



Larry Hogan GOVERNOR

Boyd K. Rutherford LT. GOVERNOR

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

BOARD OF DIRECTORS MEETING MINUTES

MEETING 3-22

March 31, 2022

LOCATION: Conference/Video Call

TIME: 9:30 a.m.

DIRECTORS PRESENT: Judge Frederic Smalkin, Chair (video)
Robert Witt, II, Secretary (video)
Robert Neall, Treasurer
Honorable Dereck Davis (video, portions of meeting)
(Joann Kille, Treasurer's Designee)
Shelley Heller (video)
Marian Hwang, Esq. (video)
Hiram Tanner, Jr., P.E.
Charles Glass, Ph.D., P.E.

DIRECTORS ABSENT: None

OTHERS PRESENT:

Sean Coleman, Esq. (video)	Pamela Fuller
Priscilla Carroll, Esq.	Hament Patel
Ellen Frketic	Melissa Slatnick
Tim Barr	Steven King
Hattie Crosby	Chuck Ingram (a portion of mtg)
Marni Dolinar	Casey Powers (video)
Tim Ford	Jana Leech (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, and 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 February 24, 2022. No corrections or objections were noted. Ms. Heller made a motion to approve the minutes, and the minutes were unanimously approved.

EXECUTIVE DIRECTOR'S REPORT

Dr. Glass presented the Executive Director's and Deputy Director's expense reports for the last month. There was only one parking expense. Now that Covid related restrictions are being lifted, events and site visits are being scheduled for the future.

Work on the Strategic Plan continues, a draft will be presented to the Board next month. The staff engagement survey revealed three themes that have already been acted on: Telework, Compensation, and HR Responsiveness. The Classification and Compensation Study was already underway and will be presented to the HR Committee and Board in April. The Operator Career ladder and a Teleworking policy were presented to the HR Committee last week and will be discussed later at this meeting. A ticketing system is being developed for the HR department, similar to what is already utilized by the IT department.

The 2022 Legislative session is almost over. MES has completed its operating and capital budget hearings, both of which went well. Many engagements over the last month were with Government clients. Dr. Glass was able to visit a few sites over the last month including Montgomery County Grinding Lot and Materials Recycling Facility (MRF) and the Elk Neck State Park water/wastewater plants.

Congratulations to Preston Fuller and his team at the Brown Station Landfill for winning WSSC's Pretreatment Recognition Bronze Award for 2021.

The MES Manager and Supervisor Training Program is underway. The program, in cooperation with the Anne Arundel Community College, will help train staff and ensure they are ready for the next steps in their career. Facility tours and classroom instruction are completed over five months. The current class will graduate in June.

On Sunday, March 27, MES received a Directive from Secretary Ben Grumbles to work with Baltimore City to bring the Back River WWTP back into compliance. The MES preliminary assessment team was onsite this week conducting inspections. The MES team will consist of experts in Water/Wastewater, Engineering, Biosolids and Maintenance. A team of 12 operators and 1 supervisor will begin work next week. A

plan will be developed to get the plant back into compliance. Mr. Neall asked what the implications for current operations of existing projects would be. One or two staff members from each region are being pulled to spread the workload across the agency, and they will work at Back River for about 90 days before being rotated out with other operators. MES has also reached out to other W/WW service providers and facilities to see if they have available operators. The project is fully billable.

On March 23, MES took its first "services for non-governmental entity" item to the Board of Public Works (BPW). The item was the renewal with W.R. Grace for solid waste management services at their landfill. Comptroller Franchot deferred the item. MES is providing further documentation and will request that the item be considered at the next BPW meeting.

Dr. Glass asked for a moment of silence in memory of MES employee David Miller who passed away suddenly earlier this month.

AVIAN INFLUENZA RESPONSE

Mr. Ingram, the Division Chief with Environmental Operations, discussed MES' response to the avian influenza outbreak. On March 3, Secretary Bartenfelder, of the Maryland Department of Agriculture (MDA) contacted MES for assistance dealing with an outbreak at a poultry laying operation in Cecil County. Additional sites have been added since that date. MES is furnishing wood mulch for on-site composting of the carcasses. The heat from the compost process breaks down the bodies and kills the virus. So far, MES has provided about 5,500 cy of mulch. Last week, MDA requested assistance identifying disposal options for about 19 million eggs. MES provided a list of options, including disposal at the Midshore II landfill, which was approved by the Midshore counties. The first batch of eggs began arriving at the landfill yesterday. A convoy of trucks arrived yesterday containing 84 tons of eggs (about 1 million eggs). This operation will continue for several weeks, or into the summer.

Mr. Ford thanked Mr. Ingram and Mr. Lasako for their round the clock efforts to coordinate shipping of the eggs and the mulch. In addition, Environmental Operations is also in the middle of the Agricultural Tire collection event, and about to start helping Salisbury with their waste sludge.

2022 MARYLAND GENERAL ASSEMBLY SESSION UPDATE

Mr. Tosi, Director of Government Affairs, presented an overview of bills with potential impact on MES. Over 2,500 bills were filed this session. MES monitored

about 183 of them with potential impacts on the agency. The Operating and Capital budgets passed with no major concerns.

Other bills that may impact MES include:

- Conservation Financing Act (HB653/SB348)
- Climate Solutions Now Act (SB528)
- Extended Producer Responsibility (HB292/SB307)
- Environmental Justice (HB1200/SB818)
- Open Meetings Act (HB375/SB269) (HB246)
- Independent Agency Health Insurance Option Act (SB417/HB379)
- Family Medical Leave Act (HB8/SB375)

There are two weeks left in the session. MES will be meeting with the Baltimore City delegation tomorrow.

AGENCY ACTIVITY REPORT

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

FINANCIAL REPORT

The February financial statements were included in the Board packet. Labor sales have remained steady over the last six months. While labor sales are lower than previous years, overhead has also been lower. The change in net assets is about \$700,000 less than last year but should meet the year-end target. The total net assets by the end of the year are typically a 50/50 mix of invested capital assets and unrestricted net assets. This amount fluctuates throughout the year, but usually is near 50/50 at year end. The \$1,500 payment to employees came out of the previous year's variance. The 2022 Financial Plan provides the details for the Budget v. Actual report.

SPONSORSHIP POLICY

MES has participated in sponsorships with organizations such as MACO and MML, but prior to now, had no formal Sponsorship policy. This policy provides uniform guidelines and helps prevent conflicts of interest. Several questions were addressed. Mr. Neall made a motion to approve the policy as presented, Mr. Tanner seconded. The motion passed unanimously.

HUMAN RESOURCES REPORT

Mr. King presented the Human Resources Report. The vacancy rate is less than 8%. This rate is slightly lower than February's rate. Over the last week there were 12 new hires and 10 separations. Dr. Glass commented that compared to other entities, MES is doing very well with its vacancy trends. In addition, the total number of positions is increasing.

HUMAN RESOURCES COMMITTEE REPORT

Ms. Hwang reported that the Human Resources Committee met on March 28 to discuss 3 items: the MES Teleworking Policy, the Water & Wastewater Operator Career Path, and the Targeting Excellence program. The Committee reviewed materials, suggested edits were made, and those materials were distributed to the full Board on March 29th.

Dr. Glass explained that the Teleworking Policy resulted from the recently completed employee surveys. About 500 MES employees are emergency essential and required to report to their assigned job locations. About 235 employees have more flexible space requirements and could complete their job duties remotely. This policy would authorize continued telework options for those employees whose job classification permits. This policy is in line with the DBM policy and includes accountability measures, controls, and limitations. Ms. Hwang reported that the HR Committee unanimously approved this policy and recommends its approval by the full Board. Judge Smalkin made a motion to approve the policy, Mr. Tanner seconded. The motion passed unanimously.

Dr. Glass explained the ongoing process to examine agency salaries. Last month the Board approved the revamped OIT program. This month they presented the updated Water/Wastewater Operator career path. This plan details the path from OIT to Senior Operator that can be accomplished in 8 years. It is hoped that this plan will put the agency in a good position to keep experienced and licensed operators. This process will next be repeated with other Groups and career paths. Ms. Hwang reported that the HR Committee unanimously approved this career path plan and recommends its approval by the full Board. Mr. Witt made a motion to approve the plan, Ms. Heller seconded. The motion passed unanimously, except for Mr. Tanner who abstained.

Ms. Frketic presented the Targeting Excellence Program. This program will award \$25 Target gift cards to employees whose actions go beyond their normal job duties but may not rise to the level of an Inspire award. Each employee is eligible to

receive up to \$100 per year, and gift cards purchased for this program can only be used for this program. Supervisors will make recommendations to the Managing Director who will submit the requests to Finance. An annual allotment of \$10,000 will be made to the program each year. A prorated amount of \$2,500 has been allocated for FY22. Executive Staff and Managing Directors are not eligible for the program. Ms. Hwang reported that the HR Committee unanimously approved this program and recommends its approval by the full Board. Judge Smalkin made a motion to approve the policy, Mr. Tanner seconded. The motion passed unanimously.

GROUP UPDATES: WATER/WASTEWATER

Mr. Tim Barr, Managing Director of the Water & Wastewater Group, presented an overview of his group. The W/WW group consists of 151 employees who are operators, inspectors, engineers, administrators, and construction managers. The Group provides engineering, construction, and operating services to municipalities, Counties, privately-owned facilities, correctional facilities, health facilities, rest areas and State parks. Mr. Barr described MES activities at several water and wastewater facilities.

PROCUREMENT ITEMS

Ms. Crosby presented Item 1. The procurement is for the purchase of a John Deere 744L 4WD Wheeled Loader for the Prince George's County Composting Facility. Jesco will provide the Loader at a cost of \$379,000. There is a 0% MBE goal. Secretary Neall made the motion to approve the item, Mr. Witt seconded. No members were opposed, the motion passed unanimously, except for Ms. Hwang who abstained.

Ms. Crosby presented Item 2. The procurement is for the purchase of a John Deere 744L 4WD Wheeled Loader for the Prince George's County Composting Facility. Jesco will provide the Loader at a cost of \$377,000. There is a 0% MBE goal. Judge Smalkin made the motion to approve the item, Mr. Witt seconded. No members were opposed, the motion passed unanimously, except for Ms. Hwang who abstained.

Ms. Crosby presented Item 3. The procurement is a change order with Tactical Security Solutions, Inc. for \$78,895.98. It is for unarmed security services provided to the Prince George's County Materials Recycling Facility (MRF). There is a 0% MBE goal. Mr. Tanner made the motion to approve the item, Ms. Heller seconded. No members were opposed, the motion passed unanimously.

Ms. Crosby presented Item 4. The procurement is for hydraulic modeling and floodplain mapping in Howard County. Wood Environmental & Infrastructure

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Solutions, Inc. will provide the services at a cost of \$455,543.73. There is a 29% MBE goal. Secretary Neall made the motion to approve the item, Ms. Hwang seconded. No members were opposed, the motion passed unanimously.

Ms. Crosby presented Item 5. The procurement is a change order with Allstate Power Vac (dba ACV Enviro) for \$173,205. It is for equipment rental provided to Hawkins Point Landfill and Dundalk Marine Terminal. There is a 1% MBE goal. Ms. Heller made the motion to approve the item, Judge Smalkin seconded. No members were opposed, the motion passed unanimously, except for Ms. Hwang who abstained.

Ms. Crosby presented Item 6. The procurement is a pre-solicitation approval for \$300,000 for aboveground storage tank repair at Dundalk Marine Terminal. There is a 1% 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 7. The procurement is to purchase a low ground pressure dozer for the Poplar Island Environmental Restoration Project. Jesco will provide the dozer at a cost of \$230,305. There is a 0% MBE goal. Secretary Neall made the motion to approve the item, Mr. Witt seconded. No members were opposed, the motion passed unanimously, except for Ms. Hwang who abstained.

Ms. Crosby presented Item 8. The procurement is for drainage repair at various locations. Allied Contractors Inc. will provide the services at a cost of \$750,000. There is a 10% MBE goal. Mr. Tanner made the motion to approve the item, Ms. Hwang seconded. No members were opposed, the motion passed unanimously.

Ms. Crosby presented Item 9. The procurement is a change order with Shah & Associates for \$56,916. It is for boiler plant electrical distribution system improvements at the MCI-Hagerstown facility. There is a 10% MBE goal. Mr. Witt made the motion to approve the item, Ms. Hwang seconded. No members were opposed, the motion passed unanimously.

Ms. Crosby presented Item 10. The procurement is for boiler plant conversion at the ECI Co-Gen facility. W.M. Schlosser Company Inc. will provide the services at a cost of \$9,895,000. There is a 17% MBE goal. Secretary Neall made the motion to approve the item, Ms. Hwang seconded. No members were opposed, the motion passed unanimously.

Ms. Crosby presented Item 11. The procurement is a change order with RSM US LLP for \$203,107. It is for an additional 3 years of audit services provided to the agency. There is a 0% MBE goal. Judge Smalkin made the motion to approve the item, Ms

Heller seconded. No members were opposed, the motion passed unanimously, except for Ms. Hwang who abstained.

Ms. Crosby presented Item 12. The procurement is for the purchase of algaecide for the Masonville Cove DMCF. BioSafe Systems will provide the algaecide at a cost of \$273,000. There is a 0% MBE goal. This item is a sole source as this is the only firm who produces this type of algaecide which has been shown to be safe and effective at this location. Ms. Hwang made the motion to approve the item, Ms. Heller 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 will update the Board on a litigation matter in closed session. He reminded the Board members and staff that they need to file their Financial Disclosure forms by the end of April.

OLD/NEW BUSINESS

The next meeting of the Board is Thursday, April 28, 2022, at 9:30 a.m.

CLOSED SESSION

At 11:25 a.m., in accordance with MD. Code Ann., Gen. Prov. §3-305(b)(7) and (8) Judge Smalkin stated that the Board intended to enter closed session to approve the minutes of a prior closed meeting session, and to consult with counsel on an open litigation matter. Judge Smalkin asked if anyone objected to the Board entering closed session, and no objections were heard. He also stated that any member of the viewing public who objected, could submit their objection via email to the agency. Secretary Neall then made a motion that the Board enter closed session for the reasons stated above. Mr. Witt seconded the motion, all members voted in favor of closing the meeting. Judge Smalkin announced that the meeting of the Board of Directors would immediately adjourn following the closed session. The public meeting ended at 11:25 a.m. The online Board members were then transferred to a secure conference video line. Staff members who were not required for the closed session left the meeting room.

Judge Smalkin called the meeting of the closed session of the Board to order at 11:30 a.m. Present during the closed session of the Board were Board members Smalkin, Heller, Hwang, Neall, Witt, Tanner, Davis, Kille and Glass. They were joined by Mr. Coleman, Ms. Frketic, Ms. Carroll, Mr. Hartlaub, Ms. Dolinar, and Ms. Fuller.

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Judge Smalkin requested approval of the minutes of the closed session from the meeting of February 24, 2021. Judge Smalkin made a motion to approve the minutes, Secretary Neall seconded. The minutes were unanimously approved.

Counsel updated the Board on the status of two pending litigation matters.

ADJOURNMENT

Upon motion by Judge Smalkin, the meeting adjourned at 11:42 a.m.



ROBERT L. WITT, II
SECRETARY



HONORABLE FREDERIC N. SMALKIN
CHAIR