



Larry Hogan GOVERNOR

Boyd K. Rutherford LT. GOVERNOR

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

## **BOARD OF DIRECTORS MEETING MINUTES**

**MEETING 11-21  
November 18, 2021**

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

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

**DIRECTORS PRESENT:** Judge Frederic Smalkin, Chair  
Robert Witt, Secretary (video)  
Robert Neall, Treasurer  
Charles Glass, Ph.D., P.E.  
Shelley Heller  
Marian Hwang, Esq. (video)  
Hiram Tanner

**DIRECTORS ABSENT:** Hon. Nancy Kopp

### **OTHERS PRESENT:**

Sean Coleman, Esq.  
Ellen Frketic, Deputy Director  
Tim Barr  
Hattie Crosby (video)  
Marni Dolinar  
Tim Ford  
Pamela Fuller

Jana Leech (video)  
Hament Patel  
Casey Powers (video)  
Melissa Slatnick  
Jewel White  
Carla Loving

### **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.

**MINUTES**

Judge Smalkin requested discussion or a motion for the approval of the minutes of the meeting of October 28, 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 charges on these reports stemmed from a recent visit to Somerset, Wicomico, and Worcester counties. The trip involved 2 overnight stays, and several meals, all of which were reimbursed at or below the per diem rate. The Deputy Director did not have any expenses.

The agency has been working on the Greenhouse Gas report, required by the MES Reform Act. As MES is a fee for service agency, it was fortunate to obtain the services of Dr. Jahan through the UMCES Sea Grant Fellowship program. Dr. Jahan has completed a draft, which is being circulated to various employees in the agency for input. Once the draft is revised, it will be circulated to external reviewers to provide their perspective from federal, state, and county agencies. Once this review is complete, the report will be circulated to the Board. The goal is to have this report completed by December 15<sup>th</sup>.

Dr. Glass spent time over the last month engaging with several major clients, including MDOT and Montgomery County. He also continued to work with KCI to support engagement with Baltimore City. The work with Bioenergy Devco continues to go well and they have received another round of funding for \$100M.

The STARS Commission draft recommendations are expected to be issued in December.

Dr. Glass announced the retirement of Mr. Robert Heins, the Senior Operations Manager with the Landspreading Inspection group. Mr. Heins is retiring after 36 years of service with the agency.

**AGENCY ACTIVITY REPORT**

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

**HUMAN RESOURCES REPORT**

Ms. White reported that the agency has 725 active positions. The vacancy rate will be 5.93% once pending new hires are brought on board. A graph of vacancies over the last 12 months was presented. Nationally, the vacancy rate is about 12-13%. MES' rate is lower than that. The agency is aware of vacant positions, and actively working to fill those positions. The agency will also be looking to see why the total active positions have decreased over the last year.

**RESOLUTION 21-11-1R**

Ms. White presented Resolution 21-11-1R which would temporarily authorize the use of Covid Leave for vaccinated employees who test positive for Covid. This policy would mirror the State policy and be effective from November 3<sup>rd</sup> to December 31, 2021, unless extended. Secretary Neall made the motion to approve the Resolution, Ms. Heller seconded. The motion passed unanimously.

**HUMAN RESOURCES COMMITTEE REPORT**

Ms. Hwang advised that the HR Committee met earlier this morning to consider a Human Resources policy revision. The Sexual Harassment policy were first circulated to the committee on November 12<sup>th</sup>. Corrections and comments were submitted and incorporated. The Committee then reviewed and approved the policy this morning. The Committee recommends that the Board approve the draft policy. The draft policy was also distributed to the entire Board with its other materials on November 15<sup>th</sup>. Mr. Tanner made a motion to approve the policy as presented, Judge Smalkin seconded. The motion passed unanimously.

**BEST 2022 UPDATE**

Ms. Frketic presented an update on the status of the BEST 2022 goals. There are 22 individual goals. A few goals have already been accomplished. Most of currently underway and going well. A few have not yet started but are expected to be started soon.

Goal 1 – Safety: All goals have begun and are going well.

Goal 2 – Education: All goals have begun. In an effort to improve the license exam pass rate, a math course will be initiated in January. Virtual tours are being developed at Frostburg and Dorsey. Remote Workday training sessions have begun.

Goal 3 – Diversity & Inclusion: Sexual Harassment training will begin now that the updated policy has been approved. A system of tracking diversity of applicants needs to be developed.

Goal 4 – Customer Service & Community Service: Updates to the agency website will begin soon. The Maryland Charity Campaign goal is 83%. Many volunteer opportunities are being explored.

Goal 5 – Environment: Earth Day activities will be scheduled for April. BWI has added water bottle fillers. Recycling rates are looking good.

Ms. Frketic will provide another BEST update in January.

### **FINANCIAL REPORT**

Mr. Patel presented the October 2021 Financial update. Labor sales were lower than FY21, but better than expected for FY22. Revenues are lower than last year. Capital project activity is just starting up for the FY. The total net assets by the end of the year 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. The 2022 Financial plan provides the details for the Budget v. Actual report.

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

### **FLEET POLICY**

Mr. Coleman introduced the revised Fleet policy. This is the final policy required to be adopted before the end of the year by the MES Reform Act. The agency has had a Fleet Policy/Procedure manual for many years. The original document is over 55 pages. This policy condenses the major provision to 4 pages. The details remain in the procedure manual. Mr. Neall made a motion to approve the policy as presented, Judge Smalkin seconded. The motion passed unanimously.

### **PROCUREMENT ITEMS**

Ms. Crosby presented Item 1. The procurement is a pre-solicitation approval for \$480,000 for design upgrades and improvements for the Materials Recycling Facility (MRF) in Montgomery County. The MBE goal is to be determined. Mr. Tanner made the motion to approve the item, Ms. Hwang seconded. No members were opposed, the motion passed unanimously.

Ms. Crosby presented Item 2. The procurement is for analysis, extractions, publication, local data capture, local data conflation and associated HPMS support services for the MDOT SHA. Whitney, Bailey, Cox, Magnani, LLC will provide the services at a cost of \$455,683.70. There is a 32.9% MBE goal. Ms. Heller made the motion to approve the item, Secretary Neall seconded. No members were opposed, the motion passed unanimously.

Ms. Crosby presented Item 3. The procurement is for convenience center Underground Storage Tank replacement at the Brown Station Landfill. Total Environmental Concepts, LLC will provide the services at a cost of \$250,000. There is a 15% MBE goal. Mr. Witt made the motion to approve the item, Mr. Tanner seconded. No members were opposed, the motion passed unanimously, with the exception of Ms. Hwang who abstained.

Ms. Crosby presented Item 4. The procurement is a change order with Soella Inc. for \$55,748.77. It is for additional fence repairs due to newly discovered damage at the Sandy Hill Creative Disposal Landfill. There is a 2% MBE goal. Secretary Neall 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 glycol recovery vehicle leasing at the Baltimore Washington International Thurgood Marshall Airport. Inland Technologies will provide the vehicles at a cost of \$348,000. There is a 0% MBE goal. Ms. Heller 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.

### **LEGAL REPORT**

Mr. Coleman reported that he is working with Finance and Vanguard on a new agreement for the agency 401K program. This agreement is required to be reviewed every few years. Once complete, a Resolution will be brought to the Board for approval.

### **OLD/NEW BUSINESS**

The updated Proposed 2022 Board meeting schedule was presented. The only change was to the December 2022 date.

The next meeting of the Board is Thursday, December 16<sup>th</sup> at 9:30 a.m.

Several members of the Board and staff will receive an update from RSM on the draft Board assessment after this meeting. Receiving the update is an administrative function of the Board, so the presentation is not subject to the Open Meetings Act. RSM will present their full report at the next Board meeting in December.

Dr. Glass presented the recognition that the agency will be sending to Ms. Kopp for her service to the Board.

**ADJOURNMENT**

Upon motion by Judge Smalkin, the meeting adjourned at 10:32 a.m.



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



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