



Larry Hogan GOVERNOR

Boyd K. Rutherford LT. GOVERNOR

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

## **BOARD OF DIRECTORS MEETING MINUTES**

**MEETING 09-21  
September 23, 2021**

**LOCATION:** Hybrid In-Person/Video Call

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

**DIRECTORS PRESENT:** Charles Glass, Executive Director  
Judge Frederic Smalkin, Chair (video)  
Robert Witt, Secretary (video)  
Robert Neall, Treasurer  
Shelley Heller (video)  
Marian Hwang, Esq. (video)  
Nancy Kopp  
Hiram Tanner

**DIRECTORS ABSENT:** None

**OTHERS PRESENT:** Sean Coleman, Esq.  
Ellen Frketic, Deputy Director (video)  
Amanda Cooper (video)  
Hattie Crosby (video)  
Marni Dolinar  
Tim Ford  
Jason Gillespie  
Pamela Fuller  
Steven King  
Jana Leech (video)  
Hament Patel  
Casey Powers (video)  
Mark Serio (video)  
Jeff Tosi (video)  
Jewel White  
Al Razik (video)

**CALL TO ORDER**

Judge Smalkin called the meeting to order at 9:30 a.m. Some Board members and staff were present at MES Headquarters, other Board members and staff participated via Zoom video. The meeting was streamed live to the public on YouTube.

**INSPIRE AWARD**

Mr. Serio presented the Extraordinary Service Inspire award to the 14 team members at the Eastern Correctional Institution for their quick action during an electrical issue that knocked out the potable water supply to the facility. The Operations team, led by the wastewater team and supported by members of the ECI Co-Gen Facility, pulled through 24/7 and got the job done with minimal impact on the population.

Water/Wastewater team: Don Reed, Mollie Faulkner, Douglas Ehrisman, Michael Wilson, Jeffrey Wilhelm, Tiff Bradshaw, Glenn Stephens, Joseph James.

Environmental Operations team: Glenn Webster, Gene Thomas, Kyle Richards, Kenneth Mitchell, David Dahill, David Cochran.

**MINUTES**

Judge Smalkin requested discussion or a motion for the approval of the minutes of the meeting of August 26, 2021. No corrections or objections were noted. The minutes were unanimously approved.

**EXECUTIVE DIRECTOR'S REPORT**

Dr. Glass presented the Executive Director's and Deputy Director's expense report for the last month. The listed expenses were from the MML and MACO conferences held in June and August in Ocean City.

Dr. Glass expressed his condolences to the family of MES employee Allan Williams who passed away on August 27<sup>th</sup>. Mr. Williams was a Field Operations Supervisor at Cox Creek Dredged Material Containment Facility. He will be missed.

All vacancies on the MES Board have now been filled. Mr. Tanner has expressed his interest in joining the HR Committee, and as agency Treasurer, Mr. Neall has requested to move from the HR Committee to the Audit Committee.

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- Judge Smalkin made a motion to assign Mr. Tanner to the HR Committee, Ms. Hwang second. The motion passed unanimously.
- Judge Smalkin made a motion to move Mr. Neall from the HR Committee to the Audit Committee, Ms. Heller seconded. The motion passed unanimously.
- At his request, Ms. Hwang made a motion to remove Judge Smalkin from the Audit Committee and have him remain on the HR Committee. Ms. Kopp seconded. The motion passed unanimously.

Dr. Glass met with Valerie Colimon of RSM on August 27th to discuss the upcoming FY audit. The meeting went well, and he confirmed that he has no knowledge of fraud during the audit period. Ms. Colimon reviewed the areas of focus for the upcoming year.

The Board of Director's met on September 2<sup>nd</sup> to complete required training on Maryland's Public Ethics Law, Sexual Harassment, Standard of Care, and Diversity, Equity and Inclusion. The training is available on video for those that were unable to attend. Some of the Board members attended the Poplar Island tour on September 8<sup>th</sup>.

Dr. Glass has been very interested in finding innovative technologies to use across the four groups, especially as they work to prepare the climate change report due at the end of the year.

Dr. Jahan is assisting with a peer-review article for Southwest Airlines for their Sustainable Aviation Fuel program. There are three scopes in development for Bioenergy Devco. A meeting was held with KCI to discuss assisting Baltimore City with wastewater treatment issues.

Dr. Glass met with two companies at MACO that are working in the area of food waste compost. Metropolitan Upcycle is an Irish company that digests food waste in an aerobic thermophilic process that they claim has no emissions, is carbon negative, and can process food waste to compost in one day. He also talked to Centurion Management about a pilot project they had conducted at the U.S. Naval Academy.

The Charles County Resiliency Authority has invited MES to submit an RFP to assess and prioritize the stormwater devices throughout the County.

Mr. Al Razik will make a presentation later in the meeting on carbon sequestration and biochar production. The type of analysis that Mr. Razik has performed could be used to determine the advantages of various environmental

operations to lower carbon emissions in that facilities we operate and maintain, design and construct for our State partners.

### **AGENCY ACTIVITY REPORT**

Judge Smalkin presented the Agency Activity Report and asked if there were any questions.

### **FINANCIAL REPORT**

Mr. Patel presented the August 2021 Financial report. Labor sales were lower than expected across all groups. It is likely this trend will continue. The change in net assets is also lower than this time last year, mostly due to the lower labor, overhead recovery, and fringe. The total net assets is typically a 50/50 mix of Invested in Capital Assets and Unrestricted Net Assets. This amount fluctuates throughout the year, and usually ends the year near 50/50. Replacements to the aging MES fleet will factor into these figures.

The Accounts Receivable over 90 days is similar to last month.

### **HUMAN RESOURCES REPORT**

Ms. White reported that the agency has 857 current positions. The vacancy rate will be 7.19% once pending new hires are brought on board. Remote hiring and orientation are ongoing but has been challenging throughout the State. MES finished the year with a vacancy rate of 4.8%. Reasons citing for leaving include: other opportunities, retirement, and 2 were Covid related.

### **RESOLUTION 21-09-1R**

Ms. White presented Resolution 21-09-1R which would grant the day after Thanksgiving as an additional Holiday for 2021 for MES employees. Mr. Neall made the motion to approve the Resolution, Treasurer Kopp seconded. The Resolution passed unanimously.

### **HUMAN RESOURCES COMMITTEE REPORT**

Ms. Hwang advised that the HR Committee met on September 16<sup>th</sup>. The committee considered employee incentive payments under the BEST program. The Best Program was created by Board Resolution in 1995. It currently consists of 3 components: BEST, BEST Plus, and Executive Incentive. To grant the payment of BEST

payments there must be available funds, and the BEST goals must have been met. Both of those conditions were met this year.

The Committee is recommending \$3,200 payment to each eligible employee (this represents 71.7% of the pool funds). They further recommend allotting \$776,000 to the BEST Plus pool (25.73% of the pool), and \$76,000 to the Executive Incentive program (2.5% of pool funds). The Executive Incentive pool is much smaller this year because there are only 3 eligible Executives in this category. Several others have shorter terms that may receive an incentive payment on a pro-rated basis.

Ms. Hwang called for a motion to approve the BEST payouts as described. Judge Smalkin made a motion to approve the recommendation, Mr. Witt seconded. The motion passed unanimously.

Ms. Hwan then presented the proposed BEST 2022 Goals as prepared by the agency. Mr. Neall made a motion to approve the goals, Treasurer Kopp seconded. The motion passed unanimously.

### **PROCUREMENT ITEMS**

Ms. Crosby presented Item 1. The procurement is a change order with Earn Contractors, Inc. for \$598,440. It is for contract labor provided to Montgomery County Yard Trim Composting Facility. There is a 30% MBE Goal. Ms. Hwang made the motion to approve the item, Judge Smalkin seconded. No members were opposed, the motion passed unanimously.

Ms. Crosby presented Item 2. The procurement is a change order with ACVEnviro for \$300,000. It is for Statewide Household Hazardous Waste Collection provided to various Counties. There is a 14% MBE Goal. Ms. Hwang made the motion to approve the item, Judge Smalkin seconded. No members were opposed, the motion passed unanimously. Treasurer Kopp inquired as to how MBE Goals are set. Ms. Crosby explained that MES MBE goals are set the same way as State MBE goals, through the MDOT portal.

Ms. Crosby presented Item 3. The procurement is a pre-solicitation approval for \$450,000 for construction of site improvements for the Clements Convenience Center. There is a 20% MBE Goal. Treasurer Kopp made the motion to approve the item, Mr. Neall seconded. No members were opposed, the motion passed unanimously.

Ms. Crosby presented Item 4. The procurement is for stormwater remediation services at the MDTA sites. Anchor QEA will provide the services at a cost of \$34,569.

There is a 21% MBE Goal. Mr. Witt made the motion to approve the item, Mr. Tanner seconded. No members were opposed, the motion passed unanimously.

Ms. Crosby presented Item 5. The procurement is for natural resources mitigation services at MDTA facilities. EA will provide the services at a cost of \$302,741. There is a 16.5% MBE Goal. Mr. Neall made the motion to approve the item, Treasurer Kopp seconded. No members were opposed, the motion passed unanimously, with the exception of Ms. Hwang who abstained.

Ms. Crosby presented Item 6. The procurement is a pre-solicitation approval for \$273,700 for replacement of the retaining wall at the Tollgate Yard Trim Acceptance Facility. The MBE Goal is to be determined. Treasurer Kopp requested clarification on the TBD MBE goal. Ms. Crosby and Mr. Ford explained they were seeking approval prior to advertising, but that the goal would be set before the project was advertised, after the MBE officer completes his assessment. The Board will be notified when the goal is set. Ms. Hwang made the motion to approve the item, Judge Smalkin seconded. No members were opposed, the motion passed unanimously.

The Board Notifications for Contracts, Purchase Orders, Amendments and Change Order between \$25,000 and \$200,000 were reviewed.

### **INNOVATIVE BIOSOLIDS MANAGEMENT**

Mr. Al Razik, Senior Engineer with the Water/Wastewater Group gave a presentation on Innovative Biosolids Management. Thirty years ago a Biosolids Master Plan was developed. This model regionalized biosolid management where biosolids were trucked from smaller facilities to 1 of 3 larger processing facilities. The first phase of a new plan was completed in 2020. The new plan has 3 goals: to evaluate more robust plans for pathogen removal, reduce volume of biosolids, and add flexibility to the management scheme.

The current process at the Dorsey Run AWWTP uses lime stabilization to treat sludge. Currently treated solids are applied to farmland in Virginia. The total carbon footprint for Dorsey's current solids processing scheme is 1680 mt CO<sub>2</sub>e per year. A new process that is under consideration will heat the solids, creating a gas. That gas is converted into energy, and the solids are converted into biochar. Currently, only 1 plant in North America is using this emerging technology. Biochar is a solid carbon, which when applied to the soil will sequester carbon for hundreds of years. This will reduce the Dorsey's solids processing carbon footprint to about 145 mt CO<sub>2</sub>e per year. The high temperatures destroy organic compounds including PFAS.

The Dorsey facility needs an update. Funding for the upgrades has been applied for. This could also serve as a model for other facilities across the State. The regional model will be maintained, with smaller facilities bringing their materials to a few large processing facilities. Also, the biochar is a marketable end-product. This process will also drastically reduce the carbon footprint and reduce the solids volume by 90%.

**CONFLICT OF INTEREST POLICY**

Mr. Coleman presented the draft Conflict of Interest Policy, which is required by the MES Reform Act to be adopted by the Board by October 31, 2021. The financial disclosure requirements are the same as required under the Maryland State Ethics Law. The disclosures will be sent to the Clerk of the Board, and committee of 3 members would review them. These disclosures are already available for public inspection. The policy also itemizes the standards for recusal from voting on various matters. This is a draft policy and comments, and suggestions are welcome. Members were asked to send these comments to Judge Smalkin or Mr. Coleman. A final policy will need to be approved at the next Board meeting. The Board Assessment required by the MES Reform Act will need to be completed by December 31<sup>st</sup>. A Conflicts Committee may need to be formed after the start of the new year.

**OPEN DISCUSSION**

Mr. Neall handed out a book "The Maryland State House: 250 Years of History" published by the Maryland State Archives. Copies will be sent to remote participants.

The next meeting of the Board is Thursday, October 28<sup>th</sup> at 9:30 a.m. The Audit Committee will meet on October 27<sup>th</sup> at 10 a.m., and the HR Committee will meet on October 21<sup>st</sup> at 3:30 p.m.

The Board then marked a moment of silence in memory of Mr. Williams.

**ADJOURNMENT**

Upon motion by Judge Smalkin, the meeting adjourned at 11:51 a.m.



**ROBERT L. WITT, II**  
**SECRETARY**



**HONORABLE FREDERIC N. SMALKIN**  
**CHAIR**