin, Operations Support Manager retired with 28 years and 7 months of service; Philip A. Maase, Information Systems Staff Office Support Supervisor retired with 35 years and 7 months of service; and Maryhelen Silverthorn who retired with 22 years and 6 months of service.

Retirees who were absent but recognized were: Larry J. Crider, Utility Technician III, who retired with 30 years and 2 months of service; Phillip K. Lee, Chief Specifications Writer, who retired with 14 years and 2 months of service; Richard A. Robinson, Laboratory Analyst I, who retired with 17 years and 2 months of service; Jerome Scott, Utility Technician I, who retired with 8 years and 6 months of service; Stephen M. Sparshott, Senior wastewater Plant Operator, who retired with 31 years and 7 months of service; and Larry B. Webb, Wastewater Distribution Operator, who retired with 14 years of service.

COMMISSIONERS' ITEMS/COMMENTS

Former Vice Chair Botts and Commissioner Allen appeared to receive recognition for their service to WSSC. They each made a statement of their appreciation of their colleagues and staff that had supported them while they served as Commissioners and expressed appreciation for the good service that all employees provide the rate payers to ensure the delivery of safe, clean water.

Commissioner Starks noted that WSSC had been nominated as Corporation of the Year by the Maryland/District of Columbia Minority Supplier Development Council. She also congratulated Sheldon Edwards and Thomas "Mike" Turner for their nominations by this council for Supplier Diversity Coordinator of the Year and Advocate of the Year. Although not winners, Commissioner Starks noted the importance of WSSC, Turner and Edwards being nominated for these prestigious awards. She

also thanked the former Commissioners for their service to WSSC. Lastly, she wished all employees of all faiths, a happy celebration in the upcoming season.

Commissioner Miller thanked the WSSC employees who organized the Winter Celebration. She also recognized the outstanding service of a WSSC employee who did a professional job of working with a Prince George's County school to ensure that there was adequate notice of a water shut off. Lastly, Commissioner Miller wished all employees a safe, enjoyable and restful holiday.

Commissioner Agarwal thanked the staff for a wonderful winter celebration and told the employees to have a wonderful, safe holiday.

Commissioner Pruitt also recognized the work of the staff in putting together a wonderful winter celebration and extended best wishes for a happy, safe holiday for the employees and their families.

GENERAL MANAGER'S ITEMS/COMMENTS

Mr. Brunhart told employees to have a very happy holiday season and to be safe. He thanked employees for giving WSSC customers safe, clean water.

EMPLOYEE EXCELLENCE

National Association of Clean Water Agencies Award. Tom Heikkinen, Chief of Production presented awards from the National Association of Clean Water to representatives of the various WSSC waste water treatment plants. The awards were based on compliance with the plants' respective discharge permits.

A silver award, granted for no more than five violations of the discharge permit was awarded to Western Branch: It was received by Brian Mosby and Carlin Penny. Two gold awards for total compliance with the discharge permit were received: One for the Seneca Plant which was accepted by Bob Stroud; and the other for the Parkway Plant which was accepted by Billy Burton and Kevin Selock. The platinum award for plants with no violations of the discharge permit for five consecutive years was awarded to the Damascus Plant. Bill Stroud accepted the award for the plant.

Video of Lyttonsville Staff. Commissioners were shown a video of the staff at work at Lyttonsville, a continuation of the video series of WSSC workers.

AREA PRESS QUESTIONS

There were no press questions.

PUBLIC COMMENTS

There were no public comments.

FINANCE OFFICE**Resolution 2008-1788: General Counsel Court Related Fees**

Authorization. Commissioner Agarwal moved that the Commission approve Resolution 2008-1788 that authorizes certain signatures on the General Counsel's checking account. Vice Chair Starks seconded the motion. The motion carried with six affirmative votes.

Resolution 2008-1789: WSSC Financial Functions and Certifying Signature Authorization. Commissioner Counihan moved that the Commission approve Resolution 2008-1789 that adds Teresa Daniell, Deputy General Manager, as an authorized signer on WSSC's disbursing account. Commissioner Agarwal seconded the motion. The motion carried as there were six affirmative votes.

2008 Front Foot Benefit Charges and House Connection Rates.

Commissioner Pruitt moved that the Commission approve the 2008 Front Foot Benefit and House Connection Rates as advertised to the public. Commissioner Counihan seconded the motion. The motion carried with six affirmative votes.

Transmit FY-2009 Preliminary Proposed Budget for Public Hearing.

Commissioner Counihan moved that the Commission approve the disbursement of the Fiscal Year 2009 Preliminary Proposed Capital and Operating Budget to elected officials and the public to facilitate public comment. This budget will incorporate the percent increase and ready to serve infrastructure renewal fee based on meter size as stated on page four of the stated budget. Commissioner Pruitt seconded the motion. The motion carried with six affirmative votes.

SDC Exemption - Youth Facilities, Resolution 2008-1787.

Commissioner Miller moved that the Commission approve Resolution 2008-1787 that amends Resolution No. 2007-1776 such that WSSC allows an exemption from the Systems Development Charge for properties used exclusively for programs and services for youth in Montgomery and Prince George's Counties. Commissioner Agarwal seconded the motion. The motion carried with six affirmative votes.

LOGISTICS

Contract 3972 - Change Order No. 8. Commissioner Counihan moved that the Commission approve change Order No. 8 to Contract 3972 which was previously awarded to Knight Protective Services, Inc. for unarmed security guard services. Change Order No. 8 extends the contract to April 30, 2008 and adds \$289,919.70 to the contract's value. Commissioner Agarwal seconded the motion. The motion carried with six affirmative votes.

ENGINEERING AND CONSTRUCTION

Commissioners then voted to award a series of contracts for water main replacement/relocation for various areas as noted.

Contract BR3082F01. Commissioner Pruitt moved that the Commission award Contract BR3082F01, to Fort Myer Construction based on fixed unit prices for an estimated contract in the amount of \$2,046,884.76. Commissioner Agarwal seconded the motion. The motion carried with six affirmative votes.

Contract BR/CR4058C05. Commissioner Agarwal moved that the Commission award Contract No. BR/CR4058C05, to Rustler Construction based on fixed unit prices for an estimated contract amount of \$1,790,987.50. Commissioner Pruitt seconded the motion. The motion carried with six affirmative votes.

Contract BR/CR4058D05. Commissioner Pruitt moved that the Commission award Contract No. BR/CR4058D05, to Mainlining Service based on fixed unit prices for an estimated contract amount of \$2,046,025. Commissioner Counihan seconded the motion. The motion carried with six affirmative votes.

Contract BR4313A06. Commissioner Pruitt moved that the Commission award Contract No. BR4313A06 to DHC Corporation based on fixed unit prices for an estimated contract amount of \$1,790,285.00. Commissioner Counihan seconded the motion. The motion carried with six affirmative votes.

Contract BR/CR4313B06. Commissioner Pruitt moved that the Commission award Contract No. BR/CR4313B06 to Taylor Utilities based on fixed unit prices for an estimated contract amount of \$2,109,977.50. Commissioner Agarwal seconded the motion. The motion carried with five affirmative votes as Commissioner Miller was temporarily off the dais.

Contract BR/CR4543A07. Commissioner Pruitt moved that the Commission award Contract No. BR/CR4543A07 to Mainlining Service, Inc. based on fixed unit prices for an estimated contract amount of \$2,135,500. Commissioner Counihan seconded the motion. The motion carried with six affirmative votes.

Contract BR4543B07. Commissioner Counihan moved that the Commission award Contract No. BR4543B07 to Mid-Atlantic Utilities based on fixed unit prices for an estimated contract amount of \$1,545,035. Commissioner Pruitt seconded the motion. The motion carried with six affirmative votes.

Contract BR/CR4395E06. Commissioner Agarwal moved that the Commission award Contract No. BR/CR4395E06 to Civil Construction based on fixed unit prices for an estimated contract amount of \$2,500,200. Commissioner Pruitt seconded the motion. The motion carried with six affirmative votes.

Contract PM0007A07. Commissioner Miller moved that the Commission award Contract No. PM0007A07 to Camp Dresser & McKee, Inc. for services associated with the Sewer Planning Basic Ordering Agreement in the amount of \$2,000,000. Commissioner Pruitt seconded the motion. The motion carried with six affirmative votes.

Contract BR3082C01. Commissioner Agarwal moved that the Commission award Contract BR3082C01 to Fort Myer Construction based on fixed unit prices for an estimated contract in the amount of \$1,872,189.97. Commissioner Pruitt seconded the motion. The motion carried with four affirmative votes. Vice Chair Starks and Commissioner Miller abstained because they were not in the conference room during the briefing on the contract earlier in the day.

At 2:45 p.m. the meeting then adjourned to the Commissioners' Conference Room for the afternoon session.

**AFTERNOON SESSION -
COMMISSIONERS' CONFERENCE ROOM**

At 2:55 p.m. the meeting resumed in the Commissioners' Conference Room.

INTERGOVERNMENTAL RELATIONS OFFICE

Commissioners were updated on three bi-county bills. At the conclusion of the briefing, with respect to each bill, they took the following positions.

PG/MC 104-08 WSSC Budget Approval. Commissioner Counihan moved that the Commission oppose the bi-county bill PG/MC 104-08. Commissioner Pruitt seconded the motion. The motion carried as there were four affirmative votes. Commissioner Miller voted nay and Commissioner Starks abstained because she preferred to defer the vote on the bill.

PG/MC 106-08 WSSC's System Development Charge Exemptions. Commissioner Counihan moved that the Commission take no position on the bi-county bill 106-08. Commissioner Pruitt seconded the motion. After discussion, Commissioners Counihan and Pruitt withdrew the motion and second. Commissioner Starks then made a new motion that the Commission support PG/MC 106-08. Commissioner Miller seconded the motion. Commissioner Pruitt and Commissioner Counihan abstained because they believed they needed additional information. Commissioners Agarwal, Miller and Vice Chair Starks voted in favor of the bill so the motion carried. Chair Mandel voted against the motion.

PG/MC 115-08 Prince George's County Energy Tax - WSSC. It was the consensus of the Commissioners to defer making a recommendation on the bi-county bill PG/MC 115-08.

COMMISSIONERS' OFFICE**SLMBE Office**

Chair Mandel noted that she asked Vice Chair Starks and Commissioner Pruitt to meet with a representative from their respective County government and request a review of the information that has been presented to the Commission and to recommend to the Commissioners a specific program to implement at WSSC.

Extension of MBE Program. Commissioner Pruitt moved that the Commission extend its current Interim MBE Program for up to ninety days beyond the final expiration date provided by the Commission's September 19, 2007 vote on this matter. Commission approval of this motion will make May 3, 2008, the new expiration date for the interim MBE Program, which is set forth in WSSC Standard Procedure MBE 96-01, effective June 1, 1996, as amended by WSSC Resolution 97-1521, adopted November 20, 1996. Commissioner Counihan seconded the motion. The motion carried with six affirmative votes.

Internal Audit

November 2007 Report. Maxene Bardwell presented the department's monthly audit report to Commissioners. There were no questions.

Revised Management Letter. Ms. Bardwell then presented the Commissioners a revised management letter from the firm that conducted the external audit for Fiscal Year 2008. There were no questions.

Corporate Secretary

Monthly Report. Ms. Bundy provided Commissioners a report of her monthly activities.

AFTERNOON CLOSED SESSION

At 4:28 p.m. Commissioner Miller 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 settlement of EEO lawsuit(s) and legal advice from outside counsel; Section 10-508(a)(13) to approve Closed Session Minutes for Nov. 12 & 14, 2007 and Section 10-508(a)(1) to discuss personnel matters involving: a) Acknowledgment of receipt of a complaint letter and b) the Performance review for Internal Audit Manager. Vice Chair Starks seconded the motion. The motion passed with six affirmative votes.

At 4:36 p.m. the closed meeting began. In attendance were Chair Mandel, Vice Chair Starks, Commissioners Agarwal, Miller, Pruitt and Counihan; General Manager Andy Brunhart; General Counsel Jerry Blask; and Corporate Secretary Charlett Bundy. Deputy General Manager Teresa

