

BOARD OF DIRECTORS MEETING MINUTES

MEETING 8-20

August 20, 2020

LOCATION:

Conference/Video Call

TIME:

9:30 a.m.

DIRECTORS PRESENT:

Charles Glass, Chairman (video)
Michael C. Harris, Treasurer (video)
Richard P. Streett, Jr., V.M.D., Secretary (video) on at
9:55am
William Addison (video)
Morgan Hall (video)
Leslie Jackson-Jenkins, Esq. (phone)
J.P. Smith (phone)
Joseph Snee, Esq. (phone) on at 9:40am

DIRECTORS ABSENT:

None

OTHERS PRESENT:

Sean L. Coleman, Esq. (video)
Tammy Banta (video)
Vishal Bhatia (video)
Hattie Crosby (video)
Dan Faoro (video)
Pamela Fuller (video)
Jason Gillespie (video)
Jana Leech (video)
Steve Pennington (video)
Matthew Sherring (video)
Steve Tomczewski (video)

CALL TO ORDER

Dr. Glass called the meeting to order at 9:36 a.m. The video connection provided the ability for some board members to be visible to one another.

MINUTES

Dr. Glass requested discussion or a motion for the approval of the minutes of the meeting of July 23, 2020. Mr. Addison made a motion to approve the minutes, and Mr. Hall seconded. The minutes were unanimously approved, with the exception of Mr. Snee and Dr. Streett who were not yet on the call.

DIRECTOR'S REPORT

Dr. Glass provided an update on the Conowingo Sediment Characterization and Dredging Pilot project. Discussions occurred with Deputy Chief of Staff to the Governor's Office Steven Schatz and MDE Secretary Ben Grumbles regarding funding support for a change order due to increased requirements by Exelon and extended project duration. Approval for the dredging project has been obtained from FERC under the Exelon license, and the team continues to work on the proposal for additional services to submit to MDE. Overall, the project is progressing nicely.

Mr. Harris, Mr. Tomczewski and Dr. Glass, along with the agency's Financial advisors, made a presentation to the Standard & Poors rating agency in connection with the Midshore II bond refunding. The bond sale is moving forward and will occur before the next board meeting.

The Lieutenant Governor is conducting a review of space requirements in order to evaluate how well teleworking is working at all levels of State Government. Dr. Glass had already asked the MES team to evaluate the impact of teleworking at MES.

Dr. Glass had an introductory meeting with Harford County Executive Barry Glassman. He also met with the Department of Public Works for Harford County to discuss current MES operations and potential future opportunities.

Dr. Glass, Ms. Banta and Mr. Gillespie were on a call with the Chesapeake Conservancy and Environmental Policy Innovation Center to discuss their multipronged approach to financing landscape conservation efforts in MD including how private capital can be leveraged to share the funding burden. They met with DNR and MDE regarding legislation that would create a pay for performance model for environmental restoration. This model would bring in more money from the private sector by changing the procurement model.

AGENCY ACTIVITY REPORT

Dr. Glass presented the Agency Activity Report. Ms. Banta highlighted the Cox Creek Expanded +60 Dike raising and expansion project proposal that was being

submitted to MDOT MPA and the Seagirt Berth 3 Dredging agreement that was recently executed by MDOT MPA.

Mr. Gillespie highlighted an additional Task Order with MTA. A quarterly meeting is being held with SHA to see which tasks can move forward, and which tasks will remain on hold for now. A proposal is moving forward with the City of Cumberland for water and wastewater services.

Mr. Tomczewski highlighted the proposed upgrades to the Montgomery County Materials Recycling Facility. The equipment is thirty years old and in need of upgrade. The 5-year contract with Prince George's County for the Brown Station Landfill is being reviewed by the Prince George's County Administrative Review Committee.

STRATEGIC PARTNERSHIP REPORT

Mr. Pennington's team has continued to virtually meet with stakeholders throughout August. The team achieved 4 stakeholder events, and 12 business to business meetings in July, and 3 stakeholder events and 6 business to business meetings in August. The Maryland Association of Counties convention would have been this week, if not for Covid-19. The current focus of Mr. Pennington's team has been meeting with major county and municipal clients such as Baltimore County, Harford County, Carroll County, St. Mary's County and the City of Cumberland. Communications has been working on outreach publications to launch after Labor Day.

FINANCIAL REPORT

Mr. Harris reported that it is too early in the month for the Financial report. Finance staff are working with the auditors to complete the fiscal year end reports.

HUMAN RESOURCES REPORT

Dr. Glass reported that the agency currently has a vacancy rate of 3.3%, and it will be under 3% once pending new hires are brought on board. This is an excellent rate.

MINORITY BUSINESS ENTERPRISE (MBE) PRESENTATION

Tim Barnes, the Manager of MBE and SBR Programs, presented a summary of the State MBE program, and its implementation at MES. The regulations direct 70 State agencies to try to direct 29% of their total spending to MBE firms. In FY19, MES reached 29.4%, and the numbers are looking good for FY20 also. New subgoals have been implemented for contracts as well. Mr. Snee expressed his congratulations on achieving goal numbers.

PROCUREMENT ITEMS

Ms. Crosby introduced Item 1. The procurement is for site services and labor related to hazardous waste management provided by EQ Northeast Inc. at Hawkins Point and Dundalk Marine Terminal. Mr. Harris made the motion to approve the item, Mr. Smith seconded. The motion passed unanimously.

Ms. Crosby introduced Item 2. The procurement is for site services and labor related to hazardous waste management provided by ACV Environmental Services, Inc. at Hawkins Point and Dundalk Marine Terminal. Mr. Smith made the motion to approve the item, Mr. Hall seconded. The motion passed unanimously.

Ms. Crosby introduced Item 3. The procurement is for Phase II mitigation plan development for the Cox Creek Expanded project provided by Anchor, QEA. Dr. Streett made the motion to approve the item, Mr. Snee seconded. The motion passed unanimously.

Ms. Crosby introduced Item 4. The procurement is for a new fabric building for the Prince George's Country Organic Composting Facility. Mr. Snee made the motion to approve the item, Dr. Streett seconded. The motion passed unanimously, with the exception of Ms. Jenkins who abstained.

Ms. Crosby introduced Item 5. The procurement is for a new front-end loader for the Prince George's Country Organic Composting Facility. Mr. Addison made the motion to approve the item, Mr. Harris seconded. The motion passed unanimously, with the exception of Ms. Jenkins who abstained.

Ms. Crosby introduced Item 6. The procurement is for a compost screener for the Prince George's Country Organic Composting Facility. Mr. Smith made the motion to approve the item, Mr. Hall seconded. The motion passed unanimously, with the exception of Ms. Jenkins who abstained.

Ms. Crosby introduced Item 7. The procurement is for transportation and processing of bypass recyclable material from Montgomery County provided by Penn Waste, Inc. Mr. Snee made the motion to approve the item, Dr. Streett seconded. The motion passed unanimously.

The Board Notifications were reviewed. Ms. Jenkins requested the MBE participation be noted on future Notification reports.

LEGAL REPORT

A collection suit has been filed against Wise Recycling.

OLD/NEW BUSINESS

Dr. Glass has met with the new President of the Queen Anne's County Board of County Commissioners and a local Delegate regarding the Town of Sudlersville. No payments have been received yet from the Town. Mr. Gillespie will be following up on a notice given to the Town. If there is no response or payment by September 2nd, MES will end its operation of the Town's water and wastewater facilities. Avenues to recover the outstanding debt will then be pursued.

The next meeting of the Board is scheduled for September 24, 2020 at 9:30 a.m.

CLOSED SESSION

At 10:37 a.m., in accordance with MD. Code Ann., Gen. Prov. §3-305(b)(1) and (b)(7) Dr. Glass stated that the Board intended to enter closed session to discuss the compensation of an agency employee, to approve the minutes of a prior closed meeting session and to consult with counsel to obtain legal advice. Dr. Glass asked if anyone objected to the Board entering closed session, and no objections were heard. Mr. Addison then made a motion that the Board enter closed session for the reasons stated above. Mr. Hall seconded the motion, all members voted in favor of closing the meeting. Dr. Glass announced that the meeting of the Board of Directors would immediately adjourn following the closed session. The public meeting then ended at 10:38am. The Board members and Mr. Coleman then called into a secure conference phone line.

Dr. Glass called the meeting of the closed session of the Board to order at 10:40 a.m. Present during the closed session of the Board were Board members Glass, Harris, Streett, Snee, Jenkins, Smith, Addison, Hall, and Assistant Attorney General Coleman and Paralegal Pamela Fuller. At the start of the closed session Dr. Glass requested a motion for the approval of the minutes of the closed session from the meeting of July 23, 2020. Ms. Jenkins made the motion to approve the minutes and Mr. Harris seconded. The minutes were unanimously approved.

During the closed session the Board discussed several issues related to a specific former employee of the Service, and to consult with counsel regarding those issues. The Board took no official action regarding those issues during the closed session.

The closed session then ended, and the Board meeting adjourned at 11:36 a.m.

Frederic N. Smalkin

HONORABLE FREDERIC SMALKIN
SECRETARY

Charles Glass

CHARLES GLASS, Ph.D.
ACTING DIRECTOR