



Wes Moore GOVERNOR

Aruna Miller LT. GOVERNOR

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

BOARD OF DIRECTORS MEETING MINUTES

August 24, 2023

LOCATION: Headquarters/Video Call

TIME: 9:30 a.m.

DIRECTORS PRESENT: Shelley Heller, Chair
Judge Frederic Smalkin, Secretary (video)
Brendon Baatz, Treasurer (video)
Robert Witt, II (video)
Moalie Jose, P.E. (video)
James Johnson, Jr., Ph.D., P.E.
Dereck Davis, State Treasurer (video, a portion of meeting)
Charles Glass, Ph.D., P.E.

DIRECTORS ABSENT: None

OTHERS PRESENT:	Joanna Kille, State Treasurer's Designee (video)	Tim Ford, Managing Director, Environmental Operations
	Sean L. Coleman, Esq.	Kayla Hammer, Acting Chief, Administration
	Ellen Frketic, Deputy Director	Hament Patel, Deputy Treasurer
	Tim Barr, Managing Director, Water/Wastewater	Melissa Slatnick, Managing Director, Technical & Environmental Services
	Shannon Bettleyon, Acting Chief, Human Resources	Tiff Bradshaw
	Hattie Crosby, Chief, Procurement	Heather Enos-Graves
	Marni Dolinar, Managing Director, Environmental Dredging & Restoration	Casey Powers (IT) (video)
		Jana Leech, Management Specialist

CALL TO ORDER

Ms. Heller called the meeting to order at 9:30 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.

The Board welcomed new member Dr. James “Jim” Johnson.

Ms. Heller recommended that Dr. Johnson serve on the Human Resources (HR) Committee. Ms. Jose made a motion to approve the assignment as presented; Mr. Witt seconded. No members were opposed. The motion passed unanimously, with the exception that Dr. Johnson abstained from the vote.

INSPIRE AWARDS

Mr. Ford presented the Extraordinary Service Inspire Award to the Harford County Solid Waste team: Ginelle Johnson, Samantha Briggs, Zanks Zankowitz, Steve Miles, David Dorsey, Fields Dunaway, and Tami Scarborough. The crew responded to a residential cleanup request from Harford County, and went above and beyond cleaning the exterior of the property. They also purchased food and water for the resident and repaired an exterior door that had been previously damaged.

Ms. Slatnick presented the Extraordinary Service Inspire Award to Samuel Grimard. Mr. Grimard researched and procured a remote-controlled mower to maintain the stormwater pond structures at Baltimore Washington International (BWI) Airport. This allows the Agency to maintain the stormwater structures safely and efficiently.

MINUTES

Ms. Heller requested discussion or a motion for the approval of the minutes from the Board meeting on July 27, 2023. No substantive 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 Reform Act requires any expense over \$500 to be reported to the Board. For full transparency, Dr. Glass has been reporting all expenses.

Dr. Glass reviewed several recent client engagements. The Agency is reviewing Notices of Federal Opportunities (NOFOs) for potential partnerships with several

governmental client agencies. MES is working with the Clean Energy Center seeking funding under the Solar for All program from the U.S. Environmental Protection Agency (EPA). A Climate Ready Workforce is another program for which MES is helping client and partner agencies prepare submissions. MES is working to partner with various government entities on these efforts, with a focus on Environmental Justice (EJ) issues.

Recruitment events were slow in August but are about to pick up; seventeen events are scheduled around the State between September and November. Per Ms. Loving, the Agency's Diversity and Equal Employment Opportunity Officer, the number of MES employees from underrepresented minorities dropped last year as a percentage of the Agency workforce. Dr. Glass plans to make a concerted effort to reengage with Maryland's four Historically Black Colleges and Universities (HBCUs). The Agency also has an active relationship with Anne Arundel County Community College. Dr. Johnson inquired about the Agency's Hispanic outreach, and Dr. Glass responded that MES has been involved with CASA for recruitment in Montgomery and Prince George's Counties.

The annual release of the MES Headquarters diamondback terrapins took place at Poplar Island on August 1, 2023. This year, MES had the pleasure of hosting Lt. Governor Aruna Miller, Acting Maryland Port Administration (MPA) Director Brian Miller, Deputy Administrator Bob Munroe, and Director of Harbor Development Holly Miller for the release of the MES-fostered turtles.

Dr. Glass and several MES staff members attended the third "Night at the Yards" baseball game on August 19, 2023. The fourth and final game in this year's minor-league outing series will be September 8, 2023 at the Aberdeen IronBirds stadium.

A wrap-up event for the first coordinated summer internship program was held on August 4, 2023. Each intern gave a five-minute presentation on their projects and experiences. This was an incredibly successful group of young professionals, and Dr. Glass thanked all MES mentors and the Intern Committee for the work they put into providing them a great experience. The program will resume in January for positions beginning next summer. A few of the current interns will be returning.

Dr. Glass announced MES had completed a back-to-school supply drive, resulting in over 300 contributed items from generous MES employees. Supplies will go to help students in need.

The new MES booth was again an incredible success at the Maryland Association of Counties (MACo) event held in Ocean City in August 2023. Dr. Glass personally returned with twelve new contacts with State agencies and potential county clients. Maryland Municipal League (MML) and MACo continue to be successful partners, providing high-quality returns on MES sponsorship and participation investments.

MES employee Mr. Jim Ruggiero was honored for his 50 years of dedicated service to the Agency. Mr. Ruggiero is fondly referred to as “The Pump Whisperer.”

NEW BUSINESS REPORT - AGENCY ACTIVITY REPORT

Ms. Heller presented the New Business Report (formerly known as the Agency Activity Report) and asked if there were any questions. One question was addressed regarding Ocean Placement for Maryland Port Administration (MPA).

FINANCIAL REPORT

Mr. Patel reported financial performance as of July 31, 2023. FY23 is currently being closed out. Labor sales for FY24 are on track. Mr. Patel reviewed the FY24 budgeted projections versus FY23 actual. Labor sales will increase in part due to annual salary increases. Billable hours have also increased due to increased projects and scopes of work.

HUMAN RESOURCES REPORT

Ms. Bettleyon presented the Human Resources (HR) report. As of August 24, 2023, the Agency vacancy rate is 5.51%. There are 738 active positions and 43 vacancies. Many new hires are scheduled for September. The vacancy rate has exceeded 5% recently, and an in-depth analysis will be conducted in September to investigate.

Ms. Hammer, Acting Managing Director, Administration, presented the Compensation Administration Guidelines document. The newly revised and updated guidelines were distributed to the Board. These guidelines were last officially updated in 2006. The guidelines lay out the components, processes, and detailed information for MES' salary and compensation administration programs. It is the responsibility and intention of the Executive Director and the Board of Directors to administer compensation equitably, consistently, and fairly within MES, and to make modifications to these policies as necessary and appropriate. MES will compensate competitively, transparently, equitably, and in alignment with its mission and strategy goals. The Agency requests that the Board review these guidelines and proposes to adopt and approve them at the September meeting. Dr. Glass indicated that the HR committee may meet to discuss the Building Excellence and Success Together (BEST) Program and salary guidelines in September. This document updates the existing guidelines and incorporates the new career ladders adopted by the Board.

The salary compensation survey will also continue to be conducted every two years.

Dr. Johnson questioned what legal authority required the Board to approve these guidelines. Mr. Coleman explained that the MES statute and regulations spell out the criteria for what actions the Board must approve.

PROCUREMENT ITEMS

Ms. Crosby presented Item 1. The procurement is for the purchase of a CBI 5800BT Horizontal Grinder for the Mobile Grinding Operations. GT Mid-Atlantic will provide the equipment at a cost of \$606,056.38. There is a 0% Minority Business Enterprise (MBE) goal. Mr. Witt made the motion to approve the item; Dr. Johnson seconded. No members were opposed. The motion passed unanimously.

Ms. Crosby presented Item 2. The procurement is for the repair and replacement of 1,000 feet of Gabion Swale at the Harford County Disposal Center that failed due to heavy rainstorms this summer. Lem's Contracting, LLC will provide the services at a cost of \$373,000. There is a 6% MBE goal. Ms. Kille made the motion to approve the item; Mr. Baatz seconded. No members were opposed. The motion passed unanimously.

Ms. Crosby presented Item 3. The procurement is for the Masonville Dredged Material Containment Facility Dike Raising to +30'. Allan Myers Md., Inc. will provide the services at a cost of \$25,575,000.00. There is a 29% MBE goal. Ms. Dolinar answered Ms. Kille's question about the cost difference in the proposals by explaining there was a difference in the vendors' pricing of 210,000 cubic yards of structural fill. Mr. Baatz asked about the exclusion of the storm drain project. Ms. Dolinar indicated that was separate work to be performed by MPA at a future time. Dr. Johnson made the motion to approve the item; Mr. Witt seconded. No members were opposed. The motion passed unanimously.

Ms. Crosby presented Item 4. The procurement is for upgrades to the wastewater treatment facility at the Camp Fretterd Military Reservation. HRI Construction, LLC (also known as M2 Construction LLC) will provide the services at a cost of \$3,490,200. There is a 20.13% MBE goal. There is a protest pending on this project. Ms. Kille questioned if the Agency can proceed if a protest is pending. Mr. Coleman responded that MES procurement regulations do not have a provision precluding the Agency from approving the procurement when a protest is pending. The protest is alleging a mistake on the MBE submittals of the low bidder. The protest will temporarily hold up the award to the low bidder until resolved. If the protestor is successful, the Agency will come back to the Board for approval of the higher contract. The Board is approving this contract, contingent upon the protest being resolved. The item will also be going to the Board of Public Works. The Agency is hoping to award the contract in September.

Judge Smalkin made the motion to approve the item; Mr. Baatz seconded. No members were opposed. The motion passed unanimously.

Ms. Crosby presented Item 5. The procurement is for medical services for employee physicals and medical clearances required for employee job duties. Occupational Health Centers of Southwest PA, dba Concentra Medical Centers will provide the services at a cost of \$238,652. There is a 5% MBE goal. Mr. Witt made the motion to approve the item; Dr. Johnson seconded. No members were opposed. The motion passed unanimously.

Ms. Crosby presented Item 6. The procurement is a change order with Consolidated Commercial Services, LLC for \$735,000. It is for yard trim leaf hauling from the Montgomery County Grinding Operation to the Montgomery County Yard Trim Compost Facility. There is a 30% MBE goal, with 22% currently achieved. Judge Smalkin made the motion to approve the item; Mr. Baatz seconded. No members were opposed. The motion passed unanimously.

Ms. Crosby presented Item 7. The procurement is for the overhaul of the steam turbine generator (STG) #1 at the Eastern Correctional Institution Cogeneration Plant. Siemens Energy, Inc. will provide the services at a cost of \$1,215,860.23. There is a 0% MBE goal. The Board is also approving the expenditures from the ECI Turbine project reserve fund. Mr. Witt made the motion to approve the item; Ms. Kille seconded. Mr. Baatz abstained. No members were opposed. The motion passed unanimously with the exception of Mr. Baatz, who abstained from the discussion, consideration, and vote.

Ms. Crosby presented Item 8. The procurement is to provide floodplain mapping assistance within Howard County in support of Maryland Department of the Environment's (MDE) National Flood Insurance Program requirements. WSP USA Environmental & Infrastructure Inc. will provide the services at a cost of \$433,082. There is a 16.2% MBE goal. Judge Smalkin made the motion to approve the item; Mr. Baatz seconded. No members were opposed. The motion passed unanimously.

Ms. Crosby presented Item 9. The procurement is a change order with ACV Environmental Services, Inc. for \$1,263,677.48. It is for household hazardous waste (HHW) collections and disposal at Brown Station Road Sanitary Landfill. There is an 18% MBE goal. The contractor is currently only achieving 2.4%, but a Corrective Action Plan has been implemented. Ms. Heller asked for more information on the MBE participation. Mr. Ford elaborated on the difficulties in the industry and type of work. The contractor is working with the Agency to come into compliance. Mr. Baatz inquired about penalties to the contractor. Ms. Crosby indicated the Agency can assess liquidated

damages against the contractor if they are not in compliance by the end of the contract term. Dr. Johnson made the motion to approve the item; Mr. Witt seconded. No members were opposed. The motion passed unanimously.

Ms. Crosby presented Item 10. The procurement is a change order with Stormwater Management Solutions, LLC for \$3,118,942.87. It is for the disposal of unsuitable backfill; purchase and placement of suitable backfill materials; and to change the method of installation of water and sewer through the Confederate cemetery from open cut to directional drilling at Pt. Lookout State Park. There is a 19% MBE goal. Participation to date is currently 3%. The MBE portion of the work has not started yet. Mr. Witt made the motion to approve the item; Dr. Johnson and Ms. Kille 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. Dr. Glass highlighted two new electric vehicles (EVs). MES has plans for twenty more EV charging stations at the Headquarters office.

LEGAL REPORT

Mr. Coleman highlighted the recent site visits of Attorney General Anthony Brown to two MES projects on the Eastern Shore. The Attorney General and his staff thoroughly enjoyed the presentations and tours at the Midshore II Landfill and the Cambridge Wastewater Treatment Plant. Mr. Coleman extended his thanks to Eric Frase and the Midshore staff, and to Don Reed and the Cambridge staff for their efforts.

GROUP UPDATES

Ms. Dolinar updated the Board on the status of the Cox Creek Dredged Material Containment Facility. The raising of the dike from elevation +36' to +60' and construction of the lateral expansion is substantially complete. This will increase capacity at the site by 8.5 million cubic yards for a total of 14.8 million cubic yards of capacity. The facility continued to remain open, accepting dredged material from the Federal Channel Maintenance during the construction process.

Mr. Bradshaw, Division Chief for Water/Wastewater Operations, updated the Board on per- and polyfluoroalkyl substances (PFAS) in drinking water. PFAS—also known as “forever chemicals”—have been used for about 40 years in a variety of products. There are four approved methods to remove PFAS from drinking water. All of these methods increase operating costs and create waste streams that must be disposed of in a safe manner. The EPA is scheduled to finalize a Maximum

Contaminant Level by the end of this year. Treatment facilities will need to be in compliance within three years from the time the limit is set. Additional equipment will need to be installed, and additional monitoring will be required.

Ms. Enos-Graves, the Lead Environmental Specialist for MES at the Maryland Energy Administration (MEA), discussed the role of MEA. Their mission is to promote clean, affordable, reliable energy and energy-related greenhouse gas emission reductions to benefit Marylanders in a just and equitable manner. MES employees support multiple projects at MEA including historic preservation, the Clean Energy Rebate Program, the Electric Vehicle Supply Equipment Rebate Program, and other special programs.

Mr. Ford presented an update on the Eastern Correctional Institute Cogeneration facility power upgrade. The facility provides electrical power and heat to the prison. Having uninterrupted service for the prison is critical. The plant was designed in the early 1980s to burn wood chips to generate power. It is now being converted to burn natural gas. The facility is staffed by 23 Agency employees providing 24/7 service. The control systems and utility yard have already been upgraded. Chesapeake Utilities constructed the pipeline in Somerset County. The boilers are now being converted to fire natural gas.

OLD/NEW BUSINESS

The annual Board training will take place on Friday, September 15 at MES Headquarters and virtually.

The next meeting of the Board is Thursday, September 28, 2023, at 9:30 a.m.

ADJOURNMENT

The meeting was adjourned at 11:14 a.m.

Frederic N. Smalkin

Shelley Heller

**HONORABLE FREDERIC SMALKIN
SECRETARY**

**SHELLEY HELLER
CHAIR**