



Larry Hogan GOVERNOR

Boyd K. Rutherford LT. GOVERNOR

Charles Glass, Ph.D., P.E. ACTING DIRECTOR

BOARD OF DIRECTORS MEETING MINUTES

**MEETING 12-20
December 17, 2020**

LOCATION: Conference/Video Call

TIME: 9:30 a.m.

DIRECTORS PRESENT: Charles Glass, Chairman (video)
Judge Frederic Smalkin, Secretary (video)
Morgan Hall (video)
Shelley Heller (video)
J.P. Smith (video)
Joseph Snee, Esq. (video)

DIRECTORS ABSENT: None

OTHERS PRESENT: Sean L. Coleman, Esq. (video)
Hament Patel (video)
Hattie Crosby (video)
Jewel White (video)
Tammy Banta (video)
Jason Gillespie (video)
Steve Tomczewski (video)
Vishal Bhatia (video)
Dan Faoro (video)
Steven King (video)
Winsome Condra (video)
Jeff Tosi (video)
Pamela Fuller (video)
Jana Leech (video)
Amanda Cooper (video)

CALL TO ORDER

Dr. Glass called the meeting to order at 9:33 a.m. Board members and staff participated via Teams video. The meeting was broadcast live to the public on YouTube.

MINUTES

Dr. Glass requested discussion or a motion for the approval of the minutes of the meeting of November 19, 2020. Mr. Snee made a motion to approve the minutes, and Mr. Smith seconded. The minutes were unanimously approved.

DIRECTOR'S REPORT

Dr. Glass reported on his expenses over the last month. He has had no expenses in the past month and continues to refrain from travel and business expenses. Gifts were ordered for the three departing Board members and new frames were ordered for the new Board member's photos. The total charge for the gifts and frames was \$457.89.

Dr. Glass welcomed Mr. Jeff Tosi as the Governmental Affairs Director. Mr. Tosi was the Director of Government Affairs with the Maryland Department of Transportation for the past 4 years. Mr. Tosi has extensive experience interacting with the General Assembly and with MACO and MML.

Dr. Glass had numerous meetings with stakeholders over the last month but wanted to highlight one. On December 2nd, he was called on at the Board of Public Works meeting to explain the role of MES in the construction of the Chesapeake Utilities Gas pipeline in Somerset County. The Board item, submitted by MDE was for a study to confirm the pipeline would not impact wetlands. MES does not have a role in the construction of the pipeline but is committed to purchasing the natural gas for its client, the Maryland Department of Public Safety and Correctional Services. The Comptroller wanted an explanation of why the word environment is in the name of the Service. Dr. Glass indicated a study had been prepared, though the report he recalled was related to the Maryland Correctional Institute-Hagerstown. This report was provided, and a meeting was requested with the Comptroller.

The meeting with the Comptroller was held on December 14th. Dr. Glass explained to him, as he did to the Treasurer, that MES is working for a client on this project and does not set environmental policy. The Comptroller stressed the need for MES to address issues of climate change and resiliency. He was not concerned with the agency's project-based funding from State and Local clients.

In response, Dr. Glass is exploring, with the Executive team, ways the agency is already working on resiliency goals. MES currently has a solar task from the Maryland Energy Administration. There are also several ongoing projects and potential projects

that could address issues of climate change and resiliency. Projects include: composting food waste at Prince George's County Composting Facility into Leafgro Gold®; conversion of methane from landfills which produces renewable energy credits (REC); living shorelines and coastal wetland projects, which are now called Blue Carbon projects, and Biochar production from municipal solid waste, biosolids, manure and food waste. The challenge put forth by the Governor to meet 40% reduction of CO₂ emissions by 2030 is a challenge MES is uniquely prepared to meet.

The agency will also continue to move forward with the solar siting effort for the Maryland Energy Administration. Meetings have been held with four department secretaries. While the agency has not been given the go ahead to begin development of the geospatial application, the Treasurer and Comptroller have been briefed on the effort.

All three MES Groups are participating in eco-friendly projects and are preparing an accounting of what the agency is doing and how it protects the environment. As MES works for clients, it typically does not get credit or market the projects it does for these clients.

The December payment was received from the Town of Sudlersville, and staff are actively working on finishing an agreement with the Town.

Dr. Glass has been working with UMCES President Peter Goodwin. A meeting was held on December 4th to discuss participation in the Sea Grant Fellows program with the Maryland Department of the Environment. The Sea Grant Fellows program would place doctorate level candidates in environmental positions while they complete their graduate degrees.

The agency needs to appoint and confirm Board members to the agency committees. Dr. Glass recommended Ms. Shelly Heller for the Chair of the Audit Committee due to her many years of procurement, financial and executive experience in County government. Mr. Smith made the motion to appoint Ms. Heller as the Chair of the Audit Committee, Mr. Hall seconded. The motion passed unanimously, except for Ms. Heller who abstained. Mr. Smith and Mr. Hall volunteered to remain on the Audit Committee. Mr. Snee consents to remain the Chair of the Human Resources Committee. Judge Smalkin and Mr. Hall volunteered to serve on the Human Resources Committee. Mr. Smith made a motion to appoint Judge Smalkin and Mr. Hall to the Human Resources Committee, Ms. Heller seconded. The motion passed unanimously.

AGENCY ACTIVITY REPORT

Dr. Glass presented the Agency Activity Report and asked if there were any questions. Mr. Snee asked about the Energy Transfer Ports Colgate Creek and Innovative Reuse project. Ms. Banta explained the location of Colgate Creek was between the Dundalk and Seagirt Marine Terminals. The dredge quantity is estimated at 300,000 cubic yards and the innovative reuse of the material had yet to be determined. Mr. Hall asked if there had been any change in status to the Brown Station Landfill project since last month. Mr. Tomczewski indicated the multi-year IGA may be on hold due to changes in management at the County. However, the scope has not changed, and will most likely be awarded as single year contracts.

FINANCIAL REPORT

Mr. Patel presented the FY21 Budget v. Actual Report for the period ending November 30, 2020. The increase in Net Assets is over \$3.1M. The agency will achieve close to \$4M by the end of the year, which is \$900,000 more than budgeted. There has been one fewer pay period this FY, than last FY. And there has been significant savings in overhead due to a number of unfilled overhead positions right now.

Progress continues to be made on the accounts over 90 days. Many of the accounts are with the Project Managers who are discussing with their clients. Mr. Patel spoke with Mr. Griffith from the Town of Sudlersville earlier this week. Mr. Griffith would like to see a financial review of their entire account since 2019. Finance staff have been assisting him with questions. Mr. Snee inquired into the status of several accounts. Ritchie Land Reclamation has not submitted payment yet, but Finance staff are working with project managers. There is no update to the SHA accounts. The project managers are working with SHA staff. Mr. Patel will investigate further before the next meeting. Mr. Gillespie indicated there is no dispute in the amount, and agency staff are working with SHA staff on the invoicing process. Wise Recycling is listed as "in good standing." Mr. Coleman indicated there are two entities with similar names. The agency has filed a Motion for Summary Judgment. A hearing is scheduled in the Anne Arundel County Circuit Court. Wise did not file a response.

HUMAN RESOURCES REPORT

Ms. White reported that the agency has 854 current positions. The vacancy rate will be 2.57% once pending new hires are brought on board. Remote hiring and

orientation are ongoing. There have been 74 new employees brought onboard since Covid started.

The Governor has recently approved a 2% COLA increase for State employees. MES will move forward and also award the 2% increase to agency personnel in January. Mr. Snee expressed his support for this measure. Judge Smalkin inquired whether MES employees are considered part of the essential class and if so, would they be prioritized for Covid-19 vaccinations, such as category 1B personnel. Ms. White has not heard anything yet but will continue to monitor the situation.

RESOLUTION 2020-12-1R

Ms. White presented Resolution 2020-12-1R which would grant December 24, 2020, the day before Christmas, as an additional paid holiday for MES employees. The Governor recently granted this day off to State employees. Judge Smalkin made the motion to approve the Resolution, Mr. Smith seconded. The resolution passed unanimously.

GROUP UPDATES

Ms. Banta gave an overview of the Mid-Chesapeake Bay Island Ecosystem Restoration Project (Mid-Bay) located in the Bay in Dorchester County. The project will consist of remote island restoration at Barren and James Islands and SAV protection at Barren Island. Mid-Bay will be used for dredged material placement once Poplar Island nears/reaches full capacity (2031). The Barren Island restoration will include the addition of 72 acres of wetlands (100 % wetlands) while restoration efforts at James Island will include the addition of 2,072 acres of upland and wetland habitat (45%/ 55%, respectively). Mid-bay will provide 90 to 95 MCY of capacity. The project is currently in the Pre-Construction Engineering & Design (PED) phase. MES and its subcontractors are providing in-kind services on behalf of MDOT MPA to accomplish their assigned portions of the cost shared project with the USACE.

Mr. Snee asked how far the Mid-Bay Islands were from Poplar Island. Ms. Banta noted they were further south, with James Island located in the vicinity of the Little Choptank River. She estimated about an hour or more away. Mr. Snee surmised the further south location would result in significantly increased transportation costs and inquired how it would be funded. Ms. Banta agreed the transportation cost would increase over those of Poplar and indicated that MDOT MPA has been planning for this project and building it into their budgets.

Mr. Gillespie discussed the Elk Neck State Park Wastewater Treatment Plant ENR Upgrade. The Board of Public Works and the Board of Directors have approved the project. GMB has started the design/bid/construction phase. Construction is scheduled to begin in FY 22/23. The project is eligible for a grant that would cover 77% of the costs as they upgrading to ENR standards. This will result in a significant reduction in Nitrogen and Phosphorus being discharged into the Elk Neck River.

Mr. Tomczewski discussed the CleanBay Renewables project in development near the ECI Co-Gen facility. CleanBay Renewables is planning to operate an anerobic digestion facility, processing chicken manure to generate renewable electricity and slow-release fertilizer product. MES will be involved in two phases of the work. Phase 1 is a fertilizer market survey. Phase 2 is construction and operation of a bagging line. A proposal is in development that would include 6 new positions to operate the bagging line. Groundbreaking is scheduled for January 2021.

PROCUREMENT ITEMS

Ms. Crosby introduced Item 1. The procurement is for additional modeling services using an HDR reservoir model by Northgate Dutra Joint Venture at the Conowingo Sediment Characterization and Innovated Reuse and Beneficial Use Pilot Project. Ms. Banta provided an update on the Conowingo Pilot sediment characterization project noting the contractor had recently completed sediment sample collection in the Conowingo reservoir and was currently demobilizing from that effort. Additional samples will be collected from the dredging area in the near future. Mr. Smith inquired why the dredging area was located so far from the Conowingo Dam. Ms. Banta relayed that the site was chosen by MDE and MGS as they believe the location would be representative of the reservoir sediments and could be used for innovative reuse purposes. Mr. Snee made the motion to approve the item, Mr. Hall seconded. The motion passed unanimously.

Ms. Crosby introduced Item 2. The procurement is to purchase a new front-loader recycle truck for the Midshore II Regional Landfill. Mr. Smith made the motion to approve the item, Mr. Snee seconded. The motion passed unanimously, except for Ms. Heller who abstained.

Ms. Crosby introduced Item 3. The procurement is for transportation and processing of bypass recyclable materials from the Montgomery County MRF by Penn Waste Inc. Judge Smalkin made the motion to approve the item, Mr. Hall seconded. The motion passed unanimously.

Ms. Crosby introduced Item 4. The procurement is for Energy Transfer Ports Task 10 – Berth stability analysis conducted by Moffatt & Nichol. Mr. Smith made the motion to approve the item, Judge Smalkin seconded. The motion passed unanimously.

Ms. Crosby introduced Item 5. The procurement is for Whitney, Bailey, Cox & Magnani to supply the MDOT/SHA EISD with professional support services to effectively track & capture road data for a variety of purposed. Mr. Snee made the motion to approve the motion. Ms. Heller seconded. The motion passed unanimously.

The Board Notifications were reviewed.

LEGAL REPORT

Mr. Coleman advised that his office has been very busy with multiple projects. A motion for summary judgment is due to be heard in February on the Wise Recycling collection case. An amended complaint was filed by Harnden Group, the contractor on the Midshore I cover cap. A trial date has been set for April in the Anne Arundel County Circuit Court.

OLD/NEW BUSINESS

Dr. Glass urged everyone to continue to be safe, wear their masks, wash their hands, and practice social distancing. He thanked everyone for continuing to work together in trying times. Mr. Snee wished everyone a Happy Holidays.

The next meeting of the Board is scheduled for January 28, 2021 at 9:30 a.m.

ADJOURNMENT

The meeting adjourned at 10:40 a.m.

Frederic N. Smalkin

HONORABLE FREDERIC SMALKIN
SECRETARY

Charles Glass

CHARLES GLASS, Ph.D.
ACTING DIRECTOR