



Wes Moore GOVERNOR

Aruna Miller LT. GOVERNOR

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

BOARD OF DIRECTORS MEETING MINUTES

**MEETING 4-23
April 27, 2023**

LOCATION: Headquarters/Video Call

TIME: 9:30 a.m.

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

DIRECTORS ABSENT: None (one position currently vacant)

OTHERS PRESENT:

Sean L. Coleman, Esq.
Ellen Frketic
Tim Barr
Steven Barzal
Hattie Crosby
Marni Dolinar
Tim Ford

Hament Patel
Melissa Slatnick
Pamela Fuller
Jana Leech (video)
Casey Powers (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. Slatnick presented the Extraordinary Service Inspire award to Casey Hanna, Senior Maintenance Supervisor. Mr. Hanna took the initiative to track down a copy of the programmable logic controller (PLC) software that helps airlines offload sanitary waste from aircraft at the Baltimore Washington International Thurgood Marshall Airport (BWI) after it was accidentally erased when the internal battery failed. He saved the client over \$10,000 and three weeks of downtime that would have resulted if the program needed to be rewritten.

Mr. Ford presented the Extraordinary Service Inspire award to Charles “Chuck” McClellan, a Senior Lead Engineering Technician in Harford County. His creativity and ingenuity in response to an emergency repair of the Bush Valley Landfill gas flare avoided months of downtime waiting for parts and saved the client money on rental machinery.

MINUTES

Judge Smalkin requested discussion or a motion for the approval of the minutes of the Board meeting on March 30, 2023. 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. The only expenses during the last reporting period were for parking to attend various legislative hearings in Annapolis and recruitment events. Next month’s report will include expenses for Dr. Glass’ trip to Atlanta, Georgia.

Both Dr. Glass and Ms. Frketic will be attending the May Board meeting virtually, as they will both be away at separate speaking and training events. Dr. Glass has been asked to present two keynote addresses in the next month. In addition to various engagements with clients and potential clients, Dr. Glass and Ms. Frketic also visited the Prince George’s County Materials Recovery Facility (MRF) on April 13, 2023.

Although there were fewer recruitment activities this month, hiring has been in full gear for the MES internship program. There were ninety-two applications for ten available internships. The Executive Office will have two interns focused on electric vehicle (EV) chargers and the solar canopy, as well as environmental justice issues, climate resilience and sustainability, performance management, and biochar.

Board of Directors Meeting
April 27, 2023
Page 3

Dr. Glass presented a graph of MES Minority Business Enterprise (MBE) participation over the last 10 years. MES achieved 28.19% in FY22 and 32.42% in FY21. Gratitude was expressed to Tim Barnes and Hattie Crosby and all the project managers for their efforts.

The third Quarterly Strategic Advance leadership meeting was held on April 14, 2023. Thirty measures were identified. The next meeting will be held in July to discuss the revised Key Performance Indicators (KPI). The Agency is well on its way to meeting the goals of the Strategic Plan.

Lieutenant Governor Aruna Miller visited the Agency on March 31, 2023, as part of Women's History Month.

Dr. Glass was in Atlanta, GA, earlier this month to accept the Solid Waste Association of North America (SWANA) 2023 Sustainable Materials Management Technical Division's Organizational Award. Gary Lasako and John Agnoli also gave a presentation at the conference.

MES celebrated Earth Day on April 19, 2023, with various environmental enhancement activities around the State.

Dr. Glass announced the retirement of Mr. Roger Williams after thirty-five years of service. Mr. Williams has worked at Hart Miller Island since 1987.

2023 MARYLAND GENERAL ASSEMBLY SESSION RECAP

Mr. Tosi presented an overview of several bills from the 2023 Maryland General Assembly session. Out of 2,284 bills that were introduced, 975 passed and were signed by the Governor. All MES capital budget projects fared well. Mr. Tosi presented a summary of the following bills:

- SB880/HB843 Baltimore Regional Water Governance Task Force
- HB161 Northeast Maryland Waste Disposal Authority Sunset Act
- SB222 Statewide Recycling Needs Assessment and Producer Responsibility for Packaging Materials
- SB516/HB556 Cannabis Reform
- SB828/HB988 Family Medical Leave Insurance Program – modifications
- HB230/HB224 Clean Trucks Act of 2023

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 March 2023. Labor sales are now 12.53% higher than last year—and higher than projected—across all Groups. This has been consistent over the last several months. Overall, this is due to new projects and lower vacancies.

Overhead variance is looking better than projected. Invested cash is continuing to earn higher interest than was anticipated when the budget was created. This will continue throughout FY23. Finance is exploring possibilities for the unexpected income, including adding it to the contingency fund.

Mr. Neall asked about the Accounts Over 90-Day report. Mr. Patel indicated there are a few accounts on the list, but none about which he is overly concerned. Most of the accounts are government clients who are experiencing delays in processing.

HUMAN RESOURCES REPORT

Mr. Barzal presented the Human Resources report. As of today, the Agency vacancy rate is 4.26%. The rate varies daily. Most of the interns have been selected and have start dates set. The Human Resources staff continues to monitor Family and Medical Leave Act (FMLA) insurance issues and any policy changes that may be necessary due to the new State Cannabis Reform act.

PROCUREMENT ITEMS

Ms. Crosby presented Item 1. The procurement is for elevated water storage tank repairs, modifications, cleaning, and repainting at Martinak State Park. Manolis Painting, Inc. will provide the services at a cost of \$342,320. There is a 10% MBE goal. Ms. Heller 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 groundwater treatment plant upgrades at the Dundalk Marine Terminal. Maverick Construction, LLC will provide the services at a cost of \$881,000. There is a 17.5% 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 3. The procurement is a pre-solicitation approval for \$1.4 million for mechanical dredging of sediment from Arrowhead Cove in Deep Creek Lake. There is a 14% MBE goal. Ms. Hwang made the motion to approve the item; Mr. Neall seconded. No members were opposed. The motion passed unanimously, with the except of Mr. Witt, who abstained from the discussion, consideration, and vote.

Ms. Crosby presented Item 4. The procurement is a change order with Anchor QEA, Inc. for \$291,285.83. It is for Environmental Management System Self Audits provided to the Maryland Port Administration. There is a 22% MBE goal. Mr. Neall 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 Orders between \$25,000 and \$200,000 were reviewed.

LEGAL REPORT

Mr. Coleman reviewed each section of the draft Bylaws. The current version is based on information from the MES Statute and the bylaws of other government entities. An Organization Meeting is included each year to conduct business of the Board as outlined in the Bylaws. It was agreed that this meeting should occur in July each year, and be the first meeting of the new fiscal year. The Board members decided to review these draft Bylaws and send any comments to Mr. Coleman. The revised Bylaws will be presented at the May meeting for consideration and adoption.

OLD/NEW BUSINESS

Ms. Hwang mentioned that the Executive Director's performance evaluation is scheduled to be completed after the final audited financial report is prepared. However, Ms. Hwang and Mr. Neall's Board appointment terms are due to expire on June 30, 2023. It may be necessary to start the process earlier so they may participate in the review. The matter will be considered at the June Human Resources Committee meeting.

Dr. Glass reported that Wicomico County's County Executive contacted the Agency and asked for an evaluation of their landfill. Operations staff will begin an assessment of their airspace, capacity, and leachate management.

The next meeting of the Board is Thursday, May 23, 2023, at 9:30 a.m. The Audit committee will meet on Thursday, May 18, 2023, at 3:00 p.m.

CLOSED SESSION

At 11:25 a.m., in accordance with MD. Code Ann., Gen. Prov. §3-305(b)(8), Judge Smalkin stated that the Board intended to enter closed session to approve the minutes of a prior closed-meeting session and receive a litigation update from the Office of the Attorney General. 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. Ms. Hwang then made a motion that the Board enter closed session for the reasons stated above. Mr. Witt 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 11:25 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 11:30 a.m. Present during the closed session of the Board were Board members Smalkin, Witt, Neall, Kille, Heller, Hwang, and Glass. They were joined by Mr. Coleman, Ms. Carroll, Ms. Frketic and Ms. Fuller.

Judge Smalkin requested approval of the minutes of the closed session from the December 15, 2022, meeting. There were no corrections or comments. The minutes were unanimously approved.

Mr. Coleman updated the Board on potential litigation in which the Agency may be a plaintiff.

ADJOURNMENT

The meeting adjourned at 11:58 a.m.



ROBERT L. WITT, II
SECRETARY



HONORABLE FREDERIC N. SMALKIN
CHAIR