



Wes Moore GOVERNOR

Aruna Miller LT. GOVERNOR

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

BOARD OF DIRECTORS MEETING MINUTES

January 25, 2024

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 E. Davis, State Treasurer (video)
Charles Glass, Ph.D., P.E.

DIRECTORS ABSENT: None

OTHERS PRESENT:

Joanna Kille, State Treasurer’s Designee (video)	Stephanie Patton, Human Resources
Sean L. Coleman, Esq.	Kanishk Sharma, Administration
Ellen Frketic, Deputy Director	Melissa Slatnick, Technical & Environmental Services (TES)
Tim Barr, Water/Wastewater	Pamela Fuller, Board Clerk
William Kessel, Procurement	Casey Powers, IT (video)
Marni Dolinar, Env. Dredging & Restoration (EDR)	Angie Webb (OPS)
Tim Ford, Environmental Operations (OPS) (video)	Ezgi Kurdoglu Heim (WWW)
Hament Patel, Finance	Jeff Tosi, Government Affairs
	Christy Fisher, Esq. (Closed session)

CALL TO ORDER

Ms. Heller called the meeting to order at 9:33 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.

MINUTES

Ms. Heller requested discussion or a motion to approve the minutes from the Board meeting on December 14, 2023. Dr. Johnson made a motion to approve the minutes; Judge Smalkin seconded. No substantive corrections or objections were noted, and the minutes were unanimously approved.

LEGISLATIVE UPDATE

Mr. Tosi summarized two bills before the General Assembly this session that would make a few technical changes to the MES Act. The bills, HB78 and SB293, were cross filed and are identical. The key provisions included would:

- Alter the minimum threshold for a quorum from five to four members
- Authorize the Board to allow the Board Secretary to delegate certain responsibilities to an employee of MES, similar to current law for the Board Treasurer
- Require MES to provide a “proposal” rather than a “contract” to a municipality or person who requests the Agency’s services, and clarify that the Agency is not obligated to provide services until a contract is in place
- Expand the definition of “municipality” to include the federal government and District of Columbia
- Consolidate two separate but similar reporting requirements that currently have different due dates into a single reporting requirement with one due date
- Eliminate an obsolete one-time reporting requirement

A hearing was held on the House Bill on Tuesday, January 23, and the Senate Bill hearing will be held on Wednesday, January 31. Written testimony can still be submitted on both bills. Ms. Heller asked the Board members for their thoughts on the possibility of the Board submitting a written opinion on the bills. Ms. Jose inquired about the request to lower the attendance quorum to four members but leave the approval requirement at five members. Treasurer Davis advised that his office would be submitting a bill to remove the State Treasurer from the MES Board. He also suggested

requesting all provisions that the Agency wants at one time, rather than returning in subsequent years. Mr. Baatz agreed that it might be wise to lower the voting threshold to four members to match the quorum threshold. Mr. Patel indicated that the current outside-Agency financial auditor expressed concerns with meeting the October 31 reporting deadline and would like to see that date extended to November 31. Mr. Tosi indicated this could be asked for in the discussion process. There were several routine questions at the bill hearing on January 23, but no concerns were expressed by the legislative committee.

Ms. Heller asked if the Board consented to her signing a letter of support on behalf of the entire Board. Mr. Witt made a motion to approve this recommendation; Mr. Baatz seconded. The motion passed unanimously.

EXECUTIVE DIRECTOR'S REPORT

Dr. Glass presented the Executive Director's and Deputy Director's expense reports for the last month. The only expense was for Dr. Glass' parking while attending the State of the Ports event in Baltimore.

Dr. Glass reported on several external engagements with governmental and private entities within the last month. He continues to meet monthly with several of the Glen Burnie High School students whom he is advising on their climate mitigation project. A visit with the East Baltimore Community Action Coalition led Dr. Glass to offer the support of Mr. Hill and Mr. Moran (MES Administration staff) to help the Coalition with a heating issue in their warehouse. This pro bono work was helpful to the non-profit, as Mr. Moran was able to diagnose and fix their heating issues.

The spring recruitment season is heating up. The advertisement for the summer internship program was recently posted, and 62 applications have been received so far. A LinkedIn group has been created for distinguished alumni of the Agency who have moved on to other positions. Membership is by invitation only.

The Agency held its sixth Strategic Advance meeting on January 12. Dr. Glass reviewed a few of the highlights. A second session of the Manager and Supervisor Training is being considered for this year.

Ms. Frketic informed the Board that Keith Wright, the Environmental Systems Supervisor at Rocky Gap State Park Water and Wastewater Treatment plants, passed away on December 22, 2023. The Board held a moment of silence for him and his family.

NEW BUSINESS REPORT

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

FINANCIAL REPORT

Mr. Patel reported on the Agency's preliminary financial performance as of December 31, 2023. Billable labor is consistently about 12% over FY23. The budget was 4% higher than the previous year, and actual billable labor has been higher than budgeted. This is due to new projects as well as existing projects. Expenses are up slightly, but recovery is good.

Interest income continues to be higher than projected. Net earnings will be higher than expected. If this trend continues, Mr. Patel would like to suggest a \$600 contribution to every eligible employee's 401k plan. Excess earnings will go to BEST and 401k contributions.

HUMAN RESOURCES REPORT

Ms. Patton presented the Human Resources (HR) report. As of January 18, 2024, the Agency vacancy rate was 3.83%. The rate is below 4% for the first time since May 2023.

PROCUREMENT ITEMS

Mr. Kessel presented Item 1. The procurement is for repairs, modifications, cleaning, and repainting of the 50,000-gallon water tank at Tuckahoe State Park. Minoan Industrial LLC will provide the services at a cost of \$253,700. There is a 12% minority business enterprise (MBE) goal. Dr. Johnson made the motion to approve the item; Mr. Baatz seconded. No members were opposed. The motion passed unanimously.

Mr. Kessel presented Item 2. The procurement is for upgrades to the water treatment facility at Swallow Falls State Park. Carl Belt, Inc. will provide the services at a cost of \$2,061,480. There is a 10% MBE goal. A discussion was held concerning the MBE participation and lack of bidders on this project. Mr. Witt 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 consideration and vote.

Mr. Kessel presented Item 3. The procurement is for a new CBI 6400 horizontal grinder for the Montgomery County Yard Trim Compost Facility. Groff Tractor Mid-

Atlantic, LLC will provide the grinder at a cost of \$836,584. There is a 0% MBE goal. Mr. Baatz made the motion to approve the item; Treasurer Davis seconded. No members were opposed. The motion passed unanimously.

Mr. Kessel presented Item 4. The procurement is for general labor at the Montgomery County Yard Trim Compost Facility. E.A.R.N. Contractors, Inc. will provide the services at a cost of \$1,268,780. There is a 30% MBE goal. Discussion was held concerning the bidders. Treasurer Davis made the motion to approve the item; Mr. Witt seconded. No members were opposed. The motion passed unanimously.

Mr. Kessel presented Item 5. The procurement is for site services, labor, and equipment at Maryland Port Administration (MPA) facilities. Subsurface Technologies, Inc. will provide the services at a cost of \$2,933,700. There is a 19% MBE goal. Treasurer Davis made the motion to approve the item; Dr. Johnson seconded. No members were opposed. The motion passed unanimously.

Mr. Kessel presented Item 6. The procurement is for safety and industrial hygiene services for MPA-owned properties. KCI Technologies, Inc. will provide the services at a cost of \$350,000. There is a 29% MBE goal. Mr. Witt made the motion to approve the item; Mr. Baatz seconded. No members were opposed. The motion passed unanimously.

Mr. Kessel presented Item 7. The procurement is for asbestos removal and disposal at MPA-owned properties. Three vendors were chosen to provide services on a task order basis: Barco Enterprises, Inc., Mayoka Services LLC, and Atmos Services, Inc. The initial three-year term shall have a limit up to \$350,000 for total work, which may be extended up to an additional \$75,000 for each subsequent one-year extension for an aggregate total of \$500,000. There is a 15% MBE goal. Two of the vendors are MBE firms. Dr. Johnson made the motion to approve the item; Judge Smalkin seconded. No members were opposed. The motion passed unanimously.

Mr. Kessel presented Item 8. The procurement is a change order with Copeland Trucking, Inc. for \$100,000. It is for waste hauling service provided to Montgomery County Organics Composting Facility and Materials Recycling Facility. There is a 0% MBE goal, but Copeland Trucking is a certified MBE. Mr. Witt made the motion to approve the item; Mr. Baatz 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. At this point, Treasurer Davis left the meeting while Ms. Kille remained on the line.

GROUP UPDATES

Recycling Coordinator Angie Webb discussed plastics recycling and how plastics are used after they are recycled.

Marni Dolinar presented a history and overview of the Hart-Miller Island Dredged Material Containment Facility.

Melissa Slatnick discussed georeferencing and documentation support services provided to State Highway Administration (SHA).

Project Engineer Ezgi Kurdoglu Heim presented a summary of improvements to the Point Lookout State Park water distribution and collection system, as well as the wastewater treatment plant.

OLD/NEW BUSINESS

The next meeting of the Board is Thursday, February 29, 2024, at 9:30 a.m.

LEGAL REPORT

Mr. Coleman will deliver a litigation update in closed session.

CLOSED SESSION

At 11:22 a.m., in accordance with MD. Code Ann., Gen. Prov. §3-305(b)(8), Ms. Heller stated that the Board intended to enter closed session to approve the minutes of a prior closed-meeting session and to receive a briefing from the Office of the Attorney General (OAG) on pending litigation matters. 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. Dr. Johnson then made a motion that the Board enter closed session for the reasons stated above. Mr. Baatz seconded the motion; 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 11:22 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 11:25 a.m. Present during the closed session of the Board were Board members Heller, Smalkin, Witt, Baatz, Jose, Johnson, and Kille. They were joined by Mr. Coleman, Ms. Frketic, Mr. Sharma, Ms. Fisher, and Ms. Fuller.

Mr. Coleman and Assistant Attorney General Christy Fisher briefed the Board on several litigation matters.

Ms. Heller requested approval of the minutes of the closed session from the November 16, 2023, meeting. There were no corrections or comments. The minutes were unanimously approved. The Board took no other official action during the closed session.

ADJOURNMENT

The meeting adjourned at 11:39 a.m.

Frederic N. Smalkin

Shelley Heller

**HONORABLE FREDERIC SMALKIN
SECRETARY**

**SHELLEY HELLER
CHAIR**