



Wes Moore GOVERNOR

Aruna Miller LT. GOVERNOR

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

## BOARD OF DIRECTORS MEETING MINUTES

May 30, 2024

**LOCATION:** Headquarters/Video Call

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

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

**DIRECTORS ABSENT:** None

**OTHERS PRESENT:**

Priscilla N. Carroll, Esq.	Melissa Slatnick, Technical & Environmental Services (TES)
Winsome Condra, Procurement	Pamela Fuller, Board Clerk
Aimee Warner, Env. Dredging & Restoration	Jana Leech (video)
Tim Ford, Environmental Operations	Casey Powers, IT (video)
Matt Lapinsky, Water/Wastewater	Tyler Riecke, TES (portion)
Hament Patel, Finance	Valerie Colimon, RSM
Stephanie Patton, Human Resources	
Kanishk Sharma, Administration	

### **CALL TO ORDER**

Ms. Heller called the meeting to order at 9:36 a.m. Some Board members and staff were present at Maryland Environmental Service (MES) Headquarters, and other Board members participated via Zoom video call. The meeting was streamed live to the public on YouTube.

### **MINUTES**

Ms. Heller requested a discussion or motion to approve the minutes from the Board meeting on April 25, 2024. No corrections or objections were noted, and the minutes were unanimously approved.

### **INSPIRE AWARDS**

Ms. Warner presented an Inspire Award to Jim Falkenham (Field Operations Supervisor) and Sarah Piker (Env. Dredging Technician) for their response to an incident of random gunfire at the Cox Creek Sediment, Technology, and Reuse (STAR) Facility in March 2024. Their response to this emergency was swift, coordinated, courageous, and professional.

Mr. Patel presented an Inspire Award to Harry Burman (Fleet Manager) and Matt Abresch (Associate Engineer II) for their diligent work toward installing electric vehicle charging stations at the Agency headquarters. They spent over a year learning about charging stations, communicating with contractors, state agencies, and MES employees, and setting up specifications for requests for proposals, in addition to their regular duties.

Mr. Sharma presented an Inspire Award to Laura Younker (HR Generalist), Tara Espinola (HR Specialist), and Shannon Bettleyon (Government Affairs Associate) for their contributions to the Human Resources (HR) department during a challenging time when key management positions were vacant. They adeptly took on additional duties to ensure critical HR functions were met for staff while maintaining their own work responsibilities.

Mr. Patel presented an Inspire Award to Tara Dunn (Payroll Specialist) for her assistance to the HR department during a period of multiple staff vacancies. She assisted the department with many critical employee services HR typically managed to ensure processes continued running smoothly and employees were not affected by the staffing transition.

### **RSM AUDIT PRESENTATION**

Ms. Colimon (RSM) presented an executive summary of the plan and audit that had been delivered to the Audit Committee in detail on May 23, 2024. She reviewed the key planning areas for the FY24 audit, including the accelerated timeline and emphasis areas. She also presented a summary of the FY23 final audit that had been provided to the Board in October 2023. There were no changes to the information previously presented.

### **AUDIT COMMITTEE REPORT**

Ms. Jose relayed that RSM fully briefed the Audit Committee on May 23, 2024. The committee discussed HB 78, RSM's FY24 audit plan, and the Internal Auditor's report. New deliverable dates for the FY24 audit report were also discussed. The next Audit Committee meeting will be in October 2024.

### **EXECUTIVE DIRECTOR'S REPORT**

The Executive Director and Deputy Director's expense reports for the last month were reviewed. Ms. Frketic incurred no expenses. Dr. Glass incurred parking expenses to attend a lecture at George Washington University and renewal expenses for his Solid Waste Association of North America (SWANA) membership.

Dr. Glass reported on external engagements with governmental and private entities over the last month. Agency recruitment remains strong. Seventeen interns have been hired for the summer. A welcome breakfast and MES 101 presentation were held yesterday, May 29. Dr. Glass notified the Board of several upcoming field visit opportunities. A tour of the stormwater structures at Bowie State University will follow today's meeting. A tour of the Freedom District Wastewater Treatment Facility (WWTF) will follow the June 27 meeting.

Dr. Glass spent considerable time going over the Action Plan developed in response to the recently completed Employee Engagement Survey. Key areas of focus will be compensation, education and training, staff recognition, health and wellness, human resources, recruitment and retention, procurement, safety, and improved communications. Research and development funds will be set aside for business development ideas.

### **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 April 30, 2024, which remains strong. Billable labor is higher than in FY23 across all operating groups. The budget was 4% higher than the previous year, and actual billable labor has been higher than budgeted. Actual amounts from FY23 vs. FY24 are better than expected and budgeted in all categories. The budget vs. actual projections also look good. Labor sales are expected to be higher than budgeted and overhead expenses are lower than expected due to several ongoing overhead vacancies.

### **HUMAN RESOURCES REPORT**

Ms. Patton presented the Human Resources (HR) report. As of May 23, 2024, the Agency vacancy rate was 3.53%. Of the 29 vacancies, seven are new positions. There are eight new hires currently being brought on board. Fifteen interns have started so far, and another two will be starting next week.

### **PROCUREMENT ITEMS**

Ms. Condra presented Item 1. The procurement is for general labor services at the Prince George's County Material Recycling Facility. CMT Services, Inc. will provide the services at a cost of \$2,053,193.89. There is a 30% minority business enterprise (MBE) goal. Mr. Witt made a motion to approve the item; Judge Smalkin seconded. No members were opposed. The motion passed unanimously.

Ms. Condra presented Item 2. The procurement is a third option year renewal with Padlands, LLC for \$151,125. It is for trucking and land application services for Freedom District's biosolids. There is a 10% MBE goal. The contractor is currently achieving 91%. Judge Smalkin made a motion to approve the item; Mr. Baatz seconded. No members were opposed. The motion passed unanimously.

Ms. Condra presented Item 3. The procurement is for field data collection and condition assessment of stormwater infrastructure within Point of Interest (POI) A of the Anneslie neighborhood in Baltimore County. Rummel, Klepper & Kahl, LLP (RK&K) will provide the services at a cost of \$230,005.37. There is a 30% MBE goal. Treasurer Davis made a motion to approve the item; Judge Smalkin seconded. No members were opposed. The motion passed unanimously.

Ms. Condra presented Item 4. The procurement is for field data collection and condition assessment of stormwater infrastructure within POI B of the Anneslie neighborhood in Baltimore County. Rummel, Klepper & Kahl, LLP (RK&K) will provide the services at a cost of \$479,927.81. There is a 29% MBE goal. Mr. Baatz made a

motion to approve the item; Mr. Witt seconded. No members were opposed. The motion passed unanimously.

Ms. Condra presented Item 5. The procurement is to purchase a Tiger HS-55 Depackaging System for the Prince George's County Organics Composting Facility. Ecoverse will provide the equipment at a cost of \$655,826. There is a 0% MBE goal. Treasurer Davis made a motion to approve the item; Mr. Witt seconded. No members were opposed. The motion passed unanimously.

Ms. Condra presented Item 6. The procurement is for engineering services for the permit and construction bid phases for Cells 1 and 5 at Midshore II Landfill. Geosyntec Consultants will provide the services at a cost of \$379,004. There is a 10% MBE goal. Treasurer Davis made a 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. Condra presented Item 7. The procurement is a change order with Siemens Energy, Inc. for \$2,033,429.92. It is for additional repairs to turbine generator #1 at the ECI Co-Generation Facility. There is a 0% MBE goal. Dr. Johnson made a motion to approve the item; Treasurer Davis seconded. No members were opposed. The motion passed unanimously with the exception of Mr. Baatz, who abstained from the discussion, consideration, and vote.

Ms. Condra presented Item 8. The procurement is a change order with Delval Equipment Corporation for \$506,242.50. It is to furnish new induced draft fans for the modified boilers at the ECI Co-Generation Plant. There is a 0% MBE goal. Mr. Baatz made a motion to approve the item; Mr. Witt seconded. No members were opposed. The motion passed unanimously.

Ms. Condra presented Item 9. The procurement is a change order with Anchor QEA for \$116,234.67. It is for an additional year of exterior monitoring and reporting services for Pearce Creek. There is a 29% MBE goal. The contractor is currently achieving 21.2%. Judge Smalkin made a motion to approve the item; Treasurer Davis seconded. No members were opposed. The motion passed unanimously.

Ms. Condra presented Item 10. The procurement is a change order with Stormwater Management Solutions, LLC for \$1,446,930.88. It is to repair the road surfaces in the North Park of Point Lookout State Park after water and sewer systems improvements. There is a 26% MBE goal. The contractor is currently achieving 18.46%. Treasurer Davis made a motion to approve the item; Mr. Witt 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**

Ms. Carroll presented an update to the Board Bylaws. The recently enacted MES statute allows the Board Secretary to authorize an employee of the Service to serve as the Deputy Secretary, much like the Board Treasurer who has designated a Deputy Treasurer. Section 8.01 of the Bylaws requires that any changes to the Bylaws be presented to the Board at least 21 days prior to the Board adopting the change. The change will be brought back to the Board at the June meeting for approval and would be effective July 1, 2024.

### **GROUP UPDATES**

Mr. Ford provided an update on the Midshore Regional Solid Waste agreement. Under the agreements, each of the four Midshore counties agrees to host a landfill for 20 years. The Midshore I landfill operated from 1991 to 2010 and is located in Talbot County. The Midshore II landfill, located in Caroline County, opened in 2010 and is scheduled to close in 2030. Caroline County has recently consented to allow the Midshore II landfill to operate for an additional 12 years in exchange for an increased host fee. An amended memorandum of understanding (MOU) is currently being drafted. Preliminary permitting activities are also underway for the future Midshore III landfill.

Mr. Ford also reported that the Midshore II landfill recently hosted the 2024 SWANA Mid-Atlantic Regional Road-E-O on May 10. Many MES operators placed in the top three in many competitions. The top two competitors in each category will go on to compete in the International SWANA Road-E-O in Dublin, GA, on October 5.

Mr. Lapinsky discussed several sludge dewatering equipment replacements. Two belt presses and a centrifuge were recently installed at the Dorsey Run Advanced WWTP. Two new belt filter presses and sludge dewatering pumps were installed at the ECI WWTP. Mr. Lapinsky also discussed new national primary drinking water regulations for per- and polyfluoroalkyl substances (PFAS). Monitoring must be in place by 2027. Implementation of solutions to reduce PFAS should be in place by 2029.

Mr. Lapinsky reported that the City of Frostburg water treatment plant, operated by MES, recently won two awards at the Maryland Rural Water Association Annual Conference. They won the Water System of the Year award and the 2023 Area-Wide Optimization Program (AWOP) Gold Award (Outstanding Efforts toward Optimizing Overall Plant Performance).

Ms. Warner presented about the Hawkins Point Dredged Material Containment Facility (DMCF). The DMCF was active from the 1970s to 1990s. The North Cell mitigation project was reforested in 2013 by planting more than 3,000 trees. The South Cell is currently being used to stockpile material for innovative reuse. Material from Colgate Creek will be dewatered onsite in geotubes.

Mr. Riecke (Senior Lead Env. Specialist) provided a presentation on the extensive data housed in the Watershed Resources Registry (WRR). The WRR is a collaborative effort by state and federal agencies to create a public, easy-to-use, interactive mapping website. This geographic information system (GIS) analysis will help construct models and identify opportunities for preservation and restoration. There are over 200 layers of data available in the Maryland maps.

### **OLD/NEW BUSINESS**

Mr. Witt presented a proposed change to the Executive Director's evaluation process. The current process requires that the evaluation be conducted after the completion of the annual audit, which will not occur until November, yet salary recommendations are made in June. The proposed change would have the evaluation process occur in April or May of each year and be completed by June. These changes would also bring the process into alignment with the evaluation process timeline for the rest of the Agency. Judge Smalkin made a motion to approve this change; Mr. Baatz seconded. The motion passed unanimously.

As it is too late this year to fully implement the new schedule, the Board will conduct the Executive Director's evaluation in June and complete it at the July meeting. The next meeting of the Board is Thursday, June 27, 2024, at 9:30 a.m. The Human Resources Committee will meet on Thursday, June 13, 2024, at 9:30 a.m. Annual Board training will occur after the July 25, 2024, meeting.

### **CLOSED SESSION**

At 11:46 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 or potential 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. Judge Smalkin then made a motion that the Board enter closed session for the reasons stated above. Mr. Witt 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 11:46 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 11:50 a.m. Present during the closed session were Board members Heller, Smalkin, Witt, Baatz, Davis, Jose, Johnson, and Glass. They were joined by Ms. Carroll, Ms. Fisher, Mr. Lapinsky, and Ms. Fuller.

Ms. Heller requested approval of the minutes of the closed session from the March 28, 2024, meeting. There were no corrections or comments. The minutes were unanimously approved.

Assistant Attorneys General Carroll and Fisher briefed the Board on several matters of pending and potential litigation.

No action was taken during the closed session.

**ADJOURNMENT**

The meeting adjourned at 12:23 p.m.

*Frederic N. Smalkin*

*Shelley Heller*

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**HONORABLE FREDERIC SMALKIN  
SECRETARY**

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**SHELLEY HELLER  
CHAIR**