



Larry Hogan GOVERNOR

Boyd K. Rutherford LT. GOVERNOR

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

## **BOARD OF DIRECTORS MEETING MINUTES**

**MEETING 12-22  
December 15, 2022**

**LOCATION:** Headquarters/Video Call

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

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

**DIRECTORS ABSENT:** Hiram Tanner, Jr., P.E.

**OTHERS PRESENT:**

Sean Coleman, Esq.  
Ellen Frketic (video)  
Tim Barr  
Steven Barzal  
Hattie Crosby  
Marni Dolinar (video)  
Tim Ford  
Hament Patel

Melissa Slatnick  
Steven King (video)  
Pamela Fuller  
Jana Leech (video)  
Casey Powers (video)  
Joanna Kille (video)

### **CALL TO ORDER**

Judge Smalkin called the meeting to order at 9:31 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**

Ms. Frketic presented the Extraordinary Service Inspire award to the following staff from Water Wastewater Operations, Maintenance, and Finance for their work at the Back River Wastewater Treatment Facility.

Stephanie Acosta	Casey Hanna	Scot Schroyer
Dwayne Biles	Skip Immler	Zach Shiflett
Chris Dallas	Janaki Johnson	Greg Stehli
Jamaal Downs	Scott Kearney	Ryan Thomas
Lance Fierro	Jim Kondracki	Sean Triplett
James Friend	John Miller	Ryan Zacherl
Heather Fritz	Sam Porter	Paul Zimmerman
Kyle Galla	Al Razik	

**MINUTES**

Judge Smalkin requested discussion or a motion for the approval of the minutes of the Board meeting on November 17, 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 during the last reporting period.

Dr. Glass then presented his list of external engagements. There were no site visits last month. The recent focus on recruitment has been very successful. The Agency has filled all open engineer positions. Nexis PMG and RK&K are exploring a public-private (P3) partnership with MES to work with Biochar.

The second Strategic Advance meeting was held last month. The group of about 30 staff members participated in team building activities and reviewed Key Performance Indicators (KPIs).

MES operational support at Back River Wastewater Treatment Plant will end at the end of the month. Maintenance staff will continue to support the maintenance and construction projects. On January 4, 2023, five MES staff members will represent MES to receive the Governor's Citation for the Agency's work in support of the Maryland

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Department of the Environment (MDE) and Baltimore City Department of Public Works.

On December 11, the Baltimore Sun officially named MES a Top Workplace for 2022. The award is based on feedback offered by an employee survey.

Dr. Glass announced the retirement of Chris Norris. Mr. Norris is retiring after 38 years with the Agency. He started as a boat captain at Hart Miller Island before serving as a Computer-Aided Drafting and Design (CADD) Engineer Technician. Dr. Glass also expressed his condolences to the family of Douglas John, a part-time MES employee who passed away in November.

**BEST FY23 UPDATE**

Ms. Frketic will present an update on the progress of the Agency in meeting its Building Excellence and Success Together (BEST) FY23 goals at the next meeting. This month, the Agency is asking to revise one of the goals. A sub-goal of Goal 5 requires MES to establish a baseline carbon footprint by the end of the 2<sup>nd</sup> quarter. However, staff have advised that the numbers necessary to complete this task will not be ready until the end of December. The Agency is therefore requesting to amend this task to indicate it will be completed by the end of the 3<sup>rd</sup> quarter. This amendment will still allow time for completion before the end of the BEST cycle and before payment determinations are made. Mr. Neall made a motion to approve the amended goal and Ms. Heller seconded. The motion passed unanimously.

**AGENCY ACTIVITY REPORT**

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

**FINANCIAL REPORT**

Mr. Patel presented the preliminary Financial Statements for November 2022. Labor sales are now higher than last year—and higher than projected—across all Managing Groups. Overall, this is due to new projects and lower vacancies. Revenues have been higher than last year due to several major projects.

In response to a question from Mr. Neall at the November meeting, Mr. Patel presented an overview of the MES vehicle fleet. MES owns 222 vehicles, 34 of which are more than 15 years old. MES also maintains an additional 107 custodial vehicles that are owned by clients but maintained and operated by the Agency. Twenty-seven (27)

vehicles have been ordered in the last 12 months, but currently only 5 have been received due to supply chain issues. An additional 22 vehicles are still on order.

### **HUMAN RESOURCES REPORT**

Mr. Barzal presented the Human Resources (HR) Report. The new HR Specialist started last week. As of today, the Agency vacancy rate is 4.04%. When combined with the Maryland Clean Energy Commission and the Chesapeake Bay Trust, the vacancy rate is 3.8%.

### **GROUP UPDATES**

Mr. Ford discussed the monitoring and reporting work performed within the Environmental Operations Group. He described the various services the team performs, including groundwater and landfill gas monitoring and reporting; remediation systems operations; and per- and polyfluoroalkyl substance (PFAS) sampling.

Ms. Slatnick discussed the Harriett Tubman archeological dig project, which is a part of the Technical and Environmental Services Group. MES employees embedded with the Maryland Department of Transportation State Highway Administration (MDOT SHA) have helped design, research and conduct the excavation of Harriett Tubman's birthplace in Dorchester County, Maryland.

Ms. Dolinar discussed the Environmental Dredging and Restoration Group's surveying group. The surveying group primarily provides services at Maryland Department of Transportation Maryland Port Administration (MDOT MPA) dredged material facilities, and to State agencies and local governments.

Mr. Barr discussed the Darlington Water Supply Service District. The Service District, located in Harford County, was established 25 years ago. It serves 105 residents and small businesses within the community of Darlington.

### **RESOLUTION 22-12-1R**

Mr. Coleman presented the Ninth Biennial Update to the Darlington Water Supply Service District Five-Year Plan. MES' statute requires it to hold a public information hearing and obtain Board approval of the biennial updates to service district five-year plans. A public hearing was held on December 4, 2022. No members of the public attended the hearing or provided written comments before or after that meeting. Mr. Patel stated that any Darlington residents who require assistance paying their water bills can contact Ms. Katie Tessier in Finance, who can provide referrals to

financial assistance programs. Mr. Witt made the motion to approve the Resolution and Ms. Hwang seconded. The motion passed unanimously.

### **PROCUREMENT ITEMS**

Ms. Crosby presented Item 1. The procurement is a change order with The Vane Brothers Company for \$600,000. It is for the purchase and delivery of ultra-low sulfur diesel fuel to Poplar and Hart Miller Islands. There is a 0% minority business enterprise (MBE) goal as there no MBE firms with the ability to barge fuel to the islands. Mr. Neall made the motion to approve the item; Mr. Witt seconded. No members were opposed. The motion passed unanimously.

Ms. Crosby presented Item 2. The procurement is a pre-solicitation approval for \$660,000 for groundwater treatment plant upgrades at Dundalk Marine Terminal. There is a 13% 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 3. The procurement is a change order with Colossal Contractors Inc. for \$2,488,328.80. It is for general labor services provided to the Montgomery County Recycling Center. There is a 30% MBE goal. Ms. Heller made the motion to approve the item; Judge Smalkin seconded. No members were opposed. The motion passed unanimously.

Ms. Crosby presented Item 4. The procurement is for design, bidding and construction management services at the Cheltenham Youth Facility. Watek Engineering Corporation will provide the services at a cost of \$333,565. There is a 20% 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 5. The procurement is for deicing fluid hauling and disposal at the Baltimore/Washington International Thurgood Marshall (BWI) Airport. Kalyani Environmental Solutions will provide the services at a cost of \$452,500. There is a 17% MBE goal. Treasurer Davis asked how the MBE percentage goal was determined. Ms. Crosby indicated that the MBE database is searched prior to solicitation to determine how many eligible firms exist. It was determined that there was opportunity for 17% of the work to be passed to registered MBE firms. In this case, the prime contractor is also an MBE. The goal was set prior to solicitation. Treasurer Davis made the motion to approve the item; Ms. Heller seconded. No members were opposed. The motion passed unanimously.

Ms. Crosby presented Item 6. The procurement is a pre-solicitation approval for \$400,000 for the fire sprinkler system replacement at the Prince George's County Material Recovery Facility. There is a 7% MBE goal. Mr. Neall made the motion to approve the item; Mr. Witt seconded. Five members voted in favor of the motion. Treasurer Davis voted no. The motion passed.

Ms. Crosby presented Item 7. The procurement is a pre-solicitation approval for \$400,000 for HVAC system replacement at the Prince George's County Material Recovery Facility. There is a 14% MBE goal. Ms. Heller made the motion to approve the item; Judge Smalkin seconded. Five members voted in favor of the motion. Treasurer Davis voted no. The motion passed.

Ms. Crosby presented Item 8. The procurement is for design, bidding and construction management services at the Charlotte Hall Veterans Home. Watek Engineering Corporation will provide the services at a cost of \$487,678. There is a 37% MBE goal. Mr. Witt made the motion to approve the item; Mr. 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 he will update the Board on several litigation matters in closed session. Attorney General Frosh visited with staff on November 30, 2022. Attorney General Brown is scheduled to be sworn in on January 3, 2023.

### **OLD/NEW BUSINESS**

The next meeting of the Board is Thursday, January 26, 2023, at 9:30 a.m.

### **CLOSED SESSION**

At 10:52 a.m., in accordance with MD. Code Ann., Gen. Prov. §3-305(b)(1) and (8), Judge Smalkin stated that the Board intended to enter closed session to approve the minutes of a prior closed-meeting session, discuss changes to the compensation of two MES employees, and receive a litigation update from the Office of the Attorney General on several legal matters. 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. Treasurer Davis then made a motion that the Board enter closed session for the reasons stated above. Ms. Hwang 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 10:52 a.m. Staff members who were not required for the closed session left the meeting room and Zoom session.

Judge Smalkin called the meeting of the closed session of the Board to order at 10:54 a.m. Present during the closed session of the Board were Board members Smalkin, Witt, Neall, Davis, Kille, Heller, Hwang, and Glass. They were joined by Mr. Coleman, Ms. Frketic and Ms. Fuller.

Judge Smalkin requested approval of the minutes of the closed session from the September 29, 2022, meeting. There were no corrections or comments. The minutes were unanimously approved.

Mr. Coleman updated the Board on several matters of recent litigation.

At 11:04 am, Dr. Glass, and Ms. Frketic left the closed session.

The Board then discussed the compensation of the Executive Director and the Deputy Director. The Board voted in October to grant the same 4.5% cost of living adjustment (COLA) to MES employees that State employees received on November 1. That action did not include the Executive Director and Deputy Director. Treasurer Davis moved to increase the salary of the Executive Director and the Deputy Director by 4.5%, effective December 28, 2022; Ms. Hwang seconded. The motion passed unanimously.

**ADJOURNMENT**

The meeting adjourned at 11:11 a.m.



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



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