THOMAS D M KEWEN
D t

JOSEPH G JOHNS JR
C t ll
d
D p ty T

STATE OF MARYLAND
MARYLAND ENVIRONMENTAL SERVICE
60 WEST STREET
ANNAPOLIS MARYLAND 21401
TELEPHONE (301) 269-2914

REED W M DONAGH
D p ty D t

BOARD MEETING MINUTES

August 12, 1982

A meeting of the Board of Directors of the Maryland Environmental Service was called to order at 9 30 a m on August 12, 1982, by Thomas D McKewen

Board Members Present	Thomas D McKewen Director R Kenneth Barnes, Secretary Edward A Griffith, Treasurer
Staff Members Present	Joseph G Johns Jr , Controller Michael J Scibinico, Assistant Attorney General Pam Andersen, Assistant Attorney General

Mr Johns discussed the impending project with Baltimore County which includes the expansion of the size and scope of the solid waste disposal system located at Texas Md and the construction of a module for the processing of Refuse Derived Fuel (RDF) at the Crane Station Facility owned by the Baltimore Gas and Electric Company By unanimous vote, the Board adopted a Resolution authorizing the Service to enter into all necessary agreements for the Project to prepare to issue bonds in a principal aggregate amount not to exceed $2 4 million, to be repaid from the revenues of the Project and to take any other actions necessary to implement the Project

There was some discussion on the current legislation to make MES a separate agency and an update on Hawkins Point

Certified True and Accurate R Kenneth Barnes

BOARD OF DIRECTORS OF MARYLAND ENVIRONMENTAL SERVICE
RESOLUTION

A RESOLUTION concerning

Intent of the Board of Directors of Maryland Environmental Service to issue bonds in an aggregate principal amount not to exceed $2 400 000 to be for the purpose of paying all or a part of the cost of a project of the Service consisting generally of solid waste disposal facilities to be used in connection with the operation of the Solid Waste Reclamation Facility of the Service located in Texas Baltimore County Maryland provisions for further proceedings in connection with the issuance of the bonds and the description and operation of such project and provisions for the bonds to be obligations of the Service payable from revenues received from the operation of such project and such other sources as may be designated by the Service

RECITALS

By Chapter 240 of the Laws of Maryland of 1970 the General Assembly of Maryland enacted Sections 1 to 32 inclusive of Article 33B of the Annotated Code of Maryland (1971 Replacement Volume) Such sections as amended to date (including amendments enacted by Chapter 619 of the Laws of Maryland of 1971) are hereinafter collectively referred to as the Act The Act is now codified as Sections 3-101 to 3-131 inclusive of the Natural Resources Article of the Annotated Code of Maryland (1974 Volume and 1981 Cumulative Supplement)

Maryland Environmental Service (the Service) was created by exists under and exercises the powers contained in the Act including (among others) the powers (i) to borrow money and issue bonds or notes for the purpose of paying all or any part of the cost of any one or more projects and to secure the payment of such bonds or notes or any part thereof by pledge or deed of trust of all or any part of its revenues or other available money or by pledge mortgage or deed of trust of certain of its facilities or properties and in general to provide for the security of such bonds or notes and the rights of the holders thereof and (ii) to enter into contracts with the federal or any state government or any unit instrumentality or subdivision thereof or with any municipality or person within or without the State of Maryland (the State) providing for or relating to the furnishing of

services to or the facilities of any project of the Service or in connection with the services or facilities provided by any water supply project solid waste disposal project or wastewater purification project owned or controlled by the other contracting party, including contracts for the construction and operation of any project which is in the State or in an adjoining state

Pursuant to the Contract to Provide Solid Waste Disposal System and Service for Baltimore County Maryland dated as of December 12, 1973 between the Service and Baltimore County Maryland (the County), as amended on October 6, 1975 and December 29, 1976 (the Service Contract) the Service agreed, among other things to cause to be constructed, maintained and operated a facility to be located in Texas Baltimore County Maryland for the disposal and processing of solid waste provided by the County (the Solid Waste Reclamation Facility) The Solid Waste Reclamation Facility was designed among other things to produce refuse derived fuel (RDF)

The Service and Baltimore Gas and Electric Company (BG&E) have executed an Agreement of Sale dated as of August 31 1982 (the RDF Sales Agreement) pursuant to which BG&E agrees to purchase certain specified quantities of RDF from the Service and burn such RDF with coal in furnaces at its C P Crane Generating Station located in the County (the Crane Station)

In order to provide BG&E with such RDF it is necessary to construct a receiving and handling station for RDF on the site of the Crane Station (the RDF Receiving Station) and to make certain improvements and alterations to the Solid Waste Reclamation Facility (the Project)

The Service and the County have negotiated and prepared a supplement to the Service Contract which among other things sets forth the obligations of the Service and the County with respect to the provision of the RDF Receiving Station and the Project and the method of financing the RDF Receiving Station and the Project (the Supplemental Service Contract) The Supplemental Service Contract provides that the Service shall issue its bonds to pay for the cost of constructing and providing all or a portion of the RDF Receiving Station and the Project

The federal Income Tax Regulations promulgated by the United States Treasury Department (the Regulations) prescribe that the issuer of industrial development revenue bonds, the interest on which is exempt from federal income tax under the Internal Revenue Code of 1954 (the Code) either adopt a bond resolution with respect to such bonds or notes or take some other similar official action toward the issuance of such bonds

or notes prior to the commencement of the construction or acquisition of facilities to be financed by the proceeds of the sale of such bonds or notes

The Authority considers the financing acquisition construction and operation of the RDF Receiving Station and the Project to be in furtherance of the public purposes of the Act and the Service

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF DIRECTORS OF MARYLAND ENVIRONMENTAL SERVICE that

1 The Service intends to borrow money and issue and sell its bonds or notes (collectively the Bonds) pursuant to the provisions of the Act in a principal amount sufficient to pay all or any part of the cost of the Project together with costs incident to the authorization sale and issuance of the Bonds in a principal aggregate amount not to exceed $2 400 000 It is intended that the Project shall consist of the facilities and properties acquired constructed and provided in connection with certain alterations or improvements to be made to the Solid Waste Reclamation Facility by the Service pursuant to the Supplemental Service Contract in order among other things to provide more efficient production of refuse derived fuel and better recovery of glass and other materials from the solid waste processed at such facility including (without limitation) one or more dual disc screen systems air stoners shredders conveyors control rooms and glass recovery modules

2 The proceeds of the Bonds will be used by the Service to pay the Cost (as defined in the Act) of the Project

3 The Service intends to operate the Project itself or to make and enter into contracts with one or more private persons corporations firms partnerships or other private entities (the Private Sector Participants) providing for such Private Sector Participants to construct manage, operate and maintain the Project

4 The Service intends to pledge its revenues in whole or in part received under the RDF Sales Agreement or otherwise from or in connection with the Project to the payment of the principal and redemption premium if any of and interest on the Bonds and to further secure the Bonds by granting a lien security interest or other encumbrance or interest in or on the Project and the RDF Receiving Station to the holders of the Bonds The Service may further define or limit the revenues or other available moneys to be pledged to the payment of the Bonds

5 The Service intends to adopt such resolutions to take such other actions and to authorize the execution and delivery of such documents as may be necessary or advisable for (i) the final authorization issuance and sale of the Bonds (ii) the financing of the acquisition construction or improvement of the Project and (iii) the execution of leases contracts and other agreements with one or more Private Sector Participants with respect to the construction management operation and maintenance of the Project and with the State the County or any other person as may be necessary or appropriate in connection with such activities

6 The Service intends to take or cause to be taken such other acts and to adopt such further proceedings as may be required to implement the aforesaid undertakings or as it may deem appropriate in the pursuance thereof

7 The Bonds shall not be a debt or a pledge of the faith and credit of the State of Maryland or of any political subdivision thereof Neither the Service the State nor any political subdivision thereof shall be obligated to pay the principal and redemption premium if any of and the interest on the Bonds except from the revenues described herein or other moneys of the Service available therefor and such other sources as may be permitted by the Act and subsequently designated by the Service

8 The Service intends that this resolution shall to the extent necessary to allow the Service to fulfill any applicable requirements under the Code or the Regulations in connection with the issuance of the Bonds constitute some other similar official action toward the issuance of the Bonds within the meaning of Section 1 103-8(a)(5) of the Regulations

9 This resolution shall take effect immediately

Adopted this 12th day of August, 1982

MARYLAND ENVIRONMENTAL SERVICE

By Thomas D McKewen
Thomas D McKewen Director

(SEAL)