

**BOARD OF DIRECTORS
MEETING MINUTES****MEETING 9-20
September 24, 2020****LOCATION:** **Conference/Video Call****TIME:** **9:30 a.m.****DIRECTORS PRESENT:** Charles Glass, Chairman (video)
Judge Frederic Smalkin, Secretary (video)
Morgan Hall (video)
Leslie Jackson-Jenkins, Esq. (video)
J.P. Smith (video)
Joseph Snee, Esq. (video)**DIRECTORS ABSENT:** None**OTHERS PRESENT:** Sean L. Coleman, Esq. (video)
Tammy Banta (video)
Vishal Bhatia (video)
Amanda Cooper (video)
Hattie Crosby (video)
Dan Faoro (video)
Pamela Fuller (video)
Jason Gillespie (video)
Michael C. Harris (video)
Jana Leech (video)
Steve Tomczewski (video)
Jewel White (video)
2 guests on phone**CALL TO ORDER**

Dr. Glass called the meeting to order at 9:40 a.m.

MINUTES

Dr. Glass requested discussion or a motion for the approval of the minutes of the meeting of August 20, 2020. Mr. Snee made a motion to approve the minutes, and Ms. Jenkins seconded. The minutes were approved with 5 members voting in favor and Judge Smalkin abstaining.

DIRECTOR'S REPORT

Dr. Glass began his report by stating that he intends to advise the Board each month of his business expenses incurred over the previous month. He has had no expenses. He has not traveled over the past month or used his agency issued purchasing card. eBirthday cards for clients have been purchased, and MES Christmas cards are going to be ordered. In addition, until the vehicle policy is more fully understood, Dr. Glass has returned to the MES fleet the vehicle previously assigned for the Director's use. It will now be available for use by any staff members who need it for site visits.

Dr. Glass welcomed Judge Frederic Smalkin to the Board. Dr. Glass has appointed Judge Smalkin to serve as the Agency Secretary, and the Governor has approved the appointment. Amanda Cooper, Dr. Glass' new Executive Assistant was also introduced. Dr. Glass would like to appoint Ms. Fuller as the Clerk of the Board to prepare the meeting minutes for both open and closed sessions. Dr. Glass would like to further discuss this with Judge Smalkin before officially making this designation.

Dr. Glass had numerous meetings with stakeholders over the last month. On August 27th he had a Teams meeting with Mike English and Steve Schupak from Maryland Public Television regarding MES' past sponsorship of Outdoors Maryland. No commitments were made for future sponsorship.

On September 3rd, he had a phone conversation with Kristen Fidler, the Director of Harbor Development for MDOT MPA to discuss State budget cuts and MPA support for MES moving forward on its projects. A second meeting was held with Wonza Span-Nicholas, the MPA CFO regarding the advanced payment program. A meeting is scheduled for next week with MDOT MPA Executive Director Doyle.

An agency wide Teams meeting was held on September 3rd for Dr. Glass to address the recent news articles and answer employee questions.

Dr. Glass had a conversation with Secretary Slater and Deputy Secretary Powell of MDOT after the release of the MDOT Consolidated Transportation Program. The six-year capital program has dropped from \$16.3B to \$13.4B. MES is ready to support MDOT in any way it can.

Several meetings were conducted with Dr. Mary Beth Tung, Executive Director of the Maryland Energy Administration to discuss the ECI boiler conversion project and other potential energy projects and funding sources.

Ms. Jenkins and Dr. Glass met with Mrs. Colimon of RSM, the agency auditor. They have almost completed their audit of Managing Director expenses. Their report should be complete by next week. In addition, the MES interview panel has almost completed their search for an Internal Auditor. They hope to have that position filled before the next Board meeting.

An initial payment of \$20,000 was received from the Town of Sudlersville on their outstanding debt, in early September and an agreement for further payment has been drafted.

Dr. Glass has been reviewing the MES law, regulations, board resolutions, policies and procedures. He has asked that all the open session minutes and resolutions be posted to the MES website. He has also been reviewing the agency Fleet policy, the mission, vision, values (Five Keys), Top 10 stories, performance measures and BEST program. The Managing Directors have been gathering top stories and key performance indicators. These will be used to present snapshots of quarterly performance of the Service. He has also formed a committee to summarize the differences in compensation and benefits between MES employees and traditional State employees. Issues such as retirement, 401K, leave and health insurance will be reviewed. Mr. Snee wanted to stress the importance of the BEST program to employees, and the agency should take steps to keep that program.

Mr. Snee inquired when the travel and reimbursement policy for the Director would be completed. Dr. Glass stated it has not been started yet, but staff can focus on this policy first. In the meantime, he will begin the Director's report to the Board each month with his expenses. The Team will also focus on preparing a report to attach to the Board materials before the next meeting.

AGENCY ACTIVITY REPORT

Dr. Glass presented the Agency Activity Report and asked the Managing Directors to highlight a few items from their respective departments.

Ms. Banta highlighted the Cox Creek Expanded Stage I project which is a very important project for MDOT MPA. The project has included demolition of the Kennecott Copper Refinery buildings, base dike widening of the existing Dredged Material Containment Facility (DMCF), and design and construction of a new operations complex amongst other items. The next step will include the +60 dike raising

and expansion of the facility onto to the upland area where the refinery existed. MDOT MPA has stated that funding has been identified in the Consolidated Transportation Program budget in the out years to support this important project. Ms. Banta also highlighted the Energy Transfer Ports (ETP) projects including Colgate Creek dredging and its innovative reuse component. Work on the DMCF operations projects continue although the budgets have been cut by ~24%. Hart-Miller Island closed in 2009 to material inflow, but work continues on dewatering and habitat development. Expansion projects at Cox Creek and Poplar Island are continuing, while dike raising at Masonville has been put on hold due to budget reductions.

Mr. Gillespie highlighted the amendment with SHA under Task 3 for drainage management and remediation. The amendment will add funding and expand the number of covered districts.

Mr. Tomczewski highlighted the Prince George's County landfill construction project. The County is moving forward with the FY21 amendment for \$11M. MES will perform oversight of all aspects of the improvements to Brown Station Landfill, and Sandy Hill Landfill. The next objective is the 4 year, \$81M contract. There are also single stream recycling and homeowner drop off areas.

Dr. Glass pointed out that all three Managing Directors have received rave reviews from their clients.

FINANCIAL REPORT

Mr. Harris reported that RSM has completed the year-end audit. Their draft statement should be available next week, for presentation at the October meeting. FY21 Revenue was \$22.5M, with \$5.6M in labor sales. There was one extra pay period in July 2019. Expenses have been down due to increased teleworking and cost saving measures. Projected labor sales are \$37.2M. No snow days are anticipated, or budgeted, for the coming winter. There was a cash balance of \$35M, which is close to the same as last year. Liabilities are lower. Most of the accounts on the 90-day report are in the process of payment. Foxville Gardens has paid. Prince George's County is waiting for the IGA to be executed and will then pay. Collection proceedings have been filed against Wise Recycling. There is a new project manager at MTA, and invoices have been re-submitted.

HUMAN RESOURCES REPORT

Ms. White reported that the agency has 856 current positions with a vacancy rate of 4.09%, and it will be 3.71% once pending new hires are brought on board. Remote hiring and orientation are ongoing.

RESOLUTION 2020-09-1R

Ms. White introduced Resolution 2020-09-1R which would grant November 27, 2020, the day after Thanksgiving, as an additional holiday for MES employees. State employees already received this day as a paid holiday, and MES has granted it for the last 7 years. Dr. Glass indicated this may be made a permanent part of the leave package, once the review of MES' policies and benefits is complete. Mr. Snee made the motion to approve the Resolution, Judge Smalkin seconded. The resolution passed unanimously.

GROUP UPDATES

Mr. Tomczewski discussed the partnership with the Maryland Department of Aging for Durable Medical Equipment recycling. Medical equipment is collected across the State, warehoused, sanitized, and refurbished for eventual reuse. The project started in August in Harford County and the Midshore Counties. More jurisdictions are also interested in participating. They are currently working with the Lions Club who already had a smaller scale operation in place.

Ms. Banta discussed the Lake Linganore Dredging project. The project is currently in Phase II. Although MES is contracted directly to Frederick County, there is a three way cost share agreement between Frederick County (25%), the City of Frederick (50%) and the Lake Linganore Association (25%) to pay for this project. About 150,000 cubic yards of material is being dredged from the upper reach of the lake, dewatered and hauled to Reich's Ford Landfill to be used as daily cover in the future. Frederick County is currently seeking approval of a grant by the Board of Public Works to dredge an additional ~22,000 cubic yards of material.

Mr. Gillespie discussed the Chesapeake Bay Crossing NEPA support. MES employs an Architectural Historian who works on SHA projects. The draft section 106 review has been completed and is out for public comment. Tier II will begin in 2021.

A/E SHORTLIST & SMALL BUSINESS RESERVE SELECTION CRITERIA

Ms. Crosby presented an overview of the A/E Shortlist and Small Business Reserve (SBR) selection criteria process. MES met internally to revise the Award Recommendation documents for Shortlist Contractors. The selection criteria were revised to allow fair opportunities in the selection process. They are looking for even distribution of resources across the short list. Mr. Snee recommended the logo be included on all 4 pages, not just the second pages, and include the titles for the procurement staff.

PROCUREMENT ITEMS

Ms. Crosby introduced Item 1. The procurement is a change order to increase the number of pallets procured from Peters Pallets Inc. for the Montgomery County Yard Trim Compost Facility. Mr. Smith made the motion to approve the item, Mr. Hall seconded. The motion passed unanimously.

Ms. Crosby introduced Item 2. The procurement is a change order to expand the geographic area for the MDOT SHA Drainage Management and Stormwater Remediation, provided by Concrete General, Inc. Ms. Jenkins made the motion to approve the item, Mr. Hall seconded. The motion passed unanimously.

Ms. Crosby introduced Item 3. The procurement is for electrical preventative maintenance services at the ECI Co-Gen to be provided by Premium Power Services LLC. Mr. Snee made the motion to approve the item, Mr. Smith seconded. The motion passed unanimously.

Ms. Crosby introduced Item 4. The procurement is for Covid-19 staff augmented continued response and recovery services for Maryland Department of Health provided by Hagerty Consulting. Mr. Snee made the motion to approve the item, Mr. Hall seconded. The motion passed unanimously.

A discussion was held concerning Covid-19 detection in wastewater. Testing has indicated the presence of Covid-19 in untreated wastewater. It allows researchers to see where the virus is coming from. There is not an increased risk to WWTP employees, as regular PPE and other protective measures are taken. There is no Covid-19 detected in final effluent.

Ms. Crosby introduced Item 5. The procurement is for pavement replacement of Section 1 of the lower compost pad at the Harford Waste Disposal Center provided by American Asphalt. Ms. Jenkins made the motion to approve the item, Mr. Smith seconded. The motion passed unanimously.

Ms. Crosby introduced Item 6. The procurement is for traffic control services for MDOT SHA Region 4 provide by Traffic Engineering Services. Mr. Gillespie indicated the scope of work has not expanded, but the number of stormwater repair projects has increased. Mr. Smith made the motion to approve the item, Ms. Jenkins seconded. The motion passed unanimously.

Ms. Crosby introduced Item 7. The procurement is for stormwater and roadway drainage maintenance services provided by Tri State Solutions of MD for the MDOT SHA Central Region. Judge Smalkin made the motion to approve the item, Mr. Snee seconded. The motion passed unanimously.

Ms. Crosby introduced Item 8. The procurement is for the Eastern Pre-Release Unit Wastewater Treatment plant expansion and upgrade, provided by M2 Construction LLC. Mr. Smith made the motion to approve the item, Judge Smalkin seconded. The motion passed unanimously.

The Board Notifications were reviewed.

LEGAL REPORT

Mr. Coleman advised there is a procurement dispute stemming from the Cox Creek expanded project. Two very competitive bids were received, with only about 4% difference between them. The second lowest bidder has filed suit in Anne Arundel County Circuit Court contesting the award of the contract to the low bidder.

The contract dispute stemming from the closure cap construction at the Midshore I landfill is scheduled for trial in April 2021, with a Pretrial settlement conference scheduled for October 2020.

The Midshore II bond sale is nearing completion. The true interest cost submitted by Bank of New York was .838229%. There were very favorable bids on the sale. The sale will save the Midshore Counties \$2.5M over the life of the project.

Mr. Coleman advised his staff is also continuing to assist with responses to numerous public information act requests and other inquiries.

OLD/NEW BUSINESS

The next meeting of the Board is scheduled for October 22, 2020 at 9:30 a.m.

ADJOURNMENT

Upon motion by Ms. Jenkins, seconded by Mr. Smith, the Board meeting adjourned at 11:36 a.m.

Frederic N. Smalkin

HONORABLE FREDERIC SMALKIN
SECRETARY

Charles Glass

CHARLES GLASS, Ph.D.
ACTING DIRECTOR