



Wes Moore GOVERNOR

Aruna Miller LT. GOVERNOR

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

BOARD OF DIRECTORS MEETING MINUTES

September 28, 2023

LOCATION: Headquarters/Video Call

TIME: 9:30 a.m.

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

DIRECTORS ABSENT: None

OTHERS PRESENT:

Joanna Kille, State Treasurer's Designee (video)	Kanishk Sharma, Administration
Sean L. Coleman, Esq.	Melissa Slatnick, Technical & Environmental Services
Ellen Frketic, Deputy Director	Pamela Fuller, Board Clerk
Tim Barr, Water/Wastewater	Casey Powers, IT (video)
Shannon Bettleyon, Human Resources	Jana Leech, Executive
Hattie Crosby, Procurement	Tim Carney, EDR
Marni Dolinar, Environmental Dredging & Restoration	Tyler Pullen, TES
Tim Ford, Environmental Operations	Randy Craig, WWW
Kayla Hammer, Finance	Priscilla Carroll, Esq.

CALL TO ORDER

Ms. Heller called the meeting to order at 9:32 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 the Extraordinary Service Inspire Award to Bob Barnhardt, Chase Clark, Tanner Bartles, Tim Strite, Scott Murphy, and Ben Shank for their efforts at the Town of Myersville water treatment plant. When estimates for repairs at the plant came in at \$35,000 and would take up to six months, the staff formed a plan and completed the work themselves. They were able to repair and clean the filters in less than three days, and at a considerably lower cost.

MINUTES

Ms. Heller requested discussion or a motion for the approval of the minutes from the Board meeting on August 24, 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. There were no expenses over the last month. Dr. Glass and Ms. Frketic plan to attend the Water Environment Federation's Technical Exhibition and Conference (WEFTEC) in Chicago next month. The conference offers training and educational opportunities to water quality professionals.

Dr. Glass reported on a number of external engagements over the last month with governmental and private entities. Particular attention was paid to non-profits. Fall recruitment season is underway, with staff participating in numerous career fairs. A large number of resumes have been received. Dr. Glass presented a chart of hiring and termination trends at MES over the last year. The Agency will continue to look at the numbers and attempt to analyze the reasons behind them.

About twenty MES staff attended the Chesapeake Water Environment Association (CWEA), Chesapeake American Water Works Association (CSAWWA), and Water and Waste Operators of MD, DE & DC's (WWOA) "Chesapeake Tri-Association Conference" in Ocean City, Maryland at the end of August. The Burke Award recognizing a municipal or industrial wastewater facility for establishing and

maintaining an active and effective safety program was awarded to the City of Cambridge Wastewater Treatment Plant (WWTP), operated by MES. MES also won the CWEA's "Residuals and Biosolids Beauty Contest" for the best Class B biosolids at the Maryland Correctional Institution at Hagerstown WWTP. In addition, the Motley Poo team made its comeback to the Operations Challenge competitions after a six-year absence. Motley Poo team members Todd Boulden, Chris Dallas, Jerome Lucky, Dwayne Biles, and Ryan Zacherl competed in the Collections system, Lab Process Control, Pump Maintenance, and Safety events. Casey Hanna competed in the Meter Madness event.

Dr. Glass visited the Harford County Integrated Waste Management site on September 8, 2023. MES staff members attended the fourth and final "Night at the Yards" baseball game on September 8, 2023, at the Aberdeen IronBirds stadium. A Health and Wellness event focused on Mindfulness was held on September 26, 2023. The next wellness event will be salsa dancing in October.

Dr. Glass summarized the Agency's efforts to build an Environmental Justice (EJ) practice inside MES over the last few years. Ensuring that all people have access to clean water, air, and land is in line with the Agency's mission. The primary objective has been to find ways to build an EJ practice at MES that is billable work to address environmental conditions in affected communities. Since all work at MES is client-directed, the challenge has been to find the right partners and funding mechanisms to support the EJ work. Two proposals are being submitted September 28, 2023, under the Justice40 Reconnecting Communities NOFO initiative for communities in Baltimore City. MES will serve as the lead organization on behalf of Baltimore City Dept. of Transportation, Baltimore City Dept. of Housing & Community Development, Maryland Dept. of General Services, Greater Baybrook Association, and the Central Baltimore Partnership.

NEW BUSINESS REPORT - AGENCY ACTIVITY REPORT

Ms. Heller presented the New Business Report and asked if there were any questions.

FINANCIAL REPORT

Ms. Hammer reported financial performance as of August 31, 2023. Labor sales for FY24 are on track. Labor sales are 14.21% over FY23 actuals, and 3.5% over FY24 budget. 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 September 27, 2023, the Agency vacancy rate is 4.8%. There are 749 active positions and 38 vacancies. Many new hires are scheduled for October.

RESOLUTION 23-09-1R

Ms. Bettleyon presented Resolution 23-09-1R to close the offices and facilities of the Service on the day after Thanksgiving (Friday, November 24, 2023) and grant paid leave to Agency employees. This day has been added via resolution for at least the last ten years as it is not an official holiday for MES employees. Dr. Johnson made a motion to approve the Resolution; Mr. Witt seconded. The motion passed unanimously.

HUMAN RESOURCES COMMITTEE REPORT

Mr. Witt advised that the HR Committee met on September 20 to discuss several matters. The first was the Compensation Administration Guidelines. Dr. Glass reported that the guidelines have been updated and expanded from their previous iterations. The goal is to improve transparency of salary issues across the Agency. It outlines the career ladders, advancement process, evaluation process, reclassification process, and salary survey process. Changes recommended by the HR Committee have been incorporated. Mr. Witt reported that the HR Committee is recommending approval of the guidelines by the full Board. Judge Smalkin made a motion to approve the guidelines; Mr. Baatz seconded. The motion passed unanimously.

The Committee also reviewed proposed changes to the MES Sexual Harassment Policy (HR11.02). Mr. Coleman reported that the suggested changes were in response to recent legislation that increased the amount of time State employees have to file a harassment complaint from 30 days to 2 years. The proposed changes are consistent with the State law, which will be effective October 1. Mr. Witt made a motion to approve changes to the policy, to be effective October 1, 2023. Ms. Jose seconded, and the motion passed unanimously.

BEST FY23 FINAL RESULTS

Ms. Frketic reviewed the FY23 year-end Building Excellence and Success Together (BEST) program performance. The Board will be asked to make payment recommendations at the October meeting.

Overall, the Agency met all its goals. Only Goal 5 was not at 100%. The U.S. Environmental Protection Agency's Data Evaluation Record (DER) request for

proposals was not released until FY24, so it was not possible to complete the goal requiring submission of one grant application per operating group this fiscal year. It is scheduled to be completed during the next fiscal year.

PROCUREMENT ITEMS

Ms. Crosby presented Item 1. The procurement is for a facility condition assessment at the Montgomery County Materials Recovery Facility (MRF). Barton & Loguidice, DPC will provide the services at a cost of \$498,393.80. There is a 38.8% minority business enterprise (MBE) goal. Mr. Witt made the motion to approve the item; Judge Smalkin seconded. No members were opposed. The motion passed unanimously.

Ms. Crosby presented Item 2. The procurement is a pre-solicitation approval for \$4,600,000 for the Cunningham Falls State Park/Route 77 collection system rehabilitation. There is a 7% MBE goal. Judge Smalkin made the motion to approve the item; Dr. Johnson seconded. No members were opposed. The motion passed unanimously.

Ms. Crosby presented Item 3. The procurement is a pre-solicitation approval for \$475,000 for Midshore III Regional Landfill refuse disposal permit Phase II report. There is a 20% MBE goal. Mr. Witt made the motion to approve the item; Mr. Baatz seconded. No members were opposed. The motion passed unanimously with the exception of Ms. Heller, who abstained from the discussion, consideration, and vote.

Ms. Crosby presented Item 4. The procurement is a change order with Quality Staffing Services for \$53,570. It is for temporary labor services provided to Midshore I Transfer station, Midshore II Landfill, and Midshore Regional Recycling program. There is a 0% MBE goal. Dr. Johnson made the motion to approve the item; Mr. Witt seconded. No members were opposed. The motion passed unanimously with the exception of Ms. Heller, who abstained from the discussion, consideration, and vote.

Ms. Crosby presented Item 5. The procurement is for installation of two new centrifuges at the Dorsey WWTP. Johnston Construction Company will provide the services at a cost of \$2,545,261. There is a 16.2% MBE goal. Mr. Baatz made the motion to approve the item; Judge Smalkin seconded. No members were opposed. The motion passed unanimously with the exception of Ms. Jose, who abstained from the discussion, consideration, and vote.

Ms. Crosby presented Item 6. The procurement is for data analytics and electricity modeling for the Maryland Energy Administration. Tabors Caramanis

Rudkevich will provide the services at a cost of \$300,000. There is a 0% MBE goal. Treasurer Davis made the motion to approve the item; Mr. Witt seconded. 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 7. The procurement is a pre-solicitation approval for \$250,000 for supplemental design, permitting, and bid support services for the Prince George's County Organics Composting Facility sedimentation basin retrofit. There is a 15% MBE goal. Treasurer Davis made the motion to approve the item; Mr. Baatz seconded. No members were opposed. The motion passed unanimously.

Ms. Crosby presented Item 8. The procurement is for three Ford F-450 replacement vehicles for Montgomery County projects. Apple Ford will provide the trucks at a cost of \$228,811.62. There is a 0% MBE goal. Dr. Johnson 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 for ten Ford F-150s, and three Mitsubishi Outlander, or similar, replacement vehicles for the MES fleet. Apple Ford will provide the trucks at a cost of \$525,000. There is a 0% MBE goal. Mr. Witt made the motion to approve the item; Treasurer Davis 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.

GROUP UPDATES

Mr. Randy Craig, Senior Lead Inspector with the Water/Wastewater group, presented an overview of the Construction Inspection division. This group is made up of five inspectors who work within all groups at MES throughout the State.

Mr. Tyler Pullen, Lead Environmental Specialist with the Technical & Environmental Services Group, presented an overview of the Benthic Macroinvertebrate sampling project in Queen Anne's County. The group of three certified macroinvertebrate catchers conduct an annual study of the Red Lion Branch stream near the Sudlersville WWTP as a condition of its National Pollutant Discharge Elimination System (NPDES) permit.

Mr. Ford presented an overview of the Montgomery County Bus Stop trash collection program. This group collects the trash and inspects the facilities at approximately 900 bus stops across the County.

Mr. Tim Carney, Senior Environmental Specialist II with the Environmental Dredging & Restoration Group, presented an overview of the bird banding project at Masonville Cove. The project is conducted in conjunction with Birds of Urban Baltimore (BURB), Maryland Port Administration, U.S. Fish & Wildlife Service, and Living Classrooms.

OLD/NEW BUSINESS

The next meeting of the Board is Thursday, October 26, 2023, at 9:30 a.m. The Audit Committee will meet on Thursday, October 19, 2023, at 3:00 p.m.

LEGAL REPORT

Mr. Coleman will update the Board on two litigation matters in closed session.

CLOSED SESSION

At 11:05 a.m., in accordance with MD. Code Ann., Gen. Prov. §3-305(b)(1) and (8), Ms. Heller stated that the Board intended to enter closed session to approve the minutes of a prior closed-meeting session; to receive an update from the Executive Director on his performance goals; to receive an update from the OAG on a matter currently in litigation; and to receive a briefing from the OAG on a pending litigation matter. Ms. Heller asked if anyone objected to the Board entering closed session; no objections were heard. She also stated that any member of the viewing public who objected could submit their objection via email to the Agency. Mr. Johnson then made a motion that the Board enter closed session for the reasons stated above. Mr. Baatz seconded the motion, and all members voted in favor of closing the meeting. Ms. Heller announced that the meeting of the Board of Directors would immediately adjourn following the closed session. The public meeting ended at 11:10 a.m. Staff members who were not required for the closed session left the meeting room and Zoom session.

Ms. Heller called the meeting of the closed session of the Board to order at 11:13 a.m. Present during the closed session of the Board were Board members Heller, Smalkin, Witt, Baatz, Jose, Johnson, Davis, Kille, and Glass. They were joined by Mr. Coleman, Ms. Frketic, Ms. Carroll, Mr. Barr, and Ms. Fuller.

Ms. Heller requested approval of the minutes of the closed session from the June 22, 2023, meeting. There were no corrections or comments. The minutes were unanimously approved.

Mr. Coleman updated the Board on a matter of current litigation. Ms. Priscilla Carroll, Esq. updated the Board on a matter of potential litigation.

Ms. Frketic, Ms. Carroll, and Mr. Barr left the closed session at 11:37 a.m.

Dr. Glass updated the Board on a number of items requested by the Board during his performance evaluation.

ADJOURNMENT

The meeting was adjourned at 11:50 a.m.

Frederic N. Smalkin

Shelley Heller

**HONORABLE FREDERIC SMALKIN
SECRETARY**

**SHELLEY HELLER
CHAIR**