



Larry Hogan GOVERNOR

Boyd K. Rutherford LT. GOVERNOR

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

**BOARD OF DIRECTORS
MEETING MINUTES
MEETING 6-22
June 30, 2022**

LOCATION: Conference/Video Call

TIME: 10:00 a.m.

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

DIRECTORS ABSENT: None

OTHERS PRESENT:

Sean Coleman, Esq.	Steven King
Ellen Frketic	Casey Powers (video)
Tim Barr	Jana Leech (video)
Hattie Crosby	Jerome Lucky (out after Inspire Awards)
Marni Dolinar	Larry Chambliss (out after Inspire Awards)
Tim Ford	TerryAnn Murray (out after Inspire Awards)
Pamela Fuller	Jamaal Downs (out after Inspire Awards)
Hament Patel	
Melissa Slatnick	

CALL TO ORDER

Judge Smalkin called the meeting to order at 10:01 a.m. Some Board members and staff were present at Maryland Environmental Service (MES) Headquarters, and other Board members and staff participated via Zoom video call. The meeting was streamed live to the public on YouTube.

INSPIRE AWARDS

Mr. Barr presented an Extraordinary Service Inspire Award to Jerome Lucky, Larry Chambliss, TerryAnn Murray, and Jamaal Downs of the Water/Wastewater Group for their design and implementation of a temporary clarifier during repairs of the primary clarifier at the Dundalk Marine Terminal groundwater treatment plant.

MINUTES

Judge Smalkin requested discussion or a motion for the approval of the minutes of the meeting of May 26, 2022. No corrections or objections were noted, 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 were no expenses.

Dr. Glass presented a list of external engagements with public and private entities. On the way back from the Maryland Municipal League (MML) summer conference Dr. Glass and Ms. Frketic stopped by the Midshore I and II landfills, and the Cambridge Wastewater Treatment Plant (WWTP).

Linda Beck of the Water and Wastewater Group received a Governor's Citation honoring her service in the U.S. Army as part of the Maryland Department of Veterans Affairs Women Veterans Day program.

The MES Supervisory and Management Training program held its graduation on June 16. After the successful re-launch of this program, the agency looks forward to holding it again next year.

On May 13 the Keystone Chapter of the Solid Waste Association of North America (SWANA) hosted the annual landfill equipment and truck ROAD-E-O at the Cecil County Landfill. Ten MES operators participated on a very rainy day. The top 2 winners in each event are invited to compete in the international ROAD-E-O in El Paso, TX in October. Four MES operators earned placement on the podium:

- Tami Scarborough – 3rd place – articulated wheel loader
- Anne Dixon – 2nd place – compactor
- Bruce Pepper – 2nd place – dozer

Board of Directors Meeting
June 30, 2022
Page 3

- Tony Roe – 3rd place – articulated off-road truck; 3rd place – front loader collection truck

Dr. Glass then asked for a vote to approve the FY2023-2027 Strategic Plan which was originally distributed to the Board members in May. This final version incorporated feedback and comments provided by the Board. The plan is based on the “3 Pillars” of Safety, Level of Service, and Education & Training. The first step will be the development of a Performance Management Program to track agency productivity across the 25 measures identified in the Plan. Ms. Heller made a motion to approve the plan, Ms. Hwang seconded. The motion passed unanimously.

Dr. Glass advised that Baltimore City and MDE have finalized a Consent Order regarding the Back River WWTP, which has now been approved by the City Board of Estimates. A Revised Directive has been issued by MDE to MES, and it includes new procedures for reimbursement of MES expenses by the City. Discussions regarding possible MES assistance at the Patapsco WWTP have begun.

Conversations are also occurring with the Maryland Department of Information Technology (DoIT) regarding its authority over MES. An update will be provided next month.

AGENCY ACTIVITY REPORT

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

FINANCIAL REPORT

The May financial statements were included in the Board packet. Labor sales are lower this fiscal year than last fiscal year. While labor sales are lower than in previous year, overhead has also been lower. It looks like the agency will meet budget expectations by fiscal year end. The change in net assets is less than last year but should meet the year-end target. Project variances are improving with the removal of service center projects. Used oil revenues are higher this year than last year. The total net assets by the end of the year are typically a 50/50 mix of invested capital assets and unrestricted net assets. The 2022 Financial Plan provides the details for the Budget v. Actual report. A 4% increase in billable labor is the goal moving forward.

HUMAN RESOURCES REPORT

Mr. King presented the Human Resources Report. The vacancy rate is 9.38%. Separations and new hires appear balanced. Seventeen new positions have been added since March. Onboarding has been accelerated.

HUMAN RESOURCES COMMITTEE REPORT

Ms. Hwang reported that the HR Committee met earlier today to discuss several matters.

The first matter was approval of the recommended Performance-Based Compensation (PBC) increases based on employees FY22 performance. The committee agreed with Dr. Glass recommendation as set forth below:

Performance Score	Percentage of Increase
2.99 and under	No PBC
3.0 - 3.49	3%
3.5 - 3.99	4%
4.0 - 5.0	5%

This recommendation is in line with COLA and step increases for State employees, and within the FY23 MES budget. Secretary Neall made the motion to approve the recommended PBC salary adjustments, to be effective July 13, 2022; Ms. Heller seconded. The motion passed unanimously.

The second matter was to allow employees who were hired between October 1, 2021 and March 31, 2022 to be eligible to receive a 3% increase, effective July 13, 2022, upon satisfactory completion of their probation. Those employees are not currently eligible to receive PBC. Secretary Neall moved to approve this recommendation; Judge Smalkin seconded. The motion passed unanimously.

The third matter was to establish the timeline for completing the Executive Director's FY22 performance evaluation. The evaluation criteria and process were approved by the Board in February 2022. The committee recommended distribution of the evaluation forms and preliminary FY22 financial information by mid-July. An executive session of the Board members will occur in early August to discuss the evaluations. The Board will approve the evaluation and make salary recommendations at the August 25 Board meeting.

GROUP UPDATE

Steve King, Managing Director of Administration presented an overview of the MES Administration Group. The Administration Group consists of six departments: Human Resources, Safety & Environmental Compliance, Administrative Services, Procurement, Diversity Equity & Inclusion, and Grants.

PROCUREMENT ITEMS

Ms. Crosby presented Item 1. The procurement is to rebuild a CAT compactor powertrain at the Harford Waste Disposal Center. Carter Machinery will provide the services at a cost of \$407,664.81. There is a 0% Minority Business Enterprise (MBE) goal. Judge Smalkin made the motion to approve the item; Secretary Neall seconded. No members were opposed. The motion passed unanimously.

Ms. Crosby presented Item 2. The procurement is a change order with Padlands, LLC for \$148,125. It is for trucking and land application services for Freedom District WWTP biosolids. There is a 10% MBE goal. Ms. Heller made the motion to approve the item; Mr. Tanner seconded. No members were opposed. The motion passed unanimously.

Ms. Crosby presented Item 3. The procurement is a change order with A.D. Marble for \$184,940.72. It is for final design engineering provided to the Cox Creek Expanded Swan Creek Nature Trail. There is a 24% MBE goal. Ms. Hwang 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 to purchase a Doppstadt Inventhor T-9 Slow Speed Shredder, as requested by the Client, for the Montgomery County Yard Trim Composting Facility. Ecoverse Industries Ltd will provide the shredder at a cost of \$1,075,000. 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.

Ms. Crosby presented Item 5. The procurement is a change order with Curtis Power Solutions, LLC for \$1,273,080. It is for operations and maintenance of the Brown Station Landfill gas power plant. There is a 10.3% MBE goal. Ms. Heller made the motion to approve the item; Mr. Witt seconded. No members were opposed. The motion passed unanimously.

Board of Directors Meeting
June 30, 2022
Page 6

Ms. Crosby presented Item 6. The procurement is a change order with Brawner Builders, Inc. for \$2,500,000. It is for stormwater management and remediation services provided to MDOT SHA. There is a 9% MBE goal. Mr. Tanner made the motion to approve the item; Judge Smalkin seconded. No members were opposed, but Ms. Hwang abstained from the discussion, consideration and vote. The motion passed unanimously.

Ms. Crosby presented Item 7. The emergency procurement is for the purchase of four Yeomans Pumps for the Back River WWTP. Hill's Industrial will provide the pumps at a cost of \$359,883.80. 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.

Ms. Crosby presented Item 8. The procurement is a change order with HRI Construction LLC/M2 Construction LLC for \$310,428.37. It is for repair work to the Woodstock Job Corp Center WWTP tanks. There is a 14% MBE goal. Ms. Heller made the motion to approve the item; Mr. Tanner seconded. No members were opposed. The motion passed unanimously.

Ms. Crosby presented Item 9. The procurement is for sludge facility upgrades at the Eastern Correctional Institution (ECI) WWTP. HRI Construction LLC/dba M2 Construction LLC will provide the services at a cost of \$2,381,700. There is a 15% MBE goal. Secretary Neall made the motion to approve the item; Judge Smalkin seconded. No members were opposed. The motion passed unanimously.

Ms. Crosby presented Item 10. The procurement is for the purchase of a 10,000-gallon water truck for the Cox Creek Dredged Material Containment Facility. National Auto Fleet Group will provide the truck at a cost of \$275,960. There is a 0% MBE goal. Judge Smalkin made the motion to approve the item; Secretary Neall seconded. No members were opposed. The motion passed unanimously.

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

LEGAL REPORT

Mr. Coleman reported that with the end of the fiscal year the attorneys in his office have been busy reviewing proposals and contracts. They have also been working with Baltimore City and MDE on the Back River agreements.

OLD/NEW BUSINESS

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

CLOSED SESSION

At 11:24 a.m., in accordance with MD. Code Ann., Gen. Prov. §3-305(b)(1) Judge Smalkin stated that the Board intended to enter closed session to approve the minutes of a prior closed-meeting session, and to discuss the performance and compensation of one or more employees of the agency. Judge Smalkin asked if anyone objected to the Board entering closed session; 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. Ms. Heller seconded the motion, and 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 11:24 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 11:28 a.m. Present during the closed session of the Board were Board members Smalkin, Heller, Hwang, Neall, Witt, Tanner, and Glass. They were joined by Mr. Coleman, and Ms. Fuller.

Judge Smalkin requested approval of the minutes of the closed session from the May 26, 2022, meeting. Judge Smalkin made a motion to approve the minutes as presented. The minutes were unanimously approved.

During the closed session the Board reviewed the HR Committee's recommendation related to the salary of the Deputy Director. Mr. Tanner made a motion to approve an annual salary increase of 6% for the Deputy Director as recommended by the HR Committee, to be effective July 13, 2022. Ms. Hwang seconded. The motion passed unanimously.

Dr. Glass left the closed session 11:35 a.m. The Board reviewed the HR Committee's recommendation related to the salary of the Executive Director. Ms. Hwang made a motion to approve an annual salary increase of up to 6%, contingent upon the Executive Director achieving a satisfactory performance evaluation by the Board. Notwithstanding the date the Board completes the Executive Director's

performance evaluation, any salary increase for the Executive Director will be effective as of July 13, 2022. Secretary Neall seconded. The motion was unanimously approved.

ADJOURNMENT

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



ROBERT L. WITT, II
SECRETARY



HONORABLE FREDERIC N. SMALKIN
CHAIR