



Martin O'Malley, Governor

James M. Harkins, Director

**BOARD OF DIRECTORS  
MINUTES  
MEETING 09-01  
January 26, 2009**

**LOCATION:**

**259 Najoles Road  
Millersville, Maryland**

**TIME:**

**9:30 a.m.**

**DIRECTORS PARTICIPATING BY CONFERENCE CALL:**

**James M. Harkins, Director  
John O'Neill, Deputy Director  
Richard P. Streett, Jr., V.M.D., Secretary  
Joseph Zimmerman, Treasurer  
William B.C. Addison  
Talmadge E. Simons  
Joseph F. Snee, Esq.  
Edward Adams (joined at 9:39 a.m.)**

**DIRECTOR ABSENT:**

**Leslie Jackson Jenkins**

**OTHERS PRESENT:**

**Sean Coleman, Esq.  
Jerald Wheeler  
Steve Tomczewski  
Chris Garrigan  
Beth Wojton  
Charles Madison  
Beryle T. Downs**

**CALL TO ORDER**

The meeting was called to order at 9:34 a.m.

**DIRECTOR'S REPORT & AGENCY ACTIVITY REPORT**

The busy season has started with the legislature convening on Wednesday, January 14. The MACo Winter Conference was held in Cambridge, Maryland, Wednesday, January 7 thru Friday, January 9. The conference continues to provide a good opportunity to reach out to our county customers. It was a good time to listen to their concerns as everyone is feeling the pinch of the budget.

We attended a meeting at the Maryland Port Administration, where we talked about the stability of the federal dollars. The Transportation Trust Fund is a large component of their budget, the fact that the fund is down is a matter of concern. We had a good discussion about our solar project and are looking to assist them with a similar project. They are planning to do a project at the Cruise Line Terminal and put the panels on the shed grooves that are located near the terminal. Our staff is pulling together a proposal. Mr. Madison added that he had received a call and they like our model and would like to move forward with the project. We have had several mini tours to see the solar panel project and are currently installing a woven wire fence around the facility and the lobby monitor is up and running. We plan to showcase the project at our next Board meeting.

With the down turn of the economy we have begun some contingency planning internally with staff and with our customers. We are planning for the worst and praying for the best.

The MES legislation has been prefiled and is in. Senate Bill 14 is sponsored by Senator John Astle, Vice Chairman of the Senate Finance Committee and we are looking for the House Bill to be filed any day now. The sponsor will be Delegate Dave Rudolph, Vice Chairman of the House Economic Matters Committee. Mr. Snee asked about the furlough issue and how did MES come out? - There was a lot of discussion with the Governor and staff. MES is participating in the furlough program. The cost to MES was about \$276,000 and the savings to the State \$318,000.00.

**Minutes**

Mr. Harkins requested approval of the minutes from the December 15 meeting and the December 30 conference call. A motion was made by Mr. Addison to approve the minutes submitted from the December 15 meeting and the December 30 conference call, that motion was seconded by Dr. Streett. The motion carried.

**Business Development**

Ms. Wojton reported that MES is currently preparing a letter to go to the counties and municipalities about the services that we provide. The goal is to keep our name out there and

**BOARD OF DIRECTORS MINUTES  
MEETING 09-01  
JANUARY 26,2009  
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have them think of us as they plan projects. We had a recent meeting with Tidewater regarding MES participation with them in the Aberdeen project.

Dr. Streett asked if there was anything new with Cecil County or if that was coming up later in the agenda? Mr. Coleman responded that MES has a standstill agreement in place with the Water and Sewer Authority. They have acknowledged the agreement and that the debt is owed to MES. They also agreed that as soon as they get any inflow of money, they would pay MES. They are expecting about \$100,000 from MDE. We have reduced our level of service; the billing and meter reading services provided by MES have been eliminated. Mr. Zimmerman and Mr. Wheeler met last week with the Mayor and Town Planner. They asked for a proposal from MES for a limited amount of services for the Town and a plan is ready to be presented. Mr. Zimmerman added that the Town is actively seeking a partner, they are talking to Artesian and other groups, but he remains concerned about the debt.

**Human Resources**

Ms. Wojton reported that the vacancy rate is 98% after the new hires, a record for MES. There are 717 filled positions and 6 new hires coming aboard in January and February.

**Financial Report**

The investment market is really bad, we are ready to call banks to look hard for better CD rates. We are continuing to look hard at overhead costs, although overall net assets look strong. Unrestricted net assets are up about \$1.4 million. There were 3 holidays paid out in January and there will be 1 in February. We paid off the note we took out for the Tire Plant of \$1,650,000.00. Prince George's County, which requested that we bill in advance of the work performed at Brown Station, has not paid and the work is completed. MES' reimbursable budget request to the State of Maryland was about \$600,000 less than last year. The first budget hearing is scheduled for February 11.

**Procurement Items**

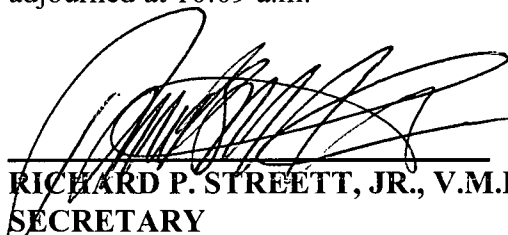
Mr. Harkins introduced Item 1 – Hawkins Point – Dundalk Marine Terminal and explained the change order. There was a motion by Mr. Snee and a second by Billy Addison. The motion carried. Item 2 was introduced by Mr. Harkins - the EPA wants to come to MES and hold a celebration to highlight being green. We received a grant from EPA to install and retrofit diesel particulate filters and monitoring systems on 16 pieces of heavy off road equipment. There is a scheduled media event at our Cox Creek facility. Additional information is forthcoming. A motion was made by Mr. Simons and a second by Dr. Streett. The motion carried. Item 3 was introduced by Mr. Harkins; this is the construction of a pedestrian walkway to the Masonville Environmental Education Center. The Education Center will be officially opened in April for public use, and the sidewalks need to be complete. Billy Addison asked about the amount and

how much sidewalk. Mr. Madison responded that the project is extensive, it includes sidewalks and jersey walls. There is a lot of truck traffic and the community enhancements include about a mile of sidewalk and the jersey walls from the point of traffic to the Environmental Center. A motion was made by Mr. Addison and a second by Mr. Snee. The motion carried.

**Legal Report**

Mr. Coleman reported that the Board of Public Works approved the transfer from SHA to MES for the land where the solar project is housed. All that remains to complete the transaction is to send a check from MES to SHA for \$153,000.00. He also reported that he is monitoring legislation that might change the status of the Port Deposit Water and Sewer Authority.

There was a motion to adjourn by Dr. Streett and a second by Mr. Addison. The meeting adjourned at 10:09 a.m.

  
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**RICHARD P. STRETT, JR., V.M.D.  
SECRETARY**

  
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**JAMES M. HARKINS  
DIRECTOR**

**BOARD OF DIRECTORS  
MINUTES  
MEETING 09-02  
February 23, 2009**

**LOCATION:** 259 Najoles Road  
Millersville, Maryland

**TIME:** 10:30 a.m.

**DIRECTORS PRESENT:** James M. Harkins, Director  
John O'Neill, Deputy Director  
Richard P. Streett, Jr., V.M.D., Secretary  
Joseph Zimmerman, Treasurer  
William B.C. Addison  
Joseph F. Snee, Esq.  
Edward Adams  
Talmadge E. Simons  
Leslie Jackson Jenkins, Esq. (arrived at 10:35 a.m.)

**OTHERS PRESENT:** Sean Coleman, Esq.  
Jerald Wheeler  
Maclane Gibson  
Henry Cook  
Chris Garrigan  
Beth Wojton  
Charles Madison  
Nancy Voorhees Galenske  
Beryle T. Down  
Attended a portion of the meeting  
Mac McLellan  
Brian Johnson  
Paul Clark  
Terry Heinemann  
Gary Burns  
Andrew Fasnacht  
Walt Fraser  
Carroll Berl  
Diane Bauer  
Tim Germana  
Doug Conaway

**CALL TO ORDER**

The meeting was called to order at 10:30 a.m

**INSPIRE AWARDS**

Mr. Gibson, Environmental Operations presented an Inspire Awards to Brian Johnson and Paul Clark for extraordinary service for their work efforts (along with Randy Bolt, Frank Clarke, John Gerard, and Benny Willis Jr. who were not in attendance) dealing with electrical and structural permit reviews to replace an office trailer at Western Branch. Mr. Addison added an additional comment regarding their efforts. Prince George's County has also noted their extra efforts. Mr. Gibson also presented Extraordinary Service awards to Terry Heinemann and Gary Burns for taking care of filling potholes without supervisory direction and in inclement weather at Baltimore County's Residential Drop Off Center. The County recognized their efforts. Mr. Wheeler, Water & Wastewater presented an Extraordinary Service award to Andrew Fasnacht due to his outstanding supervisory performance at the Perryville WWTP, which led to the Town requesting a full operations and maintenance proposal.

**MINUTES**

Mr. Harkins requested approval of the minutes of January 19, 2009, with a correction; MES participation in the State furlough program was not voluntary. A question was addressed. Mr. Addison made the motion to approve the minutes and Mr. Simons seconded. The minutes were approved.

**DIRECTOR'S REPORT & AGENCY ACTIVITY REPORT**

Mr. Harkins met recently with the Governor on a variety of projects, including Bay Stat, energy and environmental issues. Recently MES has been selected as the lead agency to determine the state's carbon footprint and how to reduce it.

A lunch meeting was held with the Secretary of the Department of General Services discussing expansion of recycling efforts in all state buildings.

MES is continuing to work with MDE and the Somerset County Sanitary Commission on the Somerset County water issue.

Water and Wastewater recently attended a meeting with Harford County Community College to discuss water and sewer options at the college's property.

Numerous meetings have been held with potential clients, including St. John Properties, Artesian Water, the Maryland Contractor's Association, MPA and Midshore Counties.

The Senate hearing on the MES energy bill, SB 14, was February 17<sup>th</sup>. The bill has been voted out of committee with an amendment. The House of Delegates hearing on the bill is scheduled February 25<sup>th</sup>. A question was addressed. MES budget hearing was held in the Senate.

### **BUSINESS DEVELOPMENT**

Ms. Wojton reported the DC Water & Sewer Authority has published a RFP for sampling and monitoring. MES may look to partner with another firm to submit a proposal. MES has heard that references are being checked on the Aberdeen project. Questions were addressed and information provided by Jerry Wheeler. MES also heard about another possible project, the operation of Patuxent Naval Base's water and wastewater treatment facilities.

### **FINANCIAL REPORT**

Mr. Zimmerman reported the following: labor sales are up by 9%; billable hours are down. Overhead variances are good. Interest rates are down. Mr. Zimmerman met with Bank of America to discuss investment options/interest rates. He will be checking CD rates as a possible investment option. He reviewed Indirect Cost Analysis, Change in Net Asset Components, and went over the Major Accounts. Port Deposit is waiting for grant funds for upgrades and discussion has been held with the Governor about availability of stimulus funds for the Town. Mr. Harkins also discussed the situation with the Secretary of MDE. Mr. Coleman added comments and questions were addressed. Mr. Zimmerman went on to review the Plan v. Actual. He also briefed the members on the Legislative Budget Analysts report. Mr. O'Neill reviewed the solar energy project: MES will be coming to the Board in late May or June regarding Midshore II financing. Questions were addressed. MES is also discussing with DNR their Program Open Space efforts with agricultural preservation and MES financing capabilities. Debt would be issued to allow POS to preserve open space and farms. We would be the borrower with DNR pledging a percentage of the revenue stream to cover the bonds with a fee attached. Mr. Coleman is working with DNR's attorney on a proposed bill.

### **HUMAN RESOURCES**

Ms. Wojton reported that the vacancy rate is .98%. There are 717 filled positions, 4 new hires in February, and 7 vacancies. Currently, Human Resources' focus is retention.

### **PROCUREMENT ITEMS**

Mr. O'Neill introduced Item 1. A question was addressed. Dr. Streett made the motion to approve. Ms. Jenkins seconded. The motion passed. Mr. O'Neill introduced Item 2. A question

was addressed. Mr. Snee made the motion to approve the Item. Mr. Simons seconded. The motion passed with Mr. Adams abstaining from the discussion and the vote.

**NOTIFICATIONS**

The Notifications are contained in the Board's notebooks. A question was addressed regarding the JFK Maintenance Facility I & II.

**LEGAL REPORT**

Mr. Coleman reported the EEOC complaints filed by 2 employees from the Tire Facility have been deemed to show no probable cause and will not proceed administratively. A question was addressed.


**GREEN HIGHWAYS**

Mr. Madison presented a PowerPoint on the "Green Highways" project. Questions were addressed.

**EXECUTIVE SESSION**

At 11:46 a.m., upon motion of Mr. Snee, second by Mr. Addison, the members of the Board went into executive session to discuss a personnel matter, as permitted under §10-508(a)(1). Also present during the executive session were Mr. Coleman, and Ms. Voorhees Balenske. The Board did not take any official action during the executive session. At 12:12 p.m. the Board, upon motion of Ms Jenkins, seconded by Mr. Addison, approved by all, concluded its executive session and adjourned the meeting. Immediately following adjournment a presentation and tour was given of the solar energy project.

  
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RICHARD P. STREETT, JR., V.M.D.  
SECRETARY

  
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JAMES M. HARKINS  
DIRECTOR



**BOARD OF DIRECTORS  
MINUTES  
MEETING 09-03  
March 23, 2009**

**LOCATION:** 259 Najoles Road  
Millersville, Maryland

**TIME:** 10:30 a.m.

**DIRECTORS PRESENT:** James M. Harkins, Director  
John O'Neill, Deputy Director  
Richard P. Streett, Jr., V.M.D., Secretary  
Joseph Zimmerman, Treasurer  
William B.C. Addison  
Joseph F. Snee, Esq.  
Edward Adams  
Talmadge E. Simons  
Leslie Jackson Jenkins, Esq.

**OTHERS PRESENT:** Sean Coleman, Esq.  
Jerald Wheeler  
Dave Czwalytko  
Henry Cook  
Chris Garrigan  
Rex Lloyd  
Nancy Voorhees Balenske  
Beryle T. Downs  
Attended a portion of the meeting  
Stan Snarski

**CALL TO ORDER**

The meeting was called to order at 10:30 a.m

## **MINUTES**

Mr. Harkins requested approval of the minutes of February 23, 2009. Mr. Addison made the motion to approve the minutes and Dr. Streett seconded. The minutes were approved.

## **DIAMONDBACK TERRAPINS**

Mr. Harkins introduced Rex Lloyd and Stan Snarski, representing the Technical and Environmental Services Group and their role in the terrapin outreach program. An aquarium has been placed in headquarters lobby to generate interest in the program. Mr. Lloyd stated that the terrapins will be delivered to MES on Wednesday, March 26. Mr. Snarski provided an overview of the program and addressed questions. He explained that by having the terrapins at MES headquarters, they will experience less stress from traveling when MES staff takes them to schools for education programs. Mr. Harkins added additional remarks regarding school groups, tours of Poplar Island and the turtle program.

## **DIRECTOR'S REPORT, AGENCY ACTIVITY REPORT & BUSINESS DEVELOPMENT**

Mr. Harkins reported the capital budget includes 6 wastewater treatment plant upgrades and water tower upgrades. The MES energy bill, SB 14, passed the Senate as amended. The House of Delegates will vote this week on the companion bill, HB 314.

The MPA cruise terminal solar panel proposal has been approved and is moving toward the contract phase. A question was addressed.

Mr. Harkins suggested the Board take a look at the Governor's BayStat website. MES' GIS group provided assistance to produce a high quality site.

The survey of state agencies is underway to determine the state's carbon footprint. Once that information is known, the State can modify its activities to reduce its carbon use.

## **FINANCIAL REPORT**

Mr. Zimmerman reported the following: labor sales are up by 8%. Overhead variances are good. Interest rates are down. Mr. Cook's further discussions with Bank of America resulted in establishing an 18-month CD ladder investment. Mr. Zimmerman also reviewed Indirect Cost Analysis, Change in Net Asset Components, and went over the Major Accounts. Port Deposit received grant funds for upgrades. Mr. Coleman advised the Board that MES might extend the

standstill agreement at the Authority's request during transition of operation of the facilities. A question was addressed. Mr. Zimmerman went on to review the Net Assets and Plan v. Actual, which is favorable. Mr. O'Neill advised that an analysis of vehicle fleet is being performed to reduce expenses. The fleet may be reduced by 30 vehicles. The assignment of cell phones and Blackberry's is also being reviewed. Generally MES is being proactive with regard to the economy and taking numerous measures to reduce expenditures. The GIS program recovery is strong and budget hearings went well.

### **HUMAN RESOURCES**

Mr. O'Neill reported that the vacancy rate is 1.69% and will fall to 1.27% after processing the new hires. There are 709 agency positions, 1 new hire in February, and 3 pending new hires.

### **RESOLUTION**

Mr. Cook introduced and reviewed Resolution 09-03-1R amending the Vanguard 401K retirement plan. The amendment is required to provide for regulations adopted by the IRS. Ms. Jackson made the motion to approve the Resolution. Mr. Simons seconded. A question was addressed. The motion passed unanimously.

### **PROCUREMENT ITEM**

Mr. Harkins introduced Item 1. Questions were addressed. Mr. Snee made the motion to approve. Mr. Addison seconded. The motion passed.

### **NOTIFICATIONS**

The Notifications are contained in the Board's notebooks. A question was addressed.

### **LEGAL REPORT**

Legal Report was done during Executive Session.

### **EXECUTIVE SESSION**

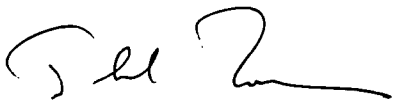
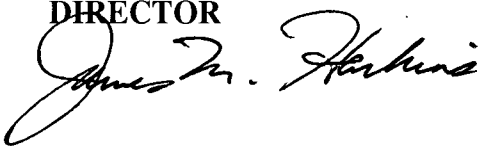
At 11:14 a.m., upon motion of Mr. Addison, second by Dr. Streett, the members of the Board went into executive session to discuss a personnel matter, as permitted under §10-508(a)(1), consult with counsel to obtain legal advice, as permitted under §10-508(a)(7), and discuss an investigative proceeding, as permitted under §10-508(a)(12). Also present during the executive session were Mr. Coleman, and Ms. Voorhees Balenske. The Board did not take any official action

during the executive session. At 11:45 a.m. the Board, upon motion of Mr. Addison, seconded by Mr. Simons, approved by all, concluded its executive session.

**RESOLUTION**

Mr. Harkins introduced Resolution 09-03-02R. The resolution is an intent to finance a single stream recycling facility. Ms. Jenkins made the motion to approve the Resolution. Mr. Snee seconded. The motion passed with Mr. Adams abstaining from the vote.

  
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RICHARD P. STREETT, JR., V.M.D.  
SECRETARY

  
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JAMES M. HARKINS  
DIRECTOR  




Martin O'Malley, Governor

James M. Harkins, Director

**BOARD OF DIRECTORS  
MINUTES  
MEETING 09-04  
April 27, 2009**

**LOCATION:** 259 Najoles Road  
Millersville, Maryland

**TIME:** 9:32 a.m.

**DIRECTORS PRESENT:** James M. Harkins, Director  
John O'Neill, Deputy Director  
Richard P. Streett, Jr., V.M.D., Secretary  
Joseph Zimmerman, Treasurer  
William B.C. Addison  
Joseph F. Snee, Esq. (via speaker phone)  
Edward Adams  
Talmadge E. Simons (via speaker phone)

**DIRECTOR ABSENT:** Leslie Jackson Jenkins, Esq.

**OTHERS PRESENT:** Sean Coleman, Esq.  
Beth Wojton  
Doug Conaway  
Steve Tomczewski  
Henry Cook  
Chris Garrigan  
Charles Madison  
Nancy Voorhees Balenske  
Beryle T. Downs  
Attended a portion of the meeting  
Maclane Gibson  
Danny Kline  
Rusty Carter

**CALL TO ORDER**

The meeting was called to order at 9:32 a.m

259 Najoles Road • Millersville, Maryland • 21108  
phone 410-729-8200 • fax 410-729-8220 • www.menv.com

## MINUTES

Mr. Harkins requested approval of the minutes of March 23, 2009. Mr. Addison made the motion to approve the minutes and Mr. Adams seconded. The minutes were approved.

## DIRECTOR'S REPORT & AGENCY ACTIVITY REPORT

Mr. Harkins reported the MES energy bill passed the Legislature on the last day of the session. Mr. Harkins thanked Ms. Downs, the committee chairs, President of the Senate and Speaker of the Office for their support in this team effort.

Mr. Harkins participated on an energy panel at a conference of economic development officials. He had the opportunity to talk about MES "toolbox of tools" and capabilities.

The solar site access ramp has been completed. MES has already hosted approximately 50 tour groups.

On April 23<sup>rd</sup>, MES hosted a dinner meeting and tour for the Directors of the Northeast Waste Disposal Authority.

The ribbon cutting for Masonville Cove was held with the Lt. Governor's participation.

MES attended a meeting of the Alice Ferguson Foundation, which was established in the 1950's with the donation of a farm and is involved in on-site environmental education. The Foundation is interested in solid waste technology and waste management issues. Maclane Gibson attended the meeting and talked about different MES projects. Discussion was held about a possible food waste pilot project at the Prince George's County Composting Facility.

Mr. Harkins will shortly begin his annual "Spring Fling" visits around the State to meet with MES employees. He is taking the Executive Assistants to lunch today.

A question was asked about the non-native oyster issue. Mr. Madison addressed and provided information about MES working relationship with DNR providing assistance with the environmental impact statements. Currently there is no plan for introducing non-native oysters. An additional question was addressed.

## BUSINESS DEVELOPMENT

Ms. Wojton reported that MES is checking monthly on the Aberdeen privatization project. The Patuxent Naval Base RFP for operation of their water and wastewater treatment facilities is expected to be issued this calendar year. MES is having discussions with Middlesex

to identify privately owned facilities to pursue as a team. MES' role would be to provide operations services.

### **FINANCIAL REPORT**

Mr. Zimmerman reviewed the Operating Results: labor sales are up by 8%. Overhead variances are good. Mr. Zimmerman also reviewed Indirect Cost Analysis, Change in Net Asset Components, and went over the Major Accounts. Mr. Zimmerman & Mr. Coleman provided an update regarding Port Deposit. Questions were addressed. Mr. Zimmerman went on to review the Net Assets and Plan v. Actual, which is favorable. MES talked to OPEB consultants about establishing trust services for employee benefits. A proposal will be brought to the Board in May.

### **RESOLUTION**

Mr. Coleman introduced Resolution 09-04-1R to finance a landfill compactor to be assigned to the Midshore Regional Landfill. The Board previously approved the procurement of the equipment and financing, however Koch Financial currently is not providing financing. MES will enter into a Lease/Purchase Agreement with Caterpillar Equipment. Mr. Zimmerman and Mr. Harkins provided additional comments. A question was addressed. Mr. Addison made the motion to approve the Resolution. Dr. Streett seconded. The motion passed.

### **INSPIRE AWARDS**

Mr. Tomczewski, Environmental Operations presented an Inspire Award to Danny Kline for Extraordinary Service for handling, on his own, all aspect of trash removal from two sites in Montgomery County, when the County originally thought the project would require at least two employees and two trucks assigned to it. Mr. Tomczewski also presented an Extraordinary Service award to Rusty Carter for an Innovative Idea. Mr. Carter designed and constructed a moveable lube and fuel skid for performing maintenance on equipment at the Midshore Landfill.

### **HUMAN RESOURCES**

Ms. Wojton reported that the vacancy rate is 1.53%. There are 717 agency positions and only 14 vacancies. Eight Spring Fling sessions are scheduled this week.

### **PROCUREMENT ITEM**

Mr. Harkins introduced Item 1. Mr. Tomczewski, Mr. O'Neill and Mr. Coleman provided additional information. A question was addressed. Dr. Streett made the motion to approve. Mr. Addison seconded. The motion passed. A question regarding the status of the Midshore projects was addressed. Hobbs Road Landfill will close prior to opening of Landfill II. Mr. O'Neill and

Mr. Tomczewski met with the Caroline County Administrator and County Attorney regarding the closure. The draft Service Agreement was sent to all Midshore counties for their review. Mr. Zimmerman reviewed the proposed financing method. It was also noted that the bids for construction of the landfill and scale house came in below the engineer's estimate.

### **NOTIFICATIONS**

The Notifications are contained in the Board's notebooks. A question was addressed.

### **LEGAL REPORT**

Mr. Coleman reported that his office's priority has been the Midshore projects, including the Service Agreements and working with bond counsel on resolutions for the governing bodies to approve the agreements.

### **NEW BUSINESS**

Mr. Madison reviewed the Masonville Mitigation Stream Restoration overview provided to the Board. Questions were addressed. Mr. Snee also took the opportunity to commend Ms. Downs, whose actions he observed, for her commitment and remarkable effort for a "job well done" during the legislative session.

### **EXECUTIVE SESSION**


At 10:28 a.m., upon motion of Dr. Streett, second by Mr. Addison, the members of the Board went into executive session to discuss a personnel matter, as permitted under §10-508(a)(1), consult with counsel to obtain legal advice, as permitted under §10-508(a)(7), and discuss an investigative proceeding, as permitted under §10-508(a)(8). Also present during the executive session were Mr. Coleman, Ms. Voorhees Balenske, Ms. Wojton, and Mr. Cook. The Board did not take any official action during the executive session. At 11:04 a.m. the Board, upon motion of Mr. Snee, seconded by Dr. Streett, approved by all, concluded its executive session.

### **APPROVALS**

Mr. Harkins introduced Resolution 09-04-02R. The resolution establishes a program for the reimbursement of certain unused leave to employees. Mr. Simons made the motion to approve the Resolution. Mr. Addison seconded. The motion passed. Mr. Harkins requested approval of the revision to the Sick Leave Incentive Program, MES Policy No. 3.04. Mr. Snee made the motion to approve. Mr. Addison seconded. The motion was approved. The final request was to authorize the Director to approve a \$200 reimbursement to MES employees for employee clothing and uniform cleaning expenses. The reimbursement will only be for Fiscal Year 2009. Mr. Addison made the motion to approve the authorization. Mr. Snee seconded. The motion was approved.




The Board meeting adjourned at 11:05 a.m.



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**RICHARD P. STREETT, JR., V.M.D.**  
**SECRETARY**



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**JAMES M. HARKINS**  
**DIRECTOR**



Martin O'Malley, Governor

James M. Harkins, Director

**BOARD OF DIRECTORS  
MINUTES  
MEETING 09-05  
May 18, 2009**

**LOCATION:** 259 Najoles Road  
Millersville, Maryland

**TIME:** 10:30 a.m.

**DIRECTORS PRESENT:** James M. Harkins, Director  
John O'Neill, Deputy Director (via speaker phone, joined meeting at 10:48 a.m.)  
Richard P. Streett, Jr., V.M.D., Secretary  
Joseph Zimmerman, Treasurer  
William B.C. Addison  
Edward Adams  
Talmadge E. Simons  
Leslie Jackson Jenkins, Esq.  
Joseph F. Snee, Esq. (via speaker phone)

**OTHERS PRESENT:** Sean Coleman, Esq.  
Beth Wojton  
Jerald Wheeler  
Steve Tomczewski  
Henry Cook  
Charles Madison  
Nancy Voorhees Balenske  
Beryle T. Downs

**CALL TO ORDER**

The meeting was called to order at 10:30 a.m

**MINUTES**

Mr. Harkins requested approval of the minutes of April 27, 2009. Dr. Streett made the motion to approve the minutes and Mr. Simons seconded. The minutes were approved.

259 Najoles Road • Millersville, Maryland • 21108  
phone 410-729-8200 • fax 410-729-8220 • www.menv.com

**DIRECTOR'S REPORT & AGENCY ACTIVITY REPORT**

Mr. Harkins reported the Governor signed the MES energy bill on May 7<sup>th</sup>. The Governor's Office did not provide much notice of the date of the bill signing. MES is performing services to collect data from wind anemometer facilities at 6 state facilities.

Mr. Harkins noted in the Agency Activity Report the proposal submitted for the Locust Point Solar Power project. The project may be able to transmit excess power to the Fort McHenry National Historic Shrine. A question was addressed.

Mr. Harkins' "Spring Fling" visits around the State to meet with MES employees are underway.

A meeting was held recently with Baltimore County Executive, Jim Smith and County Administrative Officer Fred Homan regarding MES constructing a single stream recycling facility for the County. Mr. Adams attended the meeting.

MES management is creating internally a "Fast Track" program for certain projects. A "team captain" will lead a project team comprised of various staff to bring together all the necessary functions to quickly move forward a high priority project.

A verbal agreement has been reached with Somerset County to provide expanded water services to the County. These services will be included with the current planned upgrades and will be paid for with federal stimulus monies.

Mr. Harkins met with the Governor and the Attorney General to discuss various projects to minimize the amount of chicken litter spread on farm fields. At a recent EPA meeting officials of the State and EPA agreed that anaerobic digestion would be the preferred methodology for handling chicken litter. MES is reviewing responses to its Request for Interest received from various vendors.

**BUSINESS DEVELOPMENT**

Ms. Wojton reported that Aberdeen Proving Ground has finished their audit of MES' partner in this project. It is expected an award decision will be made in about a month. Meanwhile, MES' project group will be convening shortly to refresh and review the project. Energy solution companies have contacted MES. A day long meeting was held with Batelle, a technically innovative research and development company. Questions were addressed. MES may enter into a partnership agreement with the company to assist with various challenges, i.e. anaerobic digesters, to participate in federally funded pilot programs, food recycling and processing.

### **FINANCIAL REPORT**

Due to early date of the meeting the full Financial Report is not available. It will be sent to the members in the next couple of days. Mr. Zimmerman reviewed the Plan v. Actual, which is favorable. MES talked to OPEB consultants about establishing trust services for funding health benefits for retirees. The OPEB Trustee agreement is being finalized and will be brought to the Board in June. There will be a decrease in net assets of \$280,000 due to the 1% increase in 401(k) contributions. The final budgets have been received and the Plan vs. Actual will be prepared for adoption. A question was addressed about the Port Deposit write off. MES will be requesting a payment plan from the Town. A lien will be placed with MES maintaining a leasehold interest. Collection efforts have not begun to date. Funds in the amount of \$41,000 were received for inspection costs.

### **RESOLUTION**

Mr. Zimmerman introduced Resolution 09-05-1R to adopt the Comprehensive 401(k) Profit Sharing Plan Nonstandardized Adoption Agreement. The agreement is retroactive to July 1, 2008. Questions were addressed. Mr. Harkins and Mr. O'Neill provided additional comments. A question was addressed. Mr. Addison made the motion to approve the Resolution. Mr. Snee seconded. The motion passed unanimously.

### **HUMAN RESOURCES**

Ms. Wojton reported that the vacancy rate is 2.48%, but will drop to 1.1% after processing the 3 new hires and 10 scheduled new hires. There are 725 agency positions and only 18 vacancies. The Talbot County contracts to operate the St. Michael's WWTP are being terminated by the County. This will affect certain employees. Mr. Harkins and Mr. Wheeler provided comments.

Ms. Wojton reviewed the draft Leave Buy-Back Program policy. The final policy will be presented at June's meeting.

### **PROCUREMENT ITEMS**

Mr. O'Neill introduced Item 1. Mr. Madison provided additional information. Mr. Snee made the motion to approve. Ms. Jenkins seconded. The motion passed unanimously. Mr. O'Neill introduced Item 2. Questions were addressed. Dr. Streett made the motion to approve the Item. Mr. Addison seconded. The motion passed unanimously. Mr. O'Neill introduced Item 3. Mr. Tomczewski provided additional information. A question was addressed. Mr. Simons made the motion to approve. Dr. Streett seconded. The motion was approved unanimously. Mr. O'Neill introduced Item 4. Mr. Harkins and Mr. Tomczewski provided additional information. A

question was addressed. Mr. Snee made the motion to approve. Mr. Addison seconded. The motion was approved unanimously. Mr. O'Neill introduced Item 5. Dr. Streett made the motion to approve the Item. Mr. Addison seconded. The motion passed unanimously. Mr. O'Neill introduced Item 6. A question was addressed. Mr. Madison provided additional information. Dr. Streett made the motion to approve. Mr. Simons seconded. The motion passed unanimously. Mr. O'Neill introduced Item 7. Mr. Snee made the motion to approve. Ms. Jenkins seconded. A question was addressed. The motion passed unanimously.

**NOTIFICATIONS**

The Notifications are contained in the Board's notebooks. A question was addressed.

**LEGAL REPORT**


Mr. Coleman reported the Midshore project Service Agreements were approved by Kent, Queen Anne and Caroline Counties. Talbot County had comments, but expect to approve next week. A multi-party agreement is being drafted with Somerset County to allow the Sanitary Commission access to ECI water treatment process. A question was addressed.

**NEW BUSINESS**

MES is reducing its participation at the August MACO meeting. MES will not sponsor its annual reception.

The Board meeting adjourned at 11:31 a.m.

  
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RICHARD P. STREETT, JR., V.M.D.  
SECRETARY

  
\_\_\_\_\_  
JAMES M. HARKINS  
DIRECTOR



Martin O'Malley, Governor

James M. Harkins, Director

**BOARD OF DIRECTORS  
MINUTES  
MEETING 09-06  
June 22, 2009**

**LOCATION:** 259 Najoles Road  
Millersville, Maryland

**TIME:** 9:30 a.m.

**DIRECTORS PRESENT:** James M. Harkins, Director  
John O'Neill, Deputy Director  
Richard P. Streett, Jr., V.M.D., Secretary  
Joseph Zimmerman, Treasurer  
William B.C. Addison  
Edward Adams  
Talmadge E. Simons  
Joseph F. Snee, Esq. (initially via speaker phone, then arrived  
at 9:44a.m.)

**DIRECTOR ABSENT:** Leslie Jackson Jenkins, Esq.

**OTHERS PRESENT:** Sean Coleman, Esq.  
Beth Wojton  
Jerald Wheeler  
Steve Tomczewski  
Charles Madison  
Chris Garrigan  
Nancy Voorhees Balenske  
Beryle T. Downs  
Attended a portion of the meeting :  
Cece Donovan  
Nanci Koerting  
Randy Bolt  
Dave Wyatt  
Michael Griffith  
Lauren Franke  
Aimee Warner

**Eartha Ballard**  
**Tim Palmer**  
**Tim Germana**  
**Doug Conaway**  
**Dave Ferguson**  
**Welford McClellan**

**CALL TO ORDER**

The meeting was called to order at 9:34 a.m

**INSPIRE AWARDS**

Mr. Tomczewski, Environmental Operations presented an Inspire Award to Nanci Koerting for extraordinary service for establishing a book donation program at the Recycling Activities Project in Derwood. This project reduces products destined for disposal and provides funds for a local non-profit to benefit female students. Mr. Harkins presented an Inspire Award to Beryle Downs for her extraordinary service during the legislative session tracking the MES energy legislation and responding to issues raised during the legislative process. Randy Bolt was presented an Extraordinary Service award from Mr. Tomczewski for his and Brian Johnson, Paul Clark and John Gerard's initiative to repair the pond at Western Branch saving the client money. David Wyatt was presented an Extraordinary Service award along with Mark Wheeler and Kelli Nichols, who were not present, for their actions taken to provide emergency assistance and care to an employee at the Montgomery County recycling center. The client requested this award. Mr. Wheeler presented an Extraordinary Service award to Michael Griffith in recognition of his receipt of the 2009 U.S. EPA Professional Operator Excellence Regional Award. His efforts provide cost effective and efficient services to the City of Frostburg. Mr. Madison presented an Extraordinary Service award to Lauren Franke for her efforts in obtaining her MDA pesticide applicator certification in several categories. This certification is not part of her job requirement, but is now able to assist MES with various projects without hiring a contractor. Aimee Warner was presented an Extraordinary Service award for her outstanding service to MES and the Maryland Port Administration initially as liaison between the two and becoming an ISO 14001 expert. Mr. Madison presented an Extraordinary Service award to Tim Palmer, who accepted on behalf of Larry Swift, Erin Lesh, Jim Somerville and Erin Ross, for their work on the successful launch of the MD iMAP, a goal of the Governor. Eartha Ballard accepted an Inspire Award for Extraordinary Service on behalf of Richard Downs who is on vacation. Mr. Downs suggested MES use their own sewage trucks to pump out the septic tank at Hawkins Point. This suggestion not only saves money, but also provides revenue to the Water & Wastewater Group. The final Inspire Award was presented to Cece Donovan who was accepting on behalf of Kevin Barry who is also on vacation. Mr. Barry conceived of and implemented a plan to use existing equipment to

complete a project for the MPA that allowed the project to be completed on schedule and reduced costs.

### **MINUTES**

Mr. Harkins requested approval of the minutes of May 18, 2009. Mr. Adams noted a correction. Dr. Streett made the motion to approve the corrected minutes and Mr. Adams seconded. The minutes were approved.

### **DIRECTOR'S REPORT & AGENCY ACTIVITY REPORT**

Stimulus monies will pay for expanded water services to Somerset County.

The Baltimore County single stream recycling project is moving forward. MES is preparing a response to a letter the Governor received from the County Executive regarding State funding assistance for the project.

The Maryland Municipal League summer conference is June 28<sup>th</sup>-July 2<sup>nd</sup>. Due to the economy, MES presence has been scaled back. The MES smart car will be at the meeting.

A meeting is scheduled June 22<sup>nd</sup> with the President of the Frederick County Commissioners on a waste to energy project and MES involvement. A question was addressed.

The Service Awards luncheon was recently held recognizing employees' milestone years of service to MES.

Mr. Harkins and Mr. Madison talked about changes in state government and how MES can be used as a resource. A specific example is support MES is providing to DNR's Fisheries program. A question was addressed. DNR Secretary John Griffin and his senior staff will be here on June 26<sup>th</sup> for a meeting to discuss potential new business and expansion of existing support.

MES is also checking in with existing customers to ensure we are meeting their needs.

### **BUSINESS DEVELOPMENT**

Ms. Wojton reported the word with regard to Aberdeen Proving Ground is that meetings will be scheduled with the top 3 firms. MES is still working on forming a relationship with Patuxent Naval Base prior to their issuing an RFP for utilities privatization. MES continues to build upon its customer relations by attending various conferences or meetings, including MEDA, Maryland Asia Environment Partnership and Maryland Municipal League.



A question was asked about Midshore I Landfill and development of the central flare station. Mr. Tomczewski and Mr. Zimmerman addressed. Midshore II Landfill project has broken ground.

### **HUMAN RESOURCES**

Ms. Wojton reported that the vacancy rate would be 1.66%, after processing the 5 new hires. There are 725 agency positions and only 12 vacancies.

Ms. Wojton reviewed the Leave Buy-Back Program policy that was presented in May. Mr. Snee made the motion to approve the policy, Dr. Streett seconded. The motion passed unanimously.

Ms. Wojton presented the revised Employee Performance Review forms for the Board's information.

Ms. Wojton and Mr. O'Neill reviewed the revised Vehicle Fleet Policies and Procedures. Revisions were noted on pages 9, 19 and 31. Mr. Simons made the motion to approve the revisions. Mr. Addison seconded. Questions were addressed. The revised policy was unanimously approved.

### **FINANCIAL REPORT**

Mr. Zimmerman reviewed the Operating Results: labor sales are up by 9%. Overhead variances are good. Fringe is as expected. Current Net Assets are \$5.2 million, but this will reduce in June due to OPEB and 401(k) contributions, and the effect of recording the outstanding Port Deposit balance. Mr. Zimmerman and Mr. Coleman addressed the overdue accounts, including Port Deposit. Mr. Zimmerman went on to review the Net Assets and Plan v. Actual of 2009, which is favorable. Mr. Zimmerman recommended placing \$2.5 million of net assets into the MES contingency fund. Mr. Addison made the motion to approve. Dr. Streett seconded. The motion unanimously passed. Mr. Zimmerman reviewed the Plan v. Actual for 2010. Mr. Snee made a comment on the plan. Discussion was held. The Legislative auditors are continuing their work.

### **RESOLUTION**

Mr. Coleman introduced Resolution 09-06-1R authorizing MES to enter into an OPEB Trust Agreement. The resolution also allows MES to segregate funds for OPEB-specific purposes, authorizes the Treasurer to contribute up to \$425,000 to fund FY 08 and FY 09 accrued OPEB liability, and authorizes MES officers to negotiate changes to the draft agreement. Mr. Harkins and Mr. Zimmerman provided additional information. Questions were addressed. Dr.

Streett made the motion to approve the Resolution. Mr. Snee seconded. The motion passed unanimously.

**PROCUREMENT ITEMS**

Mr. Harkins introduced Item 1. Mr. Simons made the motion to approve. Mr. Addison seconded. The motion passed unanimously. Mr. Harkins introduced Item 2. Dr. Streett made the motion to approve the Item. Mr. Snee seconded. The motion passed with Mr. Adams abstaining. Item 3 was introduced. A question was addressed. Mr. Addison made the motion to approve. Mr. Adams seconded. The motion was approved unanimously. Mr. Harkins introduced Item 4. Questions were addressed. Mr. Madison provided additional information. Dr. Streett made the motion to approve. Mr. Addison seconded. The motion was approved unanimously. Mr. Harkins introduced the final item, Item 5. Mr. O'Neill provided additional information. Mr. Snee made the motion to approve. Dr. Streett seconded. The motion passed unanimously.

**NOTIFICATIONS**

The Notifications are contained in the Board's notebooks. Questions were addressed.

**LEGAL REPORT**

Mr. Coleman reported his office has been working with the Somerset County Sanitary District's attorney on the agreement to access the ECI water treatment process. Work has also been on going with regard to the revised Environmental Compliance policy. It has gone under extensive reviews. This will be brought to the Board in the next few months.

**OLD BUSINESS**

Please contact Beryle Downs about your plans to attend the August MACO meeting.

The Board meeting adjourned at 11:15 a.m.

  
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RICHARD P. STRETT, JR., V.M.D.  
SECRETARY

  
\_\_\_\_\_  
JAMES M. HARKINS  
DIRECTOR



Martin O'Malley, Governor

James M. Harkins, Director

**BOARD OF DIRECTORS  
MINUTES  
MEETING 09-07  
July 27, 2009**

**LOCATION:** Conference Call  
259 Najoles Road  
Millersville, Maryland

**TIME:** 9:30 a.m.

**DIRECTORS PRESENT  
AT HEADQUARTERS:** James M. Harkins, Director  
John O'Neill, Deputy Director  
Joseph Zimmerman, Treasurer

**DIRECTORS PARTIC-  
IPATING BY CONFER-  
ENCE CALL:** Richard P. Streett, Jr., V.M.D., Secretary  
William B.C. Addison  
Joseph F. Snee, Esq.  
Talmadge E. Simons  
Edward Adams  
Leslie Jackson Jenkins, Esq. (joined at 9 :34 a.m.)

**OTHERS PRESENT:** Sean Coleman, Esq.  
Beth Wojton  
Henry Cook  
Doug Conaway  
Steve Tomczewski  
Cece Donovan  
Chris Garrigan  
Nancy Voorhees Balenske  
Beryle T. Downs

**CALL TO ORDER**

The meeting was called to order at 9:32 a.m

259 Najoles Road • Millersville, Maryland • 21108  
phone 410-729-8200 • fax 410-729-8220 • www.menv.com

**MINUTES**

Mr. Harkins requested approval of the minutes of June 22, 2009. Mr. Addison made the motion to approve the minutes and Dr. Streett seconded. The minutes were approved.

**DIRECTOR'S REPORT & AGENCY ACTIVITY REPORT**

The Maryland Municipal League summer conference was held June 28<sup>th</sup>-July 2<sup>nd</sup>. MES met with existing clients and is following up on conversations held during the conference. The smart car was brought to the meeting and elicited lots of questions and interest. It will be at the MACO conference.

None of the responses to MES' RFI for the ECI Co-Gen Project were determined to be in the best interest of MES. One responder requested a debriefing. At the debriefing they presented a new proposal that is undergoing an MES due diligence review. Questions were addressed.

MES is still working with Somerset County Sanitary District on the water project and finalizing the agreement. A question was addressed. The Board of Public Works recently approved funding for additional work by the engineer to continue to move the project forward.

Mr. Harkins recently met with the Governor's Deputy Chief of Staff regarding potential energy projects, the impact of furloughs on MES' financial structure, and MES business operation. Questions were addressed. MES is putting together a list of current and future energy projects for the Governor's office.

MES has been notified that Middlesex Water is one of three finalists for the Aberdeen Proving Ground privatization project. MES is a proposed subcontractor to Middlesex on the proposal. MES will prepare for the Board's use a fact sheet about the project. Mr. Snee asked that information regarding Middlesex Water also be included.

The President of the Senate, Mike Miller and Speaker of the House, Mike Busch issued a joint letter about establishing a joint legislative working group to discuss state-county-municipal fiscal relationships. Ms. Garrigan will be monitoring the work of the group. A question was addressed.

**BUSINESS DEVELOPMENT**

The Patuxent Naval Base RFP for utilities privatization is expected to be issued this fall. MES will partner with Tidewater Utilities. MES is preparing a proposal to Anne Arundel County for groundwater and gas flare monitoring at a closed rubble fill. A meeting is scheduled August

**BOARD OF DIRECTORS MINUTES  
MEETING 09-07  
JULY 27, 2009  
PAGE 3**

6<sup>th</sup> with a Swedish company regarding a pilot program to convert manure into energy. This meeting was arranged by DBED.

Mr. Harkins and Mr. Conaway reported on storm damage, a possible tornado, at the Freedom District Wastewater Treatment Facility in Carroll County last evening. The plant's primary functions remain intact.

**HUMAN RESOURCES**

Ms. Wojton reported that the vacancy rate is around 2%. The number of positions has increased to 740 agency positions due to a recent DNR contract.

Ms. Wojton reviewed the 2010 BEST Goals developed by an appointed committee and chaired by Adrienne Noel. Mr. Harkins added a comment. Mr. Snee made the motion to approve the goals. Dr. Streett seconded. The goals were unanimously approved.

**FINANCIAL REPORT**

Mr. Zimmerman informed the Board that the financial trend is positive. A complete financial report will be provided next month.

**RESOLUTION**

Mr. Cook introduced Resolution 09-07-1R amending the Service's 401(k) plan to comply with certain provisions of the Pension Protection Act of 2006. Mr. Simon made the motion to approve the Resolution. Ms. Jenkins seconded. The motion passed unanimously.

**PROCUREMENT ITEMS**

Mr. Harkins introduced Item 1. Mr. Addison made the motion to approve. Mr. Snee seconded. The motion passed unanimously. Mr. Harkins introduced Item 2. Ms. Jenkins made the motion to approve the Item. Mr. Snee seconded. Item 3 was introduced. Dr. Streett made the motion to approve. Mr. Simons seconded.

**NOTIFICATIONS**

The Notifications are contained in the Board's notebooks.

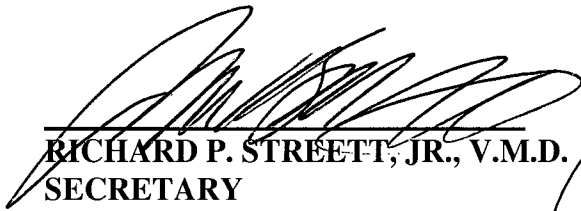
**AGENCY ACTIVITY REPORT**

Ms. Jenkins had some additional questions about the anaerobic digester RFI. Mr. Harkins and Mr. O'Neill addressed.

**LEGAL REPORT**

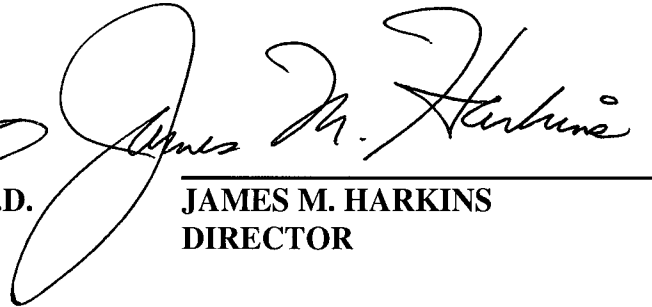
Mr. Coleman reported the majority of his time has been working with the Somerset County Sanitary District's attorney on the agreement to access the ECI water treatment project.

The Board meeting adjourned at 10:26 a.m.



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**RICHARD P. STREETT, JR., V.M.D.  
SECRETARY**



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**JAMES M. HARKINS  
DIRECTOR**



Martin O'Malley, Governor

James M. Harkins, Director

**BOARD OF DIRECTORS  
MINUTES  
MEETING 09-08  
August 13, 2009**

**LOCATION:** Clarion Resort Fontainebleau  
10100 Coastal Highway  
Ocean City, Maryland

**TIME:** 8:00 a.m. (Breakfast)  
8:30 a.m. (Meeting convened)

**DIRECTOR PRESENT:** James M. Harkins, Director  
John O'Neill, Deputy Director  
Richard P. Streett, Jr., V.M.D., Secretary  
Joseph Zimmerman, Treasurer  
William B.C. Addison  
Leslie Jackson Jenkins, Esq.  
Joseph F. Snee, Esq.  
Talmadge E. Simons  
Edward Adams

**OTHERS PRESENT:** Sean Coleman, Esq.  
Henry Cook  
Charles Madison  
Jerald Wheeler  
Steve Tomczewski  
Chris Garrigan  
Beth Wojton  
Nancy Voorhees Balenske  
Beryle T. Downs

**CALL TO ORDER**

The meeting was called to order at 8:30 a.m



**MINUTES**

Mr. Harkins requested approval of the minutes of July 22, 2009. Ms. Jenkins made the motion to approve the minutes and Dr. Streett seconded. The minutes were approved.

**DIRECTOR'S REPORT**

MES continues to work with Somerset County Sanitary District on the water project and finalizing the agreement.

Mr. Harkins is participating in the BayStat presentation being held today at the MACO conference.

MES continues to follow up on conversations held at the Maryland Municipal League annual summer conference.

Mr. Harkins continues to pursue discussion with the Governor's Deputy Chief of Staff regarding the impact of possible furloughs on MES' financial structure, and MES business operation. Questions were addressed and discussion held.

The City of Aberdeen is voting August 24<sup>th</sup> on the 6<sup>th</sup> amendment to the water agreement between the town and Harford County. The Water & Wastewater Group gave a presentation at the City Council's work session.

**BUSINESS DEVELOPMENT**

As informed last month, Middlesex Water is one of three finalists for the Aberdeen Proving Ground privatization project. Middlesex recently attended a Federal symposium.

The Patuxent Naval Base RFP for utilities privatization was announced. The project will be operations only, which will change the dynamics of a partnership with Middlesex.

MES has heard the US Naval Academy may privatize their utilities in late 2010. We will continue to follow that prospect.

It was noted by Mr. Snee that the Aberdeen Proving Ground project is for the Edgewood area only. A question was addressed.

### **FINANCE**

Mr. Zimmerman reviewed the preliminary Plan vs. Actual. The result is healthy reserves. MES is controlling or reducing costs to customers. Interest income continues to be a challenge. The tub grinding project has been affected by the loss of its Delaware market. The Legislative Auditors have completed their work. The Audit went very well. MES will be meeting with them next week to discuss their comments.

Mr. Zimmerman and Mr. Tomczewski met with the Administrators/Commissioners of the Midshore Counties to review the costs of the Midshore II project. Bank of America will provide initial funding for the project through a bond anticipation note. Long term financing will be obtained at the time MES is ready to initiate closure on Midshore I. The tipping fee will be about \$55.00/ton the first year and gradually increase. Questions were addressed. Mr. Harkins, Mr. Tomczewski, and Mr. O'Neill made additional comments. Financing for the project may be the subject of a teleconference Board meeting in September, if necessary.

Mr. Snee offered his congratulations to the MES staff on the overall year end results.

### **HUMAN RESOURCES**

Ms. Wojton reported that the vacancy rate will be around 2.27% once the 9 pending hires are onboard. The number of positions is currently 725. Questions were asked about the Singer study. The annual evaluation of certain positions will continue this year, completing the final one third of the positions.

### **PROCUREMENT ITEMS**

Mr. O'Neill introduced Item 1. A question was addressed. Mr. Adams made the motion to approve. Mr. Addison seconded. The motion passed unanimously. Mr. O'Neill introduced Item 2. Mr. Harkins and Mr. Madison provided additional information. A question was addressed. Mr. Addison made the motion to approve the Item. Ms. Jackson seconded. Item 3 was introduced. Mr. Adams made the motion to approve. Ms. Jackson seconded.

### **NOTIFICATIONS**

The Notifications are contained in the Board's notebooks. Questions about Baltimore County's single stream recycling and the solar panels were addressed. The Governor's office is currently reviewing the list of proposed energy projects.

**LEGAL REPORT**

Mr. Coleman reported the majority of his time continues to be working with the Somerset County Sanitary District's attorney on the agreement for the Sanitary District to access the ECI water treatment project. As a refresher, he provided the background information for this project that includes stimulus funding, which requires the work be started by December 31<sup>st</sup>. Mr. Wheeler's staff and Mr. Coleman are working on this project.

**AGENCY ACTIVITY REPORT**

Mr. Harkins informed the Board of the GIS staff work on the StateStat. Due in large part to MES' work, the federal government ranked Maryland's Recovery and Reinvestment Website as number one in the nation. The website is a link on StateStat. Mr. Harkins recognized the GIS staff for their efforts one morning at headquarters.

A question was asked about the anaerobic digester RFI. The project is on the Governor's list of energy projects. In answer to another question, MES has no plans for any legislation in the next session.

The Board meeting adjourned at 9:50 a.m.

  
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RICHARD P. STREETT, JR., V.M.D.  
SECRETARY

  
\_\_\_\_\_  
JAMES M. HARKINS  
DIRECTOR



Martin O'Malley, Governor

James M. Harkins, Director

**BOARD OF DIRECTORS  
MINUTES  
MEETING 09-09A  
September 2, 2009**

**LOCATION:** MES Headquarters, and by telephone  
259 Najoles Road  
Millersville, Maryland

**TIME:** 4:00 p.m.

**DIRECTOR PRESENT:** James M. Harkins, Director  
John O'Neill, Deputy Director  
Joseph Zimmerman, Treasurer

**DIRECTORS PARTICIPATING BY PHONE :**

Richard P. Streett, Jr., V.M.D., Secretary  
William B.C. Addison (left conference call prior to vote of board)  
Leslie Jackson Jenkins, Esq.  
Joseph F. Snee, Esq.  
Talmadge E. Simons  
Edward Adams

**OTHERS PRESENT:** Sean Coleman, Esq.  
Henry Cook  
Chris Garrigan  
Beth Wojton

**CALL TO ORDER**

The meeting was called to order at 4:01 p.m

**HUMAN RESOURCES**

**BOARD OF DIRECTORS MINUTES  
MEETING 09-09A  
SEPTEMBER 2, 2009  
PAGE 2**

Mr. Harkins opened the Board meeting by summarizing a recent meeting he had with the Secretary of Budget and Management. The purpose of the latter meeting was for Mr. Harkins to present information to the Secretary describing how MES would be adversely and substantially affected by implementation of the Governor's Executive Order establishing a FY 2010 State Employees' Furlough and Temporary Salary Reduction Plan. In particular, Mr. Harkins pointed out that a furlough program would significantly reduce MES revenues, but save the State almost no appropriated funds. He proposed that in recognition of the State's fiscal situation, MES could contribute up to \$500,000 to the State's general fund.

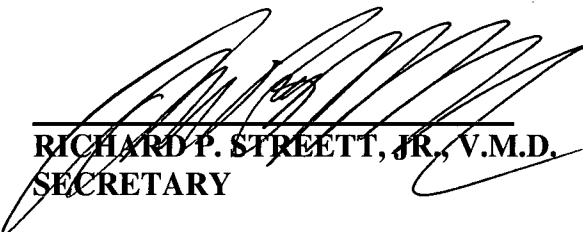
The Secretary agreed that MES would be adversely impacted by implementing a furlough plan, and would consider exempting MES from the furlough portion of the Executive Order. However, after additional discussions between Mr. Coleman and the counsel at DBM, it was determined that the Secretary did not have legal authority to exempt MES from the salary reduction component of the Executive Order.

In order to memorialize the understandings between MES and DBM, Mr. Coleman and the DBM counsel drafted the attached Memorandum of Understanding. Mr. Coleman then explained the provisions of the MOU to the Board.

The Board then engaged in a general discussion of the MOU, and its impact to MES employees. Mr. Harkins suggested that MES management would review options for minimizing the financial impact to MES employees.

Mr. Snee then moved to (i) approve the MOU as presented to the Board, and (ii) grant to MES employees making less than \$40,000 per year 3 administrative leave days for the remainder of FY 2010. Dr. Streett seconded the motion, and it was unanimously approved by the members still participating in the meeting.

The Board meeting adjourned at 4:31 p.m.

  
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**RICHARD P. STREETT, JR., V.M.D.  
SECRETARY**

  
\_\_\_\_\_  
**JAMES M. HARKINS  
DIRECTOR**



Martin O'Malley, Governor

James M. Harkins, Director

**BOARD OF DIRECTORS  
MINUTES  
MEETING 09-09  
September 28, 2009**

**LOCATION:** MES Headquarters  
259 Najoles Road  
Millersville, Maryland

**TIME:** 10:30 a.m.  
10:31 a.m. (Meeting convened)

**DIRECTOR PRESENT:** James M. Harkins, Director  
John O'Neill, Deputy Director  
Richard P. Streett, Jr., V.M.D., Secretary  
Joseph Zimmerman, Treasurer  
William B.C. Addison  
Talmadge E. Simons  
Joseph F. Snee, Esq. (by telephone)  
Edward Adams (by telephone beginning at 10:48 a.m.)

**DIRECTOR ABSENT:** Leslie Jackson Jenkins

**OTHERS PRESENT:** Sean Coleman, Esq.  
Henry Cook  
Charles Madison  
Doug Conaway  
Steve Tomczewski  
Chris Garrigan  
Beth Wojton  
Nancy Voorhees Balenske  
Beryle T. Downs  
Attended a portion of the meeting :  
Hament Patel  
Kimberly Washington  
Maria Bowman  
Owen Ward  
Irene Hoffman

**Kelly Ryan**  
**Joined at 11 :15 a.m. and attended a portion of the meeting :**  
**John Kane**  
**Bernard Penner, Esq.**  
**Pam Fuller**  
**Erin Murphy**  
**Lee Merrill**

### **CALL TO ORDER**

The meeting was called to order at 10:31 a.m. An Audit Committee meeting preceded the meeting.

### **AUDIT REPORT**

Mr. Zimmerman introduced Owen Ward from the accounting firm of Clifton Gunderson, the audit firm under contract with MES. Mr. Owen noted the draft audit report has been issued and the Board has the preliminary audit reports. He also made brief comments, noting the positive change in net assets due to sale of the tire facility. Mr. Zimmerman directed the Board's attention to certain pages within the report regarding Unrestricted Net Assets and Undesignated Unrestricted Net Assets. Mr. Zimmerman thanked the Finance staff, Hament Patel, Kimberly Washington and Maria Bowman who were instrumental in assisting throughout the audit process. Mr. Harkins and Mr. Snee also lauded the efforts of the staff and MES employees.

### **PRESENTATION**

Mr. O'Neill presented Irene Hoffman and Kelly Ryan with their Certified Public Purchasing Officer certificates. Ms. Hoffman is now a lifetime member and Ms. Ryan recently achieved her certification. Ms. Hoffman presented to Mr. Harkins a certificate from the National Government Institute of Purchasing recognizing MES for its 30 years of membership.

### **MINUTES**

Mr. Harkins requested approval of the minutes of August 13, 2009 and September 2, 2009. Mr. Addison made a single motion to approve both sets of minutes and Dr. Streett seconded. The minutes were approved.

### **DIRECTOR'S REPORT**

Mr. Harkins handed out an article from "The Aegis" featuring Dr. Streett and his recent retirement from the Harford County Community College Board of Trustees.

**BOARD OF DIRECTORS MINUTES  
MEETING 09-09  
SEPTEMBER 28, 2009  
PAGE 3**

MES continues to be proactive in touching base with existing clients. A lunch was held with Kathleen Broadwater, MPA's Deputy Executive Director. She specifically thanked the Board for requiring that the grants provided to certain recipients active with the Masonville project be conducted. A tour was conducted at Masonville for the Environmental Matters Committee and MPA's Executive Director, Jim White. MPA requested MES administer a \$3. million dollar grant received from American Resource Recovery Act to retrofit diesel trucks to reduce emissions.

The Legislative Audit is complete. The Audit went exceptionally well and compliments were extended to Joe Zimmerman, Henry Cook and their staff. Copies of the report and MES response will be provided to the Board. Mr. Zimmerman noted the minor comments made on the report. They included documentation on the settlement of a contractor's claim, access to JD Edwards screen, and five (5) other items in the discussion notes. Questions were addressed.

MES recently had lunch with the Mayor of New Windsor about services being provided and their continuation.

Seasonal flu shots are available to employees on October 7<sup>th</sup>. The Board is invited to take this opportunity to receive a shot.

**FINANCE**

There is no report this month. Mr. Zimmerman introduced Resolution 09-09-1R to issue, sell and deliver a Bond Anticipation Note to finance the Mid-Shore II Regional Landfill Project. Mr. Coleman provided additional information. Questions were addressed. Mr. Simons made the motion to approve the Resolution. Mr. Snee seconded. The motion was approved unanimously.

Mr. Coleman reviewed the Bank of America Installment Financing and Security Agreement. An account will be established upon settlement. Mr. Zimmerman and Mr. Cook will be the signatories. Mr. Addison made the motion to accept the Agreement. Mr. Simons seconded. The motion was approved unanimously.

Mr. Harkins noted at this time an update on Masonville Phase I Dike Construction project. Information with a schematic and pictures was distributed to the members. Mr. Madison noted the project is on budget and ahead of schedule. This is the project that the Port Executive Director and Environmental Matters Committee toured.

**BUSINESS DEVELOPMENT**

Mr. Tomczewski's staff held a meeting with Anne Arundel County regarding the takeover of the well monitoring at the Sands Road Rubble Landfill.



Final negotiations were closed on the Aberdeen Proving Ground-Edgewood utilities project.

The Patuxent Naval Base RFP for utilities privatization was announced. The project will be operations only. MES cannot respond to the Request for Proposals, but may partner with Middlesex.

### **HUMAN RESOURCES**

Ms. Wojton reported that the vacancy rate is currently 2.62 %, but will drop to 1.52% once 8 pending hires are onboard. The number of positions is currently 725. MES continues to work with DNR to fill positions.

Ms. Wojton and Mr. Harkins directed the Board's attention to the BEST results for 2009.

Ms. Wojton introduced and reviewed a revised Human Resources Leave Buy-Back policy. Mr. Zimmerman made additional comments. A question was addressed. Mr. Addison made the motion to approve the revised policy. Dr. Streett seconded. The motion was unanimously approved.

### **PROCUREMENT ITEMS**

Mr. Harkins introduced Item 1. A question was addressed. Mr. Simons made the motion to approve. Dr. Streett seconded. The motion passed unanimously. Mr. Harkins introduced Item 2. Mr. Madison provided additional information. A question was addressed. Mr. Addison made the motion to approve the Item. Mr. O'Neill seconded.

### **NOTIFICATIONS**

The Notifications are contained in the Board's notebooks. Mr. Harkins also noted the Agency Activity Report.

### **SPECIAL REPORT**

The Compliance Focused - Environmental Management System was last updated in 2007. The compliance team joined the meeting to present the revised system. The team includes John Kane, Bernard Penner, Pam Fuller, Erin Murphy and part-time staff, Lee Merrill and Sheila Chambers (who was not present). Mr. Kane provided an overview. Members were given the Compliance Focused Environmental Management System Handbook. Mr. Penner reviewed the updates, changes to the system, and requested adoption of Resolution 09-09-2R. The Resolution adopts the revised "Maryland Environmental Service Compliance Focused Environmental

Management System". Mr. Harkins provided additional comments and credited the efforts of the team. Dr. Streett made the motion to approve the Resolution. Mr. Simons seconded. The motion was unanimously approved.

**LEGAL REPORT**


Mr. Coleman's report includes items of work discussed. An additional item will be discussed in Executive Session.

**EXECUTIVE SESSION**

At 11:24 a.m., upon motion of Mr. Addison, second by Mr. Snee, the members of the Board went into executive session to discuss the acquisition of real property permitted under §10-508(a)(3). The other matter noted for discussion in Closed Session memo was dropped. Also present during the executive session were Mr. Coleman, and Ms. Voorhees Balenske. The Board did not take any official action during the executive session. At 11:56 a.m. the Board, upon motion of Mr. Simons, seconded by Mr. Addison, approved by all, concluded its executive session and adjourned the meeting.

The Board meeting adjourned at 11:56 a.m.

  
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**RICHARD P. STREETT, JR., V.M.D.  
SECRETARY**

  
\_\_\_\_\_  
**JAMES M. HARKINS  
DIRECTOR**



Martin O'Malley, Governor

James M. Harkins, Director

**BOARD OF DIRECTORS  
MINUTES  
MEETING 09-10  
October 26, 2009**

**LOCATION:** MES Headquarters  
259 Najoles Road  
Millersville, Maryland

**TIME:** 9:30 a.m.  
9:35 a.m. (Meeting convened)

**DIRECTOR PRESENT:** James M. Harkins, Director  
John O'Neill, Deputy Director  
Richard P. Streett, Jr., V.M.D., Secretary  
Joseph Zimmerman, Treasurer  
William B.C. Addison  
Leslie Jackson Jenkins  
Talmadge E. Simons  
Joseph F. Snee, Esq.  
Edward Adams (arrived at 9:36 a.m.)

**OTHERS PRESENT:** Sean Coleman, Esq.  
Henry Cook  
Charles Madison  
Jerald Wheeler  
Steve Tomczewski  
Chris Garrigan  
Beth Wojton  
Nancy Voorhees Balenske  
Beryle T. Downs

**CALL TO ORDER**

The meeting was called to order at 9:35 a.m.

**MINUTES**

Mr. Harkins requested approval of the minutes of September 28, 2009. Mr. Addison made a motion to approve the minutes and Dr. Streett seconded. The minutes were approved.

**DIRECTOR'S REPORT**

A chart was handed out showing a summary of the anaerobic digester project. On October 5<sup>th</sup>, a meeting was held with the Governor's staff to discuss energy projects. MES is working with 3 vendors who will finance with their own equity dollars. MES received approximately \$1 million dollars of ARRA funds from Md. Energy Administration for administration, planning, design and facilitation of a proposed anaerobic digester project near the ECI water treatment facility. Questions were addressed. Mr. Madison provided additional information regarding the anaerobic digester project. MES is also assisting the administration with exploring 4 other demonstration projects.

The Board will be touring Masonville and Cox Creek on October 28<sup>th</sup> beginning at 2:00 p.m.

A meeting was held with the Exelon Power Corporation to discuss problems with summer cabins in the Conowingo Reservoir area of the Susquehanna River. MES is looking at options for sanitary sewerage systems. Questions were addressed.

The 2009 Annual Report was distributed to the Board. Mr. Harkins thanked Chris Garrigan and her staff for their efforts. A question was addressed.

A ribbon cutting ceremony is scheduled November 20<sup>th</sup> for the methane gas flare project at Midshore I. Mr. Tomczewski provided information about the project. The process collects and flares landfill gas. The potential may exist to sell the methane gas. The process also controls landfill gas odors. A question was addressed.

**BUSINESS DEVELOPMENT**

Final negotiations have been extended on the Aberdeen Proving Ground-Edgewood utilities project.

A meeting was held recently with a consultant to operate or partner on a clean energy park in southern Maryland. A question was addressed.

The tub grinder project was featured during a recent MML meeting with Cecil and Harford Counties.

MES recently attended the Maryland Economic Development Association fall conference.

Wallops Island is being explored for a large economic development expansion, which will employ Maryland residents from the southern eastern shore of Maryland. Middlesex Water has approached MES regarding the possibility of partnering on the utilities privatization in the area.

MES may also be partnering with Middlesex on a privatization project at the federal government's Indian Head facility.

### **AGENCY ACTIVITY REPORT**

Mr. Harkins noted on page 1 of the Report the amount of interaction with the Maryland Department of Transportation.

### **FINANCE**

Mr. Zimmerman reviewed the Key Operating Results ending September 30, 2009. He noted September was a 3-pay month and the increase in net assets. It was noted on page 5, Major Accounts Over 120 Days that Foxville WTP has paid. Grant funds were received in September from Port Deposit. Mr. Zimmerman turned his attention to The Plan v. Actual Report for the three months ending September 30, 2009. We are currently on target. Adjustments were made to State contribution, Garrett County settlement, and GIS costs incurred in a prior year. Cost estimates for the FY 2011 budget for State reimbursable projects were submitted to DBM. Estimates were held at fiscal year 2010 levels for most of the projects. A question was addressed and a remark made about the positive fiscal health of MES.

### **HUMAN RESOURCES**

Ms. Wojton reported that the vacancy rate would drop to 1.93% once 21 new hires are onboard. The number of positions is currently 725.

Mr. O'Neill introduced Resolution 09-10-1R allowing for the close of MES' offices the day after Thanksgiving, November 27, 2009 and the day before Christmas, December 24, 2009. Questions were addressed. Mr. Simon made the motion to approve the Resolution. Ms. Jenkins seconded. The Resolution was approved unanimously.

### **PROCUREMENT ITEMS**

Mr. Harkins introduced Item 1. Questions were addressed. Mr. Addison made the motion to approve. Dr. Streett seconded. The motion passed unanimously. Mr. Harkins introduced Item 2. Mr. Snee made the motion to approve. Mr. Simons seconded. The motion passed unanimously. Mr. Harkins introduced final Item 3. Ms. Jenkins made the motion to approve. Mr. Snee seconded. Questions were addressed. The motion passed unanimously.

### **NOTIFICATIONS**

The Notifications are contained in the Board's notebooks. Mr. Harkins noted purchase of the Odor Sergeant for Midshore I. Mr. Snee asked a question about recent press on oyster restoration. Mr. Madison provided some information.

### **LEGAL REPORT**

Mr. Coleman's reported the Somerset County shared water system project agreement has been signed by all parties and the agreement has been received. MDE issued the permits for the Sanitary Commissions' wells and MES Procurement is reviewing the construction bids received.

The office has been working closely with Harford County on the purchase of the Edgewood property.

The Easton Utilities Commission has agreed to accept leachate from Midshore I and will also handle from Midshore II. An agreement was prepared, signed and delivered to the Commission.

Mr. Coleman informed the Board that Attorney General Gansler's current focus is river audits. Meetings are being held with local officials. The meeting regarding the Susquehanna River will be in early December.

### **OLD BUSINESS**


The November meeting was scheduled as a tentative meeting. However, Board members were asked to keep it on their calendar due to probable procurement approvals.

### **NEW BUSINESS**

Mr. Harkins reviewed the proposed 2010 Meeting Schedule. No objections or conflicts were noted.

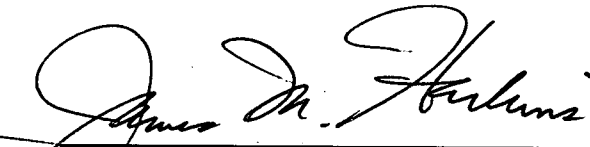
The Board meeting adjourned at 10:32 a.m.

BOARD OF DIRECTORS MINUTES  
MEETING 09-10  
OCTOBER 26, 2009  
PAGE 5



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RICHARD P. SREETT, JR., V.M.D.  
SECRETARY



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JAMES M. HARKINS  
DIRECTOR



Martin O'Malley, Governor

James M. Harkins, Director

**BOARD OF DIRECTORS  
MINUTES  
MEETING 09-11A  
November 2, 2009**

**LOCATION:** MES Headquarters, and by telephone  
259 Najoles Road  
Millersville, Maryland

**TIME:** 11:05 a.m.

**DIRECTOR PRESENT:** James M. Harkins, Director  
John O'Neill, Deputy Director  
Joseph Zimmerman, Treasurer

**DIRECTORS PARTICIPATING BY PHONE :**  
Richard P. Streett, Jr., V.M.D., Secretary  
William B.C. Addison  
Leslie Jackson Jenkins, Esq.  
Joseph F. Snee, Esq.  
Talmadge E. Simons  
Edward Adams

**OTHERS PRESENT:** William J. Selle, Esq.  
Henry Cook  
Nancy Voorhees Balenske



**CALL TO ORDER**

The meeting was called to order at 11:05 a.m

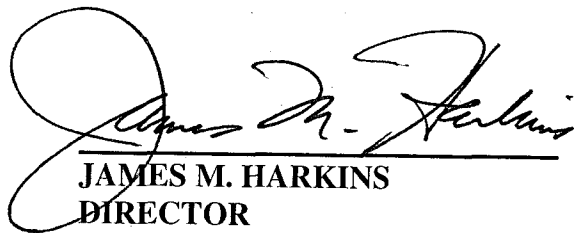
**RESOLUTION**

Mr. Harkins deferred to Mr. O'Neill who has been the lead with regard to the project addressed in the Resolution. Mr. O'Neill introduced and read Resolution 09-11-1R. The Resolution is an intent to finance the planning, inspection, acquisition, and financing of one or more parcels of real property located in Harford County, Maryland in conjunction with the development of a solid waste project. Mr. O'Neill went on to provide background information on the project, details of the IGA between the County and MES, the proposed purchase of the property, and how it evolved. Questions were addressed. Mr. Harkins provided additional information.

Dr. Street made the motion to approve Resolution 09-11-01R. Mr. Addison seconded. Prior to the vote, there were additional questions. Mr. Harkins provided information. The motion passed with Mr. Adams and Mr. Snee abstaining from the vote.

The Board meeting adjourned at 11:30 a.m.

  
RICHARD P. STREETT, JR., V.M.D.  
SECRETARY

  
JAMES M. HARKINS  
DIRECTOR



**Martin O'Malley, Governor**

**BOARD OF DIRECTORS  
MINUTES  
MEETING 09-11  
November 16, 2009**

**James M. Harkins, Director**

**LOCATION:** Conference Call  
259 Najoles Road  
Millersville, Maryland

**TIME:** 9:30 a.m.

**DIRECTORS PRESENT  
AT HEADQUARTERS:** James M. Harkins, Director  
John O'Neill, Deputy Director  
Joseph Zimmerman, Treasurer

**DIRECTORS PARTIC-  
IPATING BY CONFER-  
ENCE CALL:** Richard P. Streett, Jr., V.M.D., Secretary  
William B.C. Addison  
Joseph F. Snee, Esq.  
Talmadge E. Simons  
Edward Adams  
Leslie Jackson Jenkins, Esq.

**OTHERS PRESENT:** Sean Coleman, Esq.  
Beth Wojton  
Henry Cook  
Jerald Wheeler  
Steve Tomczewski  
Charles Madison  
Chris Garrigan  
Nancy Voorhees Balenske  
Beryle T. Downs

**CALL TO ORDER**

The meeting was called to order at 9:32 a.m

**MINUTES**

Mr. Harkins requested approval of the minutes of October 26, 2009 and November 2, 2009. Mr. Simons made the motion to approve the minutes and Ms. Jenkins seconded. The minutes were approved.

**DIRECTOR'S REPORT & AGENCY ACTIVITY REPORT**

MES accompanied Middlesex Water to a meeting with the Public Service Commission to discuss the PSC's oversight of the Aberdeen - Edgewood project. A question was asked about the status of the proposal. MES is assisting Middlesex in responding to a series of questions received from the Army. We have been told that final negotiation will begin after November 24<sup>th</sup>.

A meeting was held with MDE Secretary Sherrie Wilson and staff on the anaerobic digester project. This was a pre-permit meeting. MDE was very helpful. At the meeting, Ms. Wilson suggested MES meet with Pennsylvania's counterpart to discuss their strategy towards meeting the Chesapeake Bay goals. Pennsylvania is installing 7-9 digesters throughout the state. MES staff will take a field trip to PA to observe one or more of the projects.

MES is still working with Somerset County Sanitary District on the water project and implementing the intergovernmental agreement. A question was addressed. The Board of Public Works recently approved funding for additional work by the engineer to continue to move the project forward.

A new hire orientation was held October 28<sup>th</sup>. These orientations are scheduled periodically throughout the year.

Mr. Harkins is embarking on meetings with Maryland's municipal elected officials. To date meetings have been scheduled with Garrett and Allegany Counties to be followed by Southern Maryland and Frederick Counties. Executive Directors are also contacting existing customers and letting them know we are being responsive to budget constraints and concerns.

Mr. Harkins also announced that each month beginning in December, MES would review with the Board a current customer(s) and the status of various projects and any vulnerability. The Executive Directors will also begin to look at past 12 months, including, trends and funding.

**BUSINESS DEVELOPMENT**

Business Development is currently focused on responding to the Aberdeen-Edgewood proposal questions. Our partner, Middlesex Water has requested MES review/edit CH2M Hill's

responses. MES has a meeting with the Director of St. Mary's Metropolitan Commission to discuss possible privatization of the utilities at the Patuxent River Naval Air Station.

Mr. Madison noted a new Memorandum of Understanding has been signed with SHA for three (3) new tasks.

### **FINANCIAL REPORT**

Mr. Zimmerman and Mr. Cook reviewed the Plan v. Actual that will be sent to the Board. The financial trend is positive with an increase in net assets. Mr. Zimmerman received a call from DBM requesting MES revise the budgets for reimbursable accounts for FY 2010.

### **HUMAN RESOURCES**

Ms. Wojton reported that the vacancy rate would be 1.79% once the 11 new hires are processed. The number of positions is 725.

### **PROCUREMENT ITEMS**

Mr. Harkins introduced Item 1. Mr. Addison made the motion to approve the Item. Mr. Snee seconded. A question was addressed. The motion passed unanimously. Mr. Harkins introduced Item 2. Mr. Madison provided additional information. Dr. Streett made the motion to approve the Item. Ms. Jenkins seconded. The motion passed unanimously. Item 3 was introduced. Questions were addressed. Dr. Streett made the motion to approve Item 3. Mr. Simons seconded. Mr. O'Neill provided additional information. The motion passed unanimously. Mr. Harkins introduced Item 4 with additional information provided by Mr. Tomczewski. Mr. Snee made the motion to approve the item. Mr. Addison seconded. A comment was made. The motion passed unanimously. Mr. Harkins introduced Item 5. Mr. Wheeler provided additional information. Dr. Street made the motion to approve the Item. Mr. Addison seconded. Questions were addressed. The motion passed unanimously. Mr. Harkins introduced Item 6. Mr. Snee made the motion to approve. Ms. Jenkins seconded. The motion passed unanimously. Mr. Harkins introduced item 7 with additional information from Mr. Madison. Questions were addressed. Ms. Jenkins made the motion to approved Item 7. Dr. Streett seconded. The motion passed unanimously. Mr. Harkins introduced Item 8. Mr. Wheeler provided additional information. Mr. Simons made the motion to approve Item 8. Dr. Streett seconded. The motion passed unanimously.

### **NOTIFICATIONS**

The Notifications are contained in the Board's notebooks.

**LEGAL REPORT**

Mr. Coleman reported the majority of his time has been working with the sellers of the Harford County property. The agency received a subpoena in a civil action for MES records regarding sludge entrenchment sites in Prince George's County.

**EXECUTIVE SESSION**

At 10:05 a.m., upon motion of Mr. Addison, second by Dr. Streett, the members of the Board went into executive session to discuss the acquisition of real property permitted under §10-508(a)(3). Also present during the executive session were Mr. Coleman, and Ms. Voorhees Balenske. The Board did not take any official action during the executive session. At 10:15 a.m. the Board, upon motion of Mr. Simons, seconded by Mr. Addison, approved by all, concluded its executive session and adjourned.

  
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**RICHARD P. STREETT, JR., V.M.D.  
SECRETARY**

  
\_\_\_\_\_  
**JAMES M. HARKINS  
DIRECTOR**



Martin O'Malley, Governor

James M. Harkins, Director

**BOARD OF DIRECTORS  
MINUTES  
MEETING 09-12  
December 14, 2009**

**LOCATION:** 259 Najoles Road  
Millersville, Maryland

**TIME:** 9:30 a.m.

**DIRECTORS PRESENT:** James M. Harkins, Director  
John O'Neill, Deputy Director  
Joseph Zimmerman, Treasurer  
Richard P. Streett, Jr., V.M.D., Secretary  
William B.C. Addison  
Leslie Jackson Jenkins, Esq.  
Joseph F. Snee, Esq.  
Talmadge E. Simons  
Edward Adams

**OTHERS PRESENT:** Sean Coleman, Esq.  
Beth Wojton  
Henry Cook  
Doug Conaway  
Steve Tomczewski  
Charles Madison  
Chris Garrigan  
Nancy Voorhees Balenske  
Beryle T. Downs

**CALL TO ORDER**

The meeting was called to order at 9:30 a.m

**MINUTES**

Mr. Harkins requested approval of the minutes of November 16, 2009. Dr. Streett made the motion to approve the minutes and Mr. Simons seconded. The minutes were approved.

259 Najoles Road • Millersville, Maryland • 21108  
phone 410-729-8200 • fax 410-729-8220 • [www.menv.com](http://www.menv.com)

### DIRECTOR'S REPORT & AGENCY ACTIVITY REPORT

Midshore county administrators, public works directors and legislators attended the ribbon cutting ceremony for the Midshore I landfill gas flare project. Mr. Harkins had the opportunity to talk to Delegate Addie Eckert about MES operation of the Cambridge Wastewater Treatment Plant. MES also met with and gave a presentation to the Mayor and City Council of Cambridge on an incident involving the Town's pre-treatment system. Additional meetings will be held with legislators.

MES continues outreach to MACO regarding their needs in the face of current economy.

A group of MES employees recently attended a dinner held by the Maryland Asia Environmental Partnership.

There are challenges with funding for the anaerobic digester from the Maryland Energy Administration. The vendor must now finance about \$15 million dollars. MES will receive \$1 million for implementation and oversight. A meeting is scheduled with the Director of MEA on December 16<sup>th</sup>. A question was addressed about another project that has the Attorney General's interest. Questions were addressed.

No agency holiday party will be held this year. A luncheon will be held at headquarters and at various field offices. The Board previously approved Christmas Eve as a paid holiday.

### EXECUTIVE DIRECTORS REPORTS

Mr. Tomczewski began with his report for Environmental Operations. These reports provide a summary of new and lost business. Questions were addressed and Ms. Wojton provided additional information. Mr. Conaway followed with Water & Wastewater's report. Mr. Harkins and Mr. Zimmerman added comments and questions were addressed. Mr. Madison's concluded the reports with Technical & Environmental Services. Questions were addressed.

### BUSINESS DEVELOPMENT

The Aberdeen-Edgewater proposal responses were completed. MES is meeting with the Director of St. Mary's Metropolitan Commission to discuss possible privatization of the utilities at the Patuxent River Naval Air Station and partnering with the Commission.

DNR has submitted an agreement for MES to evaluate the feasibility of processing crab chum into a commercially marketable product. A proposal was submitted to Somerset County to provide construction and management services during construction of Cell 4.

### FINANCIAL REPORT

October's report was sent to the Board following last month's meeting. November's report will be completed later this month. Mr. Zimmerman reported that 236 employees participated in the leave buy-back program. The sick leave buy out information goes out in January.

### HUMAN RESOURCES

Ms. Wojton reported that the vacancy rate would be 1.52% once the 1 new hire and 4 potential new hires are processed. The number of positions is 725. Human Resources is working with Baltimore County to place BCRRF employees where possible and helping the employees find jobs.

### PROCUREMENT ITEMS

Mr. Harkins introduced Item 1. Mr. Tomczewski and Mr. O'Neill provided additional information. Mr. Addison made the motion to approve the Item. Mr. Snee seconded. Questions were addressed. The motion passed unanimously.

### NOTIFICATIONS

The Notifications are contained in the Board's notebooks. A question was addressed.

### LEGAL REPORT

Mr. Coleman reported that the Harford County property deal has fallen through. The County will reimburse MES for its out of pocket expenses.

### OLD BUSINESS

The 2010 Board schedule is contained in the notebook. No changes have been made.

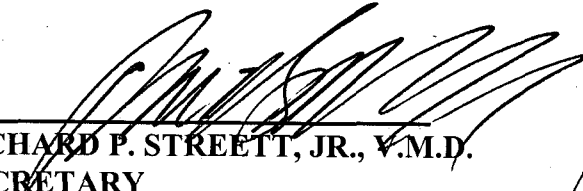
### EXECUTIVE SESSION

At 10:58 a.m., upon motion of Dr. Streett, second by Ms. Jenkins, the members of the Board went into executive session to discuss the employment, assignment and removal of specific individual employees of the Service, as permitted under SG §10-508(a)(3) and consult with counsel about potential litigation, as permitted under SG §10-508(a)(8). Also present during the executive session were Mr. Coleman, Mr. Conaway, and Ms. Voorhees Balenske. Prior to discussion, Ms. Garrigan presented the Board with their holiday gifts and Mr. Harkins extended his thank you to the members. The Board did not take any official action during the executive session. Mr. Addison, Dr.



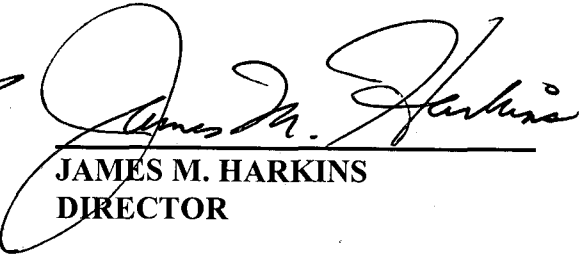
**BOARD OF DIRECTORS MINUTES  
MEETING 09-12  
DECEMBER 14, 2009  
PAGE 4**

Streett, Ms. Jenkins and Mr. O'Neill left the meeting at varied times. No quorum was present by the conclusion of the meeting at 11:44 a.m. The meeting adjourned.



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**RICHARD P. STREETT, JR., V.M.D.  
SECRETARY**



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**JAMES M. HARKINS  
DIRECTOR**