



Larry Hogan GOVERNOR

Boyd K. Rutherford LT. GOVERNOR

Roy McGrath DIRECTOR/CEO

**BOARD OF DIRECTORS  
MEETING MINUTES  
MEETING 1-20  
January 23, 2020**

**LOCATION:** MES Headquarters  
Conference Call

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

**DIRECTORS PRESENT:** Roy McGrath, Chairman (phone)  
Beth Wojton, Deputy Director  
Michael C. Harris, Treasurer  
Richard P. Streett, Jr., V.M.D., Secretary (phone)  
Joseph Snee, Esq. (phone)  
Leslie Jackson-Jenkins, Esq. (phone)

**DIRECTORS ABSENT:** J.P. Smith

**OTHERS PRESENT:** Sean L. Coleman, Esq.  
Steve Tomczewski  
Tammy Banta  
Jason Gillespie  
Vishal Bhatia (phone)  
Steve Pennington  
Dan Faoro  
Matthew Sherring  
Hattie Crosby (in at 9:44am)  
Pamela Fuller

**CALL TO ORDER**

Mr. McGrath called the meeting to order at 9:30 a.m.

**MINUTES**

Mr. McGrath requested discussion or a motion for the approval of the minutes of the meeting of December 19, 2019. Mr. Snee made a motion to approve the minutes, and Dr. Streett seconded. The minutes were unanimously approved.

**DIRECTOR'S REPORT**

Mr. McGrath welcomed the Board to the first meeting of the new year, and to MES' 50<sup>th</sup> Anniversary year. A number of celebratory events will be planned throughout the year. The Legislative session is currently underway. MES will participate in several budget hearings, and will provide input on a number of bills with policy implications. The Governor's Energy Task Force meetings continue, with one scheduled for tomorrow. MES held its team Holiday event a few weeks ago at Lucky Strike in Bethesda. There was a good turnout, and attendees enjoyed the event according to feedback.

There a number of events coming up in the next few weeks including; the University of Maryland Center for Environmental Sciences reception, and the PACE Western Maryland gathering, where MES teammates will meet with representatives from Garrett County.

Meetings continue with the Maryland Department of Agriculture over the development of the phosphorus management tool (PMT). A pilot transfer occurred last week and was very successful; MES anticipates a role in the full program.

The agency this month has a record number of teammates, due in part to the growth in substantial projects.

MES is now a member of the Greater Baltimore Committee. This membership supplements other agency members that allow MES to engage with current and potential clients.

Mr. McGrath advised that due to Billy Addison's retirement from his position with the Senate, he is no longer eligible to fill the public sector Board position. Further Board appointments will occur soon.

**AGENCY ACTIVITY REPORT**

Mr. McGrath presented the Agency Activity Report. Two projects were highlighted: Cox Creek expansion MOU modification 2 for Phase 2 was approved by the Board of Public Works on January 8<sup>th</sup>, and the IGA with Prince George's county for work at the County's Brown Station Road landfill.

**STRATEGIC PARTNERSHIP OPPORTUNITIES REPORT**

Steve Pennington reported on 6 stakeholder events in December, and 3 so far in January. There were 17 business to business meetings in December, and 8 so far in

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January. There are a number of upcoming events such as, the MML Legislative reception, the Maryland Economic Development Association Legislative Day, the Greater Baltimore Committee Legislative Breakfast, the BWI Partnership meeting, and the PACE/Mountain Maryland event later today.

The audit work has been completed for BioEnergy Development Group. The draft version was well received, and the agency is currently working through comments and edits to produce a final document. Proposals for moving forward will be reviewed next month.

Many county and municipal meetings are scheduled, including; Washington, Dorchester and Wicomico Counties, as well as the Towns of Perryville, Havre de Grace, Manchester and Cumberland.

In the private sector, there was a productive meeting with BGE involving possible support for the installation of electric charging stations.

**FINANCIAL REPORT**

Mr. Harris presented the November financials. The month closed out well with \$73 million in total revenue so far this fiscal year, this is 24% higher than at the same time in FY19. Labor sales are at \$14 million. The results also reflect positive growth in net assets at \$1.9 million.

Mr. Snee asked about the number of accounts receivable over 90 days, and Mr. Harris explained that most of the accounts relate to client inquiries regarding the invoice backup. The Baltimore County account will be written off next month. The amount held by MES is sufficient to cover all but about \$100,000 owed to MES by the County.

Mr. McGrath stated that discussions are also underway with respect to the debt owed to MES by the Town of Sudlerville.

**HUMAN RESOURCES REPORT**

Ms. Wojton reported that the agency currently has a record 854 total positions. This number includes 7 new positions. The vacancy rate once all the new hires are brought on board will be 3.36%.

Ms. Wojton introduced a revised Human Resources Policy for Hiring and Employment Reinstatement. The requested change would allow former employees who did not pass the Operator in Training (OIT) program, to be re-hired into another

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position elsewhere in the agency. Ms. Wojton made the motion to approve the policy, Mr. Harris seconded. The motion passed unanimously.

**PROCUREMENT ITEMS**

Ms. Crosby introduced Item 1. The procurement is for construction of improvements to the water distribution system at St. Mary's College of Maryland to be performed by BA Construction, Inc. Ms. Jenkins made the motion to approve the item, Dr. Streett seconded. The motion passed unanimously.

The Board Notifications were reviewed.

**LEGAL REPORT**

Mr. Coleman advised that a brief was filed in the Court of Special Appeals in the matter of Gupta v. MES. There have been a number of ethics bills introduced this session that may affect the Board members. Mr. Coleman will monitor and keep the Board apprised.

**OLD/NEW BUSINESS**

The next meeting is scheduled for February 27, 2020 at 9:30 a.m. Mr. McGrath suggested making that meeting an in-person meeting rather than a conference call. He will follow-up with the members via phone or email.

Mr. McGrath is also exploring potential field trip options for the April meeting. This trip and meeting may be about a week earlier than currently scheduled. Team members will be contacting the Board to inquire into their availability.

Mr. Snee inquired into the status of the Board's membership. The Board currently has two vacancies. Mr. McGrath is hopeful that nominees will be put into the "green bag" for the Governor's review. This is the formal process during the legislative session to nominate people to Boards and Commissions, which normally occurs in February. There are currently more than 2,000 Boards and Commissions in Maryland.

**GROUP UPDATES**

Ms. Banta updated the Board on the status of the Cox Creek Expanded project. Stage I, has included, among other items, the base dike widening, demolition of the Kennicott Copper refinery, and development of a new operations and maintenance complex. On January 8, 2020, the Board of Public Works approved \$80 million for Phase II of the project increasing the total to \$196 million and extending the term to June 30, 2025. Phase II will include dike raising and lateral expansion, continued

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remediation, permitting and engineering support, and project & construction management.

Mr. Gillespie discussed the MBR construction project at Eastern Correctional Institute. This is the first time the agency has used the Construction Manager at Risk procurement model, and it is going very well. The project is now 50% complete and there have been no Change Orders to date. The project is on schedule and on budget.

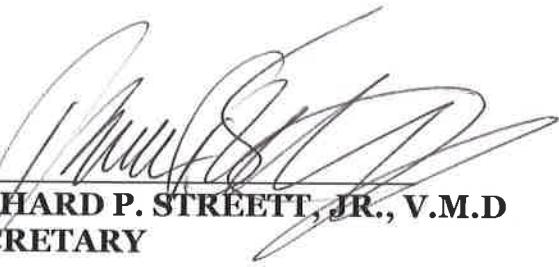
Mr. Tomczewski discussed the new screening system at Montgomery County Yard Trim Composting Facility in Dickerson. This new system is electric, rather than diesel, contributing to a decrease in the facilities' carbon footprint. The new system is also faster, and more efficient, producing an improved quality product.

**OLD/NEW BUSINESS (Continued)**

Mr. McGrath updated the Board on the June incident involving a contractor at the Montgomery County Materials Recycling Facility. The agency received a letter from the County asking for a Corrective Action Report. The agency has responded to that letter with a detailed list of steps and improvements taken. Many of these improvements have also been implemented at other MES project sites.

**ADJOURNMENT**

Mr. McGrath adjourned the meeting at 10:13 a.m.

  
**RICHARD P. STREETT, JR., V.M.D.**  
**SECRETARY**

  
**ROY MCGRATH**  
**CHAIRMAN**



Larry Hogan GOVERNOR  
Boyd K. Rutherford LT. GOVERNOR  
Roy McGrath DIRECTOR/CEO

**BOARD OF DIRECTORS  
MEETING MINUTES  
MEETING 2-20  
February 27, 2020**

**LOCATION:** **MES Headquarters**

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

**DIRECTORS PRESENT:** Roy McGrath, Chairman  
Beth Wojton, Deputy Director  
Michael C. Harris, Treasurer  
Richard P. Streett, Jr., V.M.D., Secretary  
Joseph Snee, Esq.  
Leslie Jackson-Jenkins, Esq.  
J.P. Smith

**DIRECTORS ABSENT:**

**OTHERS PRESENT:** Morgan Hall  
Sean L. Coleman, Esq.  
Steve Tomczewski  
Tammy Banta  
Jason Gillespie  
Vishal Bhatia  
Steve Pennington  
Dan Faoro  
Matthew Sherring  
Hattie Crosby (in at 9:46am)  
Pamela Fuller

**CALL TO ORDER**

Mr. McGrath called the meeting to order at 9:30 a.m. Mr. McGrath introduced Morgan Hall, who has been nominated by the Governor to serve on the Board of Directors. Mr. Hall will fill a public sector position. Mr. Billy Addison has been nominated to fill a private sector position. Both are scheduled to appear at the Senate Executive Nominations Committee on March 9<sup>th</sup>. Mr. McGrath also introduced Dan Faoro, who has joined MES as Managing Director, Communications.

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**MINUTES**

Mr. McGrath requested discussion or a motion for the approval of the minutes of the meeting of January 23, 2020. Mr. Snee made a motion to approve the minutes, and Dr. Streett seconded. The minutes were unanimously approved.

**DIRECTOR'S REPORT**

Mr. McGrath noted the legislative session is about halfway complete. MES' Operating Budget hearings have been completed. Capital Budget hearings will occur soon. MES has been asked to comment on many fiscal notes this year. In particular, HB1643 proposes to establish an Organics Recycling and Composting Grants program and give MES a specific role in the program.

Mr. McGrath and other staff recently returned from the Global Waste Management Symposium, where he spoke about the MES - Prince George's county composting partnership.

The MES internal mentorship pilot program was launched. Several participants have signed up so far. MES recently issued an expansion of the telework program allowing more flexible work schedules. Executive staff have begun preparing for potential impacts from the coronavirus, including updating the existing COOP plan.

**AGENCY ACTIVITY REPORT**

Mr. McGrath presented the Agency Activity Report. Questions regarding work at the Brown Station Landfill were addressed. Prince George's County is contracting with MES for the design and expansion of their landfill over the next five years. Most of the MDOT MPA dredging facilities are also expanding, with dike raising occurring at Cox Creek, Masonville and Poplar Island.

**STRATEGIC PARTNERSHIP OPPORTUNITIES REPORT**

Mr. Pennington reported on nine Stakeholder Partnership Events in January and 8 so far in February. There were 21 business to business meetings in January, and 12 so far in February. Team members participated in the following opportunities in February: BWI Partnership Breakfast, Maryland Economic Development Association – Economic Development Day, NAIOP (National Association of Industrial and Office Properties) networking event, Greater Baltimore Committee – Economic Development Committee meeting, Taste of the Shore in Annapolis, and Southern Maryland Reception.

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Proposals are being developed for three designated scopes of work for BioEnergy DevCo in Delaware. A campaign is being developed to highlight the possibilities of shared use systems for water and wastewater treatment. MES is still moving forward with a full staffing evaluation for Cumberland, and with BGE EV charging station discussions. Upcoming meetings are scheduled with Howard County and Baltimore County.

### **FINANCIAL REPORT**

Mr. Harris presented the January financial report. The month closed out strong with \$104 million in total revenue so far this fiscal year, which is a remarkable 25% higher than at the same time in FY19. Labor sales are about 10% higher than at this point last year. Key projects contributing to the growth include Cox Creek and Lake Linganore Dredging. Management of capital projects is not included in these figures.

Overhead rates have gone down, due to more efficient management of expenses. Fringe recovery looks good this year, partly due to the moderate weather. Total net assets have increased, adding value to the State and MES. Aging infrastructure is being replaced, including the headquarters building being expanded and debt is being reduced.

Many of the accounts on the 90-day AR report are in the process of being paid.

### **HUMAN RESOURCES REPORT**

Ms. Wojton reported that the agency currently has a record 851 total positions. The vacancy rate once all the new hires are brought on board will be 3.6%. The Assistant Chief of O&M for Water/Wastewater recently retired. The interview process resulted in two equally well-qualified applicants, both currently Regional Supervisors. The decision was made to hire both and have two Assistant Chiefs.

An inquiry was made regarding the pass rate for the OIT (Operator in Training) program. MES' pass rate is about 37%, which is higher than the State average of 30%.

### **BEST UPDATE**

Ms. Wojton handed out the BEST 2020 Update. All goals are on track to be met this year.

### **GROUP UPDATES**

Ms. Banta discussed the Masonville Marine Terminal Pond Retrofit. The current retrofit will include regrading slopes, deepening of pond, installation of treatment

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forebays, new plantings, riser structure repairs, and new access road, all with minimal disruption to terminal operations. This work is detailed on Procurement Item #6 this month. Mr. Snee asked the Board to consider that item now. Mr. Smith made the motion to approve Procurement Item #6, Ms. Jenkins seconded. The motion passed unanimously.

Mr. Gillespie updated the Board on a unique relationship at the Southern Hills subdivision. MES will act as the Controlling Authority for the shared use wastewater system serving the 24 homes in the new development. MES will eventually take ownership of the plant after the developer meets its contractual obligations regarding testing, permitting, bonding and insurance. Testing of the small membrane treatment plant process has begun.

Mr. Tomczewski discussed the Maryland Department of Agriculture Poultry Litter Transport and storage program. MDE is attempting to move poultry litter off of the lower Eastern Shore and distribute it to other parts of the State where it is more needed. The Midshore II site is being considered as a possible temporary storage facility. This usage would require the approval of all four Midshore Counties.

**PROCUREMENT ITEMS**

Ms. Crosby introduced Item 1. The procurement is for Test America Laboratory services at multiple MPA project. Mr. Snee made the motion to approve the item, Ms. Jenkins seconded. The motion passed unanimously.

Ms. Crosby introduced Item 2. The procurement is for additional Workday support provided by Collaborative Solutions. Mr. Smith made the motion to approve the item, Ms. Wojton seconded. The motion passed unanimously.

Ms. Crosby introduced Item 3. The procurement is for concrete pole installation and aggregator pole relocation at Cox Creek MDOT/MPA Dredged Material Containment Facility. Mr. Snee made the motion to approve the item, Mr. Harris seconded. The motion passed unanimously.

Ms. Crosby introduced Item 4. The procurement is for the development of additional public outreach campaign deliverables for the Dredged Material Management Program provided by Council Fire. Mr. Harris made the motion to approve the item, Mr. Smith seconded. The motion passed unanimously.

Ms. Crosby introduced Item 5. The procurement is for dredging at the Seagirt Berth. Mr. Harris made the motion approve the item. Ms. Jenkins seconded. The motion passed unanimously.

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Item 6 was approved earlier during the Group Update.

Ms. Crosby introduced Item 7. The procurement is for engineering, permitting and design services for the Brown Station Road Sanitary Landfill Area C infill. Mr. Snee made the motion to approve the item. Mr. Harris seconded. The motion passed unanimously, with the exception of Ms. Jenkins, who abstained.

Ms. Crosby introduced Item 8. The procurement is for consent order assistance and compliance monitoring at the Sandy Hill Landfill provided by Arcadis. Dr. Streett made the motion to approve the item. Mr. Harris seconded. The motion passed unanimously, with the exception of Ms. Jenkins, who abstained.

Ms. Crosby introduced Item 9. The procurement is for compliance monitoring at the Brown Station Road and Sandy Hill Landfills provided by SCS Engineering. Mr. Snee made the motion to approve the item. Mr. Smith seconded. The motion passed unanimously, with the exception of Ms. Jenkins, who abstained.

The Board Notifications were reviewed.

**LEGAL REPORT**

Mr. Coleman advised that a brief was filed in the Court of Special Appeals in the matter of Gupta v. MES. Oral arguments have been scheduled for April 7<sup>th</sup>.

There have been a number of ethics bills introduced this session that may affect the Board members. HB360/SB283 would increase penalties for violators, and asks for a Constitutional amendment to limit pensions to public officials who violate ethics laws. Another bill would prohibit the use of protected information for personal gain by State employees and public officials. SB200/HB278 would expand the definition of “criminal conduct in office,” and allow the State prosecutor to be involved. Finally, with respect to personnel legislation, SB260 would change State law to require all employers to offer bereavement leave to include the death of a pet. The definition of “pet” was not included in the bill.

**OLD/NEW BUSINESS**

Mr. Snee inquired into the status of the Conowingo project. Mr. McGrath replied that on March 2<sup>nd</sup> a notice will be published in local newspapers, and also sent via US mail to property owners in the area, informing the public of an upcoming public outreach meeting scheduled for April 1<sup>st</sup> at the Muddy Run Visitor Center. This notice and meeting are required as part of the process to obtain FERC approval of the dredging activity.

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The next meeting is scheduled for March 26, 2020 at 9:30 a.m.

**ADJOURNMENT**

Mr. McGrath adjourned the meeting at 10:56 a.m.

DocuSigned by:

*Richard P. Streett, Jr V M D*

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**RICHARD P. STREETT, JR., V.M.D**  
**SECRETARY**

DocuSigned by:

*Roy McGrath*

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**ROY MCGRATH**  
**CHAIRMAN**



Larry Hogan GOVERNOR  
Boyd K. Rutherford LT. GOVERNOR  
Roy McGrath DIRECTOR/CEO

**BOARD OF DIRECTORS  
MEETING MINUTES**  
**MEETING 2-20**  
**March 26, 2020**

**LOCATION:** **Conference/Video Call**

**TIME:** **11:00 a.m.**

**DIRECTORS PRESENT:** Roy McGrath, Chairman (video)  
Beth Wojton, Deputy Director (video)  
Michael C. Harris, Treasurer (video)  
Richard P. Streett, Jr., V.M.D., Secretary (video)  
Joseph Snee, Esq. (video)  
Leslie Jackson-Jenkins, Esq. (phone)  
J.P. Smith (video)

**DIRECTORS ABSENT:**

**OTHERS PRESENT:** Billy Addison (phone)  
Morgan Hall (video)  
Sean L. Coleman, Esq. (phone)  
Steve Tomczewski (phone)  
Tammy Banta (phone)  
Jason Gillespie (phone)  
Vishal Bhatia (phone)  
Steve Pennington (phone)  
Dan Faoro (phone)  
Matthew Sherring (phone)  
Hattie Crosby (phone)  
Pamela Fuller (phone)

**CALL TO ORDER**

Mr. McGrath called the meeting to order at 11:00 a.m. Board members were visible to one another via video connection. Mr. McGrath conducted a roll call of staff members to establish who was on the line.

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**March 26, 2020**  
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**MINUTES**

Mr. McGrath requested discussion or a motion for the approval of the minutes of the meeting of February 27, 2020. Mr. Harris made a motion to approve the minutes, and Ms. Jenkins seconded. The minutes were unanimously approved.

**DIRECTOR'S REPORT**

Mr. McGrath thanked the members for their flexibility in changing the format and time of this month's Board meeting, given the COVID-19 situation and necessity to socially distance. Mr. McGrath shared that he is assisting the State as a member of the Governor's crisis response team and participating in daily calls. Mr. McGrath was requested by Governor Hogan to participate in part due to his state crisis management experiences, and his transferable skills. Maryland has seen 157 new COVID-19 cases in the last 24 hours, the largest increase to date. MES had already scheduled a remote teleworking exercise for Friday March 13<sup>th</sup>, prior to the State's mandatory teleworking order. Currently, about one-third of the MES team is working remotely. The headquarters building is virtually shut-down, with only a small number of team members permitted to be in the building. There have been no positive Coronavirus reports among teammates to date. There has been a rise in general illness callouts. MES has implemented various new policies for social distancing among field employees while continuing to provide services. Carpooling for work and on job sites has been halted.

Potentially significant economic impacts are likely. Only one facility, located in Montgomery County, has reduced its hours so far. Labor sales will go down as a consequence. The Finance team has been modeling potential impacts of future reductions and making contingencies if labor sales were to go down further.

MES has been working with the Maryland Department of Health (MDH) on hospital surge planning. MDH's goal is to add 6,000 new hospital beds. Jeopardy to MES and its teammates is less than in some other industries, but staff will continue to plan for potential impacts. The various government agencies have been communicating well and often. Internal communications have been going well.

The forecasted peak of the pandemic is not expected anytime soon, based on current trends and escalations. The State is doing everything it can. Increased sanitation at headquarters and field facilities began before the shut-down and will be repeated before staff returns. Mr. McGrath stated he would keep the Board informed of impacts to the agency, as appropriate.

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**AGENCY ACTIVITY REPORT**

Mr. McGrath presented the Agency Activity Report. Questions regarding work at the Brown Station Landfill and the Frederick County Single Stream proposal were addressed. Most of the MDOT MPA dredging facilities are also expanding, with dike raisings occurring at Cox Creek and Masonville and plans for berth deepening at Seagirt terminal.

**FINANCIAL REPORT**

Mr. Harris presented the February financial report. February closed with over \$117 million in total revenue, which is about 20% higher than FY 19 at the same point. Direct labor is at \$23.8 million, about 10% higher than FY19. The change in net assets is \$2.1 million over this point in FY19, and the overhead rate is lower. The balance sheet shows the health of the agency. The month closed out with \$28 million in cash. The list of accounts past 90 days is longer than usual, but finance staff and project managers are in constant contact with customers. Many of the accounts were paid after the end of the month. Late payments are expected as customers assess how to make payments, and organize their records.

The Legislative audit was released in January. Overall, MES is satisfied with the report. There were six findings, with two repeated from the previous audit. One finding asked MES to execute contracts with the 68 facilities currently covered by the Executive Order. Other findings would be remedied through the transition to Workday and have already been addressed.

**HUMAN RESOURCES REPORT**

Ms. Wojton reported that the agency currently has 853 total positions. Hiring for open positions is ongoing, despite the closures. Team members have been finding creative ways to conduct interviews including conference and video calls. The vacancy rate is currently 4.10%, once all the new hires are brought on board it will be 3.08%. New hire orientation is being done remotely.

Dr. Streett inquired about the IT security at the agency. Mr. Bhatia advised that the Information Technology group has been understandably busy. Many of the systems were already available and offered multiple layers of security. Multi-factor authentication has also been recently implemented. Extra systems and processing power have been added.

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**PROCUREMENT ITEMS**

Ms. Crosby introduced Item 1. The procurement is for emergency control systems improvements provided by Philips Brothers Electrical Contractors at ECI Co-Gen. Mr. Snee made the motion to approve the item, Dr. Streett seconded. The motion passed unanimously.

Ms. Crosby introduced Item 2. The procurement is for general labor services provided by Colossal Contractors Inc. at the Montgomery County Material Recycling Facility. Ms. Jenkins made the motion to approve the item, Mr. Smith seconded. The motion passed unanimously.

Ms. Crosby introduced Item 3. The procurement is for dike raising and construction at the Cox Creek Dredged Material Containment Facility. Mr. Harris made the motion to approve the item, Dr. Streett seconded. The motion passed unanimously.

Ms. Crosby introduced Item 4. The procurement is for high-strength geotextile for the Masonville Dredged Material Containment Facility base dike widening. Mr. Snee made the motion to approve the item, Dr. Streett seconded. The motion passed unanimously.

Ms. Crosby introduced Item 5. The procurement is for the stakeholder engagement and community outreach services for the Dredged Material Management Program. Mr. Harris made the motion to approve the item. Ms. Wojton seconded. The motion passed unanimously.

Ms. Crosby introduced Item 6. The procurement is for equipment rental and services related to hazardous waste management at Dundalk Marine Terminal Hawkins Point Landfill provided by Mobile Dredging & Video Pipe Service. Mr. Snee made the motion to approve the item. Mr. Smith seconded. The motion passed unanimously.

Ms. Crosby introduced Item 7. The procurement is for security camera installation at Cox Creek MDOT/MPA Dredged Material Containment Facility. Mr. Smith made the motion to approve the item. Mr. Harris seconded. The motion passed unanimously.

The Board Notifications were reviewed.

**LEGAL REPORT**

Mr. Coleman advised that the legal staff have been busy reviewing the Governor's Executive Orders, Department of Budget and Management materials and the Governor's Office of Legal Counsel's advice memos. A major trial in the Circuit Court for Anne

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Arundel County and oral arguments before the Court of Special Appeals are still scheduled for April and June. Neither have been postponed, yet.

A new lawsuit was filed against an employee stemming from an auto accident. The Treasurer's office sent the initial claim to MDE instead of MES. The office is in the process of having the employee dismissed from the suit.

Mr. Coleman reminded the Board that ethics disclosure statements are still due by the end of April, the deadline has not changed.

**OLD/NEW BUSINESS**

The next meeting is scheduled for April 30, 2020 at 9:30 a.m. It will most likely be conducted through teleconference and Web-ex again.

**ADJOURNMENT**

Mr. McGrath adjourned the meeting at 12:10 p.m.

DocuSigned by:

*Richard P. Streett, Jr V M D*

**RICHARD P. STREETT, JR., V.M.D  
SECRETARY**

DocuSigned by:

*Ray McGrath*

**ROY MCGRATH  
CHAIRMAN**



Larry Hogan GOVERNOR  
Boyd K. Rutherford LT. GOVERNOR  
Roy McGrath DIRECTOR/CEO

**BOARD OF DIRECTORS  
MEETING MINUTES  
MEETING 4-20  
April 30, 2020**

**LOCATION:** **Conference/Video Call**

**TIME:** **2:00 p.m.**

**DIRECTORS PRESENT:** Roy McGrath, Chairman (video)  
Beth Wojton, Deputy Director (video)  
Michael C. Harris, Treasurer (video)  
Richard P. Streett, Jr., V.M.D., Secretary (video)  
Joseph Snee, Esq. (phone)  
Leslie Jackson-Jenkins, Esq. (phone)  
J.P. Smith (phone)  
William Addison (video)

**DIRECTORS ABSENT:**

**OTHERS PRESENT:** Morgan Hall (video)  
Sean L. Coleman, Esq. (phone)  
Steve Tomczewski (phone)  
Tammy Banta (phone)  
Jason Gillespie (phone)  
Vishal Bhatia (phone)  
Steve Pennington (phone)  
Dan Faoro (phone)  
Matthew Sherring (phone)  
Hattie Crosby (phone)  
Pamela Fuller (phone)

**CALL TO ORDER**

Mr. McGrath called the meeting to order at 2:09 p.m. Most board members were visible to one another via video connection. Mr. McGrath conducted a roll call of staff members to establish who was on the line.

**Board of Directors Minutes**

**April 30, 2020**

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**MINUTES**

Mr. McGrath requested discussion or a motion for the approval of the minutes of the meeting of March 26, 2020. Dr. Streett made a motion to approve the minutes, and Mr. Smith seconded. The minutes were unanimously approved.

**DIRECTOR'S REPORT**

Mr. McGrath thanked the members for their flexibility in changing the format and time of this month's Board meeting, given the COVID-19 situation and necessity to socially distance. MES continues to monitor and follow the State's guidance on benchmarks for re-opening. Many MES teammates are teleworking, but hundreds are still on-site doing essential work. While Mr. Harris will discuss the financial details in his report, overall MES is doing very well, and we anticipate closing out the fiscal year with record financial results again. The Maryland Department of Budget and Management (DBM) has indicated there will be a decrease in State spending to come. Local governments are also adjusting to funding gaps. The effects of this are likely to make their way to MES in time, and leadership is modeling and preparing for this potential consequence. There may, however, also come some opportunities. An agreement was signed yesterday with the Maryland Department of Aging (MDoA) for MES to operate their durable medical equipment refurbishment program.

MES is looking forward preparing for returning to a normal routine, including the eventual re-opening of the headquarters building, in an organized and process-oriented way. MES will follow the State's lead.

An interview with Mr. McGrath, conducted by Center Maryland, was published today.

**AGENCY ACTIVITY REPORT**

Mr. McGrath presented the Agency Activity Report. Questions regarding work at the Masonville Dredged Material Containment Facility and Seagirt Marine Terminal proposals were addressed.

**STRATEGIC PARTNERSHIP REPORT**

Mr. Pennington advised that teammates continue to reach out with regular calls, as well as video conference calls to current and potential stakeholders. Internally, they have been working with the Communications team to increase Grant visibility on the MES website. An active review of project budgets across the board is being conducted.

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**April 30, 2020**

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Questions were addressed regarding disposal of chicken carcasses on the Eastern Shore. MES is not involved at this point.

**FINANCIAL REPORT**

Mr. Harris presented the March 2020 financial report. March closed with over \$132 million in total revenue, which is about 20% higher than FY 19 at the same point. Direct labor is at \$23.8 million, about 10% higher than FY19. The change in net assets is higher than it was at this point in FY19, despite the FY20 overhead rate being lower. There have been no snow events this year, which has positively impacted fringe recovery. The lower overhead rates have allowed MES to pass cost savings on to the customers. The list of accounts past 90 days is longer than usual, but Finance staff and project managers are in constant contact with customers. Many of the accounts were paid after the end of the month. Late payments are expected as customers have limited access to hard copy records and facilities due to the Covid-19 pandemic.

Mr. Harris indicated there would be a future ask of the Board to transfer funds from un-restricted designated to non-designated to pay for a number of infrastructure upgrades including Workday expenses. FY21 will require a lot of flexibility from everyone. The capital project related to the Headquarters expansion is moving forward. Actual construction is not scheduled to begin for another two years.

**HUMAN RESOURCES REPORT**

Ms. Wojton reported that the agency currently has 844 total positions. Hiring for open positions is ongoing, despite the closures. Team members have been finding creative ways to conduct interviews including conference and video calls. The vacancy rate is currently 4.76%; once all the new hires are brought on board it will be 3.60%. New hire orientation is being done remotely two days a week. The agency is looking at reducing overhead vacancies, and may decrease the number of internships.

**RESOLUTION 2020-04-1R**

The Human Resources Committee, consisting of Joe Snee, Richard Streett, and William Addison, along with Beth Wojton and Roy McGrath met earlier today to discuss several matters.

The Committee recommended passage of Resolution 2020-04-1R which would temporarily increase the amount of Sick and Family & Medical Leave (FMLA) available to team members, in alignment with Federal standards during the COVID-19 crisis. The resolution would allow for up to 80 hours of paid sick leave for COVID related absence, and up to 12 weeks of FMLA for the care of a child or family member. To date, 2

**Board of Directors Minutes**

**April 30, 2020**

**Page 4**

employees have tested positive for COVID-19, both have recovered and are ready to come back to work this week. So far, no one has requested leave time for child care issues. Mr. Snee made the motion to approve Resolution 2020-04-1R, Mr. Smith seconded. The Resolution passed unanimously.

**BEST UPDATE & RESOLUTION 2020-04-02R**

Ms. Wojton presented a brief history of the BEST program and the 2020 progress update. The agency is on par to achieve all goals. Payouts are usually made in the Fall, after closeout of the fiscal year. In light of the current crisis and to assist MES employees, the HR Committee of the Board of Directors is recommending making the payout to staff now. If there are additional funds available after the end of the fiscal year, an additional payout may be made in the Fall. The BEST payout is made equally to every eligible MES employee, except for Executive staff. The Committee is recommending using 62% of the available BEST pool. Each employee would receive approximately \$3,250. The committee recommends paying \$3,000 immediately, with the balance paid in the Fall.

Mr. Snee made the motion to approve Resolution 2020-04-2R, Mr. Harris seconded. The Resolution passed unanimously.

**PROCUREMENT ITEMS**

Ms. Crosby introduced Item 1. The procurement is for the purchase of a long reach excavator for Poplar Island. Mr. Addison made the motion to approve the item, Ms. Jenkins seconded. The motion passed unanimously.

Ms. Crosby introduced Item 2. The procurement is for lawn maintenance provided by JD Lawn Service at the Harford County Solid Waste and Composting facilities. Dr. Streett made the motion to approve the item, Mr. Harris seconded. The motion passed unanimously.

The Board Notifications were reviewed.

**LEGAL REPORT**

Mr. Coleman advised that the legal staff have been busy reviewing the Governor's Executive Orders, Department of Budget and Management materials and the Governor's Office of Legal Counsel's advice memos. Remote oral arguments were held before the Court of Special Appeals in the Gupta case. The Appellate Court subsequently ruled that the Circuit Court Judge made a mistake, and the case has been remanded back to the Circuit Court. MES will now prepare an Answer and Discovery.

**Board of Directors Minutes**  
**April 30, 2020**  
**Page 5**

**OLD/NEW BUSINESS**

Mr. Snee expressed his compliments to everyone at the agency for their good work in difficult times.

Mr. Sherring advised the Board that the due date to file State Ethics forms has been extended to June 5<sup>th</sup>.

The next meeting is scheduled for May 28, 2020 at 9:30 a.m. It will most likely be conducted through teleconference and video again.

**ADJOURNMENT**

Mr. McGrath adjourned the meeting at 3:00 p.m.

DocuSigned by:

*Richard P. Streett, Jr., V.M.D.*

**RICHARD P. STREETT, JR., V.M.D.**  
**SECRETARY**

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DocuSigned by:

*Ray McGrath*

**ROY MCGRATH**  
**CHAIRMAN**

5C01AB3A6E954DE

**BOARD OF DIRECTORS  
MEETING MINUTES  
MEETING 5-20  
May 28, 2020**

**LOCATION:** **Conference/Video Call**

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

**DIRECTORS PRESENT:** Roy McGrath, Chairman (video)  
Beth Wojton, Deputy Director (video)  
Michael C. Harris, Treasurer (video)  
Richard P. Streett, Jr., V.M.D., Secretary (video)  
Joseph Snee, Esq. (phone)  
Leslie Jackson-Jenkins, Esq. (phone)  
J.P. Smith (phone)  
William Addison (video)  
Morgan Hall (video)

**DIRECTORS ABSENT:**

**OTHERS PRESENT:** Sean L. Coleman, Esq. (phone)  
Steve Tomczewski (phone)  
Tammy Banta (phone)  
Jason Gillespie (phone)  
Vishal Bhatia (phone)  
Steve Pennington (phone)  
Dan Faoro (phone)  
Matthew Sherring (phone)  
Hattie Crosby (phone)  
Pamela Fuller (phone)

**CALL TO ORDER**

Mr. McGrath called the meeting to order at 9:30 a.m. The video connection provided the ability for some board members to be visible to one another.

**Board of Directors Minutes****May 28, 2020****Page 2****MINUTES**

Mr. McGrath requested discussion or a motion for the approval of the minutes of the meeting of April 30, 2020. Mr. Addison made a motion to approve the minutes, and Mr. Smith seconded. The minutes were unanimously approved.

**DIRECTOR'S REPORT**

Mr. McGrath provided a COVID-19 update. The agency is doing well and operating smoothly. Several teammates have tested positive, but have already recovered, or are doing better, and expected to be well again soon. Overall, most Maryland COVID-19 cases have been in the Washington Metropolitan area, also there have been hot spots elsewhere including on the Eastern Shore. Governor Hogan has been easing restrictions as the number of cases has been declining, and hospitalizations have been leveling out. Testing efforts have increased State-wide. Operations at MES are likely to return to normal in phases. Teleworking is expected to continue as possible.

The agency is on track for its best financial year ever. This is a remarkable accomplishment. The team remains cautious going forward, as many clients will be seeing a decrease in revenues. MES should continue focusing on expanding its business relationships.

Mr. McGrath announced that he has accepted the position of Chief of Staff for the State of Maryland in the Office of the Governor and will start his new role on Monday, June 1<sup>st</sup>. He wished to express his thanks to the leadership team for the great work they have done and will continue to do moving forward. The Governor will be appointing a new Director. Mr. Snee expressed the appreciation of the Board for Mr. McGrath's service.

**AGENCY ACTIVITY REPORT**

Mr. McGrath presented the Agency Activity Report. Questions regarding work at the Cox Creek Dredged Material Containment Facility, Seagirt Marine Terminal and Brown Station Landfill proposals were addressed. Ms. Banta indicated there may be budget reductions on MDOT MPA projects and MES is waiting to hear what the reductions will be. Some work may be postponed or eliminated. The Port of Baltimore is an economic engine for the state and dredging of the channels is necessary to maintain access for the ships to reach the Port. The dredged material needs to be placed somewhere while innovative reuse of dredged material takes hold. Therefore, the Masonville and Cox Creek Dredged Material Containment Facility dikes should be widened and raised to accommodate the material. Mr. Tomczewski indicated that the

**Board of Directors Minutes****May 28, 2020****Page 3**

work at the Brown Station Landfill is in a similar situation; the landfill capacity must be expanded to continue to accept new waste.

**STRATEGIC PARTNERSHIP REPORT**

Mr. Pennington's team has been building a municipality matrix based on size to help evaluate budget availability within different areas. This should be completed by mid-June. They are also looking at omnibus agreements in different areas, similar to the contract MES has with St. Mary's County. A meeting is scheduled with the City of Cumberland for next week to discuss staffing and operational issues.

Mr. Snee inquired into the status of the Garrett County operations. Mr. Gillespie advised all is going well. They came in under budget this year, and the County has asked for more services next year. Ms. Wojton indicated a letter is being drafted to the Commissioners listing the accomplishments made this year, and cost savings provided by MES.

**FINANCIAL REPORT**

Mr. Harris presented the April 2020 financial report. March closed with over \$145 million in total revenue, which is higher than FY 19 at the same point. Direct labor is at \$29.7 million, about 10% higher than FY19. The change in net assets is higher than it was at this point in FY19, despite the FY20 overhead rate being lower. There have been no snow events this year, which has positively impacted fringe recovery. The lower overhead rates have allowed MES to pass cost savings on to the customers. The Equipment Fund is doing well, and will end the year with \$4 million in assets.

The list of accounts past 90 days is longer than usual, but Finance staff and project managers are in constant contact with customers. Many of the accounts were paid after the end of the month. Late payments are expected as customers have limited access to hard copy records and facilities due to the COVID-19 pandemic. As of May 22<sup>nd</sup>, MDOT SHA had paid over \$800,000 and other payments are now in the pipeline.

FY21 will be challenging. Decisions will be made as State partners make decisions. At this point, DBM is not planning to cut any State Reimbursable projects as they are essential and critical services.

The Auditors will start preliminary field work in a few weeks. A share site has been setup for documents. This will be the first year conducting a full financial audit with the Workday platform.

Mr. Snee asked what could be done about the Town of Sudlersville outstanding invoices. It is very small town, with little likelihood their revenues will increase. Mr. Gillespie addressed a proposed BMX track and detention facility they are hoped will

**Board of Directors Minutes****May 28, 2020****Page 4**

increase tourism and revenue within the Town. Mr. Coleman was asked to review the contract between MES and the Town.

**HUMAN RESOURCES REPORT**

Ms. Wojton reported that the agency currently has 851 total positions. Hiring for open positions is ongoing, despite the closures. The vacancy rate is currently 4.23%, once all the new hires are brought on board it will be 3.59%.

**PROCUREMENT ITEMS**

Ms. Crosby introduced Item 1. The procurement is for upgrades to boiler 1 and 3 controls at MCI-Hagerstown by Limbach Co. Ms. Jenkins made the motion to approve the item, Mr. Harris seconded. The motion passed unanimously.

Ms. Crosby introduced Item 2. The procurement is for a new landfill compactor for the Midshore II Landfill. Dr. Streett made the motion to approve the item, Mr. Smith seconded. The motion passed unanimously.

Ms. Crosby introduced Item 3. The procurement is for sewer improvements provided by Insituform Technologies at the Rocky Gap State Park. Ms. Jenkins made the motion to approve the item, Mr. Hall seconded. The motion passed unanimously.

Ms. Crosby introduced Item 4. The procurement is for Continuity of Operations, bicycle routes, local data annual submissions and TMDL GIS support services for MDOT SHA provided by Whitney, Bailey, Cox and Magnani. Mr. Addison made the motion to approve the item, Ms. Wojton seconded. The motion passed unanimously.

Ms. Crosby introduced Item 5. The procurement is for 2019/2020 analysis, extraction, publication, local data capture and conflation and associated Highway Performance Monitoring support services for MDOT SHA provided by Whitney, Bailey, Cox and Magnani. Mr. Harris made the motion to approve the item, Mr. Hall seconded. The motion passed unanimously.

Ms. Crosby introduced Item 6. The procurement is for Cox Creek Expanded, Task 5 Tronox Facility environmental remediation evaluation conducted by Anchor QEA. Mr. Snee made the motion to approve the item, Mr. Smith seconded. The motion passed unanimously.

Ms. Crosby introduced Item 7. The procurement is for spillway modifications at the Masonville Dredged Material Containment Facility. Dr. Streett made the motion to approve the item, Mr. Addison seconded. The motion passed unanimously.

**Board of Directors Minutes****May 28, 2020****Page 5**

Ms. Crosby introduced Item 8. The procurement is for a complete engine repower of the Poplar Island crew boat Terrapin. The Terrapin will be used in conjunction with the new crew boat currently being built. Mr. Snee made the motion to approve the item, Dr. Streett seconded. The motion passed unanimously.

Ms. Crosby introduced Item 9. The procurement is for the supply and barge delivery of stone aggregate to Poplar Island by FTC Aggregates. Mr. Harris made the motion to approve the item, Ms. Jenkins seconded. The motion passed unanimously.

The Board Notifications were reviewed.

**LEGAL REPORT**

Mr. Coleman advised that the Midshore I closure cap case that had been scheduled for trial in July has been postponed. A new pre-trial conference has been scheduled for August, with a new trial date expected for late Fall or Winter.

Assistant Attorney General William J. Selle will be retiring the end of July. His position has been advertised, and Mr. Coleman hopes to bring a replacement on board before Mr. Selle leaves. The Board expressed their appreciation for Mr. Selle's service.

**OLD/NEW BUSINESS**

The next meeting is scheduled for June 25, 2020 at 9:30 a.m.

**CLOSED SESSION**

At 10:36 a.m., in accordance with MD. Code Ann., Gen. Prov. §3-305(b)(1), Mr. McGrath stated that the Board intended to enter closed session to discuss the compensation of a specific employee of the Maryland Environmental Service, and to approve the minutes of a prior closed meeting session. Mr. McGrath asked if anyone objected to the Board entering closed session, and no objections were heard. Mr. Snee then made a motion that the Board enter closed session for the reasons stated above. Dr. Streett seconded the motion, all members voted in favor of closing the meeting. Mr. McGrath announced that the meeting of the Board of Directors would immediately adjourn following the closed session. The public meeting then ended at 10:38 a.m. The Board members and Mr. Coleman then called into a secure conference phone line.

Present at the start of the closed session of the Board were Board members McGrath, Wojton, Harris, Streett, Snee, Jackson-Jenkins, Smith, Addison, Hall, and Assistant Attorney General Coleman. At the start of the closed session Mr. McGrath requested a motion for the approval of the minutes of the closed session from the

**Board of Directors Minutes**

**May 28, 2020**

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meeting of October 31, 2019. Dr. Streett made the motion to approve the minutes and Mr. Smith seconded. The minutes were unanimously approved.

At 10:48 a.m. Director McGrath left the closed session and did not participate in the remainder of the Board meeting.

Mr. Snee, as Chair of the Human Resources Committee of the Board initiated a discussion regarding the compensation of the Director of the Maryland Environmental Service, who would be leaving his position as Director on May 31 to take another position in State government. Following the discussion, the Board members then present, unanimously approved a motion to (i) pay the Director a severance equal to one year's salary, (ii) reimburse the Director \$5,250 for tuition expenses, (iii) permit the Director to retain the use of the laptop computer and cell phone he had been issued by the agency.

At 11:12 a.m. Ms. Wojton left the closed session and did not participate in the remainder of the Board Meeting.

Mr. Snee, as Chair of the Human Resources Committee, initiated a discussion regarding the compensation of the Deputy Director of the Maryland Environmental Service. Following the discussion, the Board members then present, unanimously approved a motion to establish the Deputy Director's salary to be the same amount as the Director's salary, effective June 1, 2020. The motion further provided that the Deputy Director shall be paid this salary during the period the position of Director of Maryland Environmental Service is vacant. Upon the appointment of a new Director, the Deputy Director's salary would then revert to the salary in effect on May 31, 2020.

The closed session then ended, and the Board meeting adjourned, at 11:21 a.m.

*Richard P. Streett Jr. V.M.D.*

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**RICHARD P. STREETT, JR., V.M.D.**  
**SECRETARY**

*Charles Glass*

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**CHARLES GLASS, Ph.D.**  
**CHAIRMAN/DIRECTOR**

**BOARD OF DIRECTORS  
MEETING MINUTES  
MEETING 6-20  
June 29, 2020**

**LOCATION:** Conference/Video Call

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

**DIRECTORS PRESENT:** Charles Glass, Chairman (video)  
Michael C. Harris, Treasurer (video)  
Richard P. Streett, Jr., V.M.D., Secretary (video)  
Joseph Snee, Esq. (phone)  
Leslie Jackson-Jenkins, Esq. (phone)  
J.P. Smith (phone)  
William Addison (video-connected at 9:43 a.m.)  
Morgan Hall (video)

**DIRECTORS ABSENT:** Beth Wojton, Deputy Director

**OTHERS PRESENT:** Sean L. Coleman, Esq. (video)  
Steve Tomczewski (video)  
Tammy Banta (video)  
Jason Gillespie (video)  
Vishal Bhatia (video)  
Steve Pennington (video)  
Dan Faoro (video)  
Matthew Sherring (video)  
Pamela Fuller (video)  
Jana Leech (video)

**CALL TO ORDER**

Dr. Glass called the meeting to order at 9:32 a.m. The video connection provided the ability for some board members to be visible to one another.

**Board of Directors Minutes****June 29, 2020****Page 2****INSPIRE AWARDS**

Steve Tomczewski presented an Extraordinary Service Inspire award to Eric Frase, Paul Simpkins, William Callahan, Emery LaMaster, Logan Milby, Anthony Roe, Sarah Schunick-Baney, Andre Stanley, Keith Tillery, John Umbel, Bruce Walbert, and Lawrence Wheeler at the Midshore I landfill for their work during the tipping floor upgrades.

Steve Tomczewski presented an Extraordinary Service Inspire award to William Behrens, George Carroll, Paul Towers, Rodney Cordrey, and Art Kellum for their work planning, coordinating and installing the landfill gas collection system piping at Midshore II. Their work resulted in a \$334,000 cost savings to the project.

Ms. Banta presented the Extraordinary Service Inspire award to Shaun Billings, Larry Chambliss, Jamaal Downs, Angela Lee, Trish Lyons, Terry Anne Murray, Andrew Payton, and William Tittle. These team members from the Environmental Dredging and Water/Wastewater groups worked together to contain and repair a contaminated water leak at the Dundalk Marine Terminal.

**MINUTES**

Dr. Glass requested discussion or a motion for the approval of the minutes of the meeting of May 28, 2020. Mr. Addison made a motion to approve the minutes, and Mr. Harris seconded. The minutes were unanimously approved.

**DIRECTOR'S REPORT**

Dr. Glass welcomed everyone to his first board meeting as Director. He is looking forward to working with the MES team and the Board members. There will be many challenges to come, but the agency is committed to serving its clients and the State.

Dr. Glass met with Frank Babusci and the new headquarters building expansion is still on track. The project is currently in the 50% design phase and will be going to bid soon. The process is progressing smoothly.

**AGENCY ACTIVITY REPORT**

Dr. Glass presented the Agency Activity Report.

**Board of Directors Minutes****June 29, 2020****Page 3****STRATEGIC PARTNERSHIP REPORT**

Mr. Pennington's team has continued to creatively meet with stakeholders throughout June. Items like the Inspire awards given today are positive things to report to clients, and potential clients. While some meetings are occurring face to face while social distancing, most continue to be conducted remotely. MES will be the applicant for an EPA Grant focused on anaerobic digestion. Partners in this process include Baltimore County, Dorchester County and Bioenergy DevCo. The team is also looking at FY21 budgets for municipalities and counties to determine funding levels and allocations in order to identify potential projects and opportunities. An outreach letter was recently sent to MES partners regarding MES' response to COVID-19 and offering assistance. Over 300 responses were received to that letter.

A meeting is scheduled for mid-July with the City of Cumberland to further discussions regarding staffing support services similar to those currently provided to Garrett County. Discussions continue with Carroll County and St. Mary's County as well. A meeting is also being scheduled with the City of Annapolis to discuss the City Dock restoration project. Discussions are also underway with Bloom Energy to understand how they fit as a renewable energy resource in the State. One other large project under investigation is the Middle Branch of the Patapsco, Baltimore City shoreline restoration project.

**FINANCIAL REPORT**

Mr. Harris presented the May 2020 financial report. May closed with \$32.8 million in direct labor sales. This is 3% over last year at the same point in time. Environmental Operations continues to lead the agency in labor sales, despite the loss of Baltimore County in 2017. The change in net assets is higher than it was at this point in FY19, despite the FY20 overhead rate being lower. There have been no snow events this year, which has positively impacted fringe recovery. The lower overhead rates have allowed MES to pass cost savings on to the customers. Total net assets are in line with plan, and about \$2 million over FY19. The year is projected to end with over \$36.8 million in labor sales, which is only slightly off from the fiscal year target.

The list of accounts past 90 days is still longer than usual, but Finance staff and project managers are in constant contact with customers. Many of the accounts were paid after the end of the month. Payments are expected as customers return to their offices. Dr. Glass and Mr. Gillespie are working toward a resolution with the Town of Sudlersville. Grant County Mulch and MDE have already paid their invoices. The Office of Attorney General is working on collection from Wise Recycling.

**Board of Directors Minutes**

**June 29, 2020**

**Page 4**

**HUMAN RESOURCES REPORT**

Dr. Glass reported that the agency currently has 856 total positions. Hiring for open positions is ongoing, despite the closures. The vacancy rate is currently 3.69%.

**PROCUREMENT ITEMS**

Mr. Tomczewski introduced Item 1. The procurement is for engineering services for the conversion of ECI Co-Gen to operate on natural gas. Mr. Smith made the motion to approve the item, Ms. Jenkins seconded. The motion passed unanimously.

Mr. Tomczewski introduced Item 2. The procurement is for Van Dyke Recycling Solutions to furnish and install a new optical sorter and plastics sorting line. Mr. Harris made the motion to approve the item, Mr. Hall seconded. The motion passed unanimously except for Ms. Jenkins who abstained.

Mr. Tomczewski introduced Item 3. The procurement is for SCS Engineers to provide compliance monitoring and reporting at the Brown Station Landfill. Mr. Addison made the motion to approve the item, Mr. Smith seconded. The motion passed unanimously except for Ms. Jenkins who abstained.

Mr. Tomczewski introduced Item 4. The procurement is for SCS Engineers to provide engineering, permitting and design services for Area C infill at the Brown Station Landfill. Mr. Addison made the motion to approve the item, Mr. Hall seconded. The motion passed unanimously except for Ms. Jenkins who abstained.

Mr. Tomczewski introduced Item 5. The procurement is for Arcadis to provide consent order assistance and compliance monitoring for the Sandy Hill Landfill. Mr. Harris made the motion to approve the item, Mr. Smith seconded. The motion passed unanimously except for Ms. Jenkins who abstained.

Mr. Tomczewski introduced Item 6. The procurement is for SCS Engineers to provide compliance monitoring and reporting for the Sandy Hill Landfill. Mr. Addison made the motion to approve the item, Mr. Harris seconded. The motion passed unanimously except for Ms. Jenkins who abstained.

Ms. Banta introduced Item 7. The procurement item is a change order to the Oyster Recovery Partnership contract for the Electronic Commercial Fishing Harvest Reporting System for Maryland Fisheries. Mr. Harris made the motion to approve the item, Mr. Smith seconded. The motion passed unanimously.

The Board Notifications were reviewed.

**LEGAL REPORT**

Mr. Coleman advised that Assistant Attorney General William J. Selle will be retiring the end of July. The position was advertised, and Mr. Coleman and Ms. Carroll interviewed multiple candidates. They have recommended a candidate to the Attorney General for appointment to replace Mr. Selle. Mr. Coleman intends to have the new attorney start at MES a week or two before Mr. Selle leaves.

The legal office has been working with Mr. Harris to refund the Midshore II Regional Landfill bonds to a lower rate. A resolution is being prepared for approval at the July Board meeting.

**OLD/NEW BUSINESS**

The next meeting is scheduled for July 23, 2020 at 9:30 a.m.

**CLOSED SESSION**

At 10:26 a.m., in accordance with MD. Code Ann., Gen. Prov. §3-305(b)(1), Dr. Glass stated that the Board intended to enter closed session to discuss the compensation of an agency employee, and to approve the minutes of a prior closed meeting session. Dr. Glass asked if anyone objected to the Board entering closed session, and no objections were heard. Ms. Jenkins then made a motion that the Board enter closed session for the reasons stated above. Mr. Hall seconded the motion, all members voted in favor of closing the meeting. Dr. Glass announced that the meeting of the Board of Directors would immediately adjourn following the closed session. The public meeting then ended at 10:28 a.m. The Board members and Mr. Coleman then called into a secure conference phone line.

Dr. Glass called the meeting of the closed session of the Board to order at 10:36 a.m. Present at the start of the closed session of the Board were Board members Glass, Harris, Streett, Snee, Jackson-Jenkins, Smith, Addison, Hall, and Assistant Attorney General Coleman. At the start of the closed session Dr. Glass requested a motion for the approval of the minutes of the closed session from the meeting of May 28, 2020. Mr. Snee made the motion to approve the minutes and Mr. Harris seconded. The minutes were unanimously approved.

Mr. Snee, as Chairman of the Human Resources Committee, initiated a discussion of the compensation of the Deputy Director of the Maryland Environmental Service, who will be retiring on July 1, 2020 after many years of faithful and exceptional service to the agency and the Board. Following the discussion, the Board members then

**Board of Directors Minutes**

**June 29, 2020**

**Page 6**

unanimously approved a motion to (i) pay the Deputy Director a severance of \$1,000 for each year she had been employed with MES, (ii) pay the Deputy Director her share of the FY 2020 Executive Incentive Bonus, (iii) reimburse the Deputy Director for her unused annual, personal and compensatory leave, and (iv) transfer ownership to the Deputy Director of the agency cell phone and laptop computer she has been utilizing.

The closed session then ended, and the Board meeting adjourned at 10:46 a.m.

*Richard P. Streett Jr. V.M.D.*

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**RICHARD P. STREETT, JR., V.M.D**  
**SECRETARY**

*Charles Glass*  
**CHARLES GLASS, Ph.D.**  
**CHAIRMAN/DIRECTOR**



Larry Hogan **GOVERNOR**  
Boyd K. Rutherford **LT. GOVERNOR**  
Charles Glass, Ph.D. **DIRECTOR/CEO**

**BOARD OF DIRECTORS  
MEETING MINUTES  
MEETING 7-20  
July 23, 2020**

**LOCATION:** Conference/Video Call

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

**DIRECTORS PRESENT:** Charles Glass, Chairman (video)  
Michael C. Harris, Treasurer (video)  
Richard P. Streett, Jr., V.M.D., Secretary (video)  
William Addison (video)  
Morgan Hall (video)  
Leslie Jackson-Jenkins, Esq. (phone)  
J.P. Smith (phone)  
Joseph Snee, Esq. (video)

**DIRECTORS ABSENT:** None

**OTHERS PRESENT:** Sean L. Coleman, Esq. (video)  
Tammy Banta (video)  
Vishal Bhatia (video)  
Hattie Crosby (video)  
Dan Faoro (video)  
Pamela Fuller (video)  
Jason Gillespie (video)  
Jana Leech (video)  
Steve Pennington (video)  
Matthew Sherring (video)  
Steve Tomczewski (video)

**CALL TO ORDER**

Dr. Glass called the meeting to order at 9:35 a.m. The video connection provided the ability for some board members to be visible to one another.

**Board of Directors Meeting**

**July 23, 2020**

**Page 2**

**MINUTES**

Dr. Glass requested discussion or a motion for the approval of the minutes of the meeting of June 29, 2020. Mr. Snee made a motion to approve the minutes, and Mr. Harris seconded. The minutes were unanimously approved.

**DIRECTOR'S REPORT**

Dr. Glass reported on a productive first month. On July 1<sup>st</sup> he appeared before the Board of Public Works regarding the conversion of ECI's Co-Gen facility from wood chip burning to natural gas and the expansion of a natural gas supply line into Somerset County. The State Treasurer was very interested in the project and asked several questions. The Chesapeake Climate Action Network is opposing the expansion of the natural gas network, calling it a "fracking gas" project. The Board of Public Works ultimately voted in favor of the conversion, moving the project forward. The expansion of a gas line to Somerset County will lead to economic benefits to the County. It is one of the only counties that does not have direct access to natural gas lines. ECI will also benefit from the conversion. Currently wood chips are generated from trees that are cut and stripped specifically to create wood chips for burning, not from wood waste. The chips are then transported to the facility. All of this uses a large quantity of diesel fuel. ECI receives approximately 12 trailers of wood chips per day, approximately 50,000 tons per year.

Dr. Glass and Secretary Grumbles will be meeting later today to discuss the Conowingo Pilot project. Costs have been increasing due to additional requirements by Exelon. The property initially identified as staging area in the original Request for Proposals changed. The contractor proposed Peach Bottom Landing as the new staging area.

Dr. Glass is excited about the beneficial re-use of recycled materials such as dredged material, poultry litter and food waste. MES might be able to develop a product that blends the various items. Converting chicken litter to energy has been challenging in the past. The BTU's from the litter create a char. MES and the Maryland Department of Agriculture are looking at possibly spreading this char on farm fields, rather than spreading raw litter.

Dr. Glass will be meeting with Adam Ortiz, the Director of the Department of Environmental Protection for Montgomery County. A meeting has been set up with the County Executive for Harford County regarding the potential to expand services. MES is working on scheduling a meeting with Baltimore County.

**Board of Directors Meeting****July 23, 2020****Page 3**

Mr. Snee requested that the Director consider re-instituting the Spring Flings once the COVID-19 crisis is over.

**AGENCY ACTIVITY REPORT**

Dr. Glass presented the Agency Activity Report. MES signed the agreement with the MDOT Maryland Port Administration (MPA) for the Seagirt Berth 3 Dredging project and it has been sent to MDOT MPA for execution. Ms. Banta noted that the Energy Transfer Ports (ETP) agreement is being increased by \$4.95 million to provide MDOT MPA with dredging, construction management and engineering services. The ETP Colgate Creek and Innovative Reuse project is also moving forward. Late yesterday, MDOT MPA announced that budget reductions would be occurring in FY21. At this point, it looks as though Cox Creek Expanded will continue with the dike raising and base dike expansion. The dike raising at Masonville is on hold pending further review. Clarification is being sought. MDOT MPA has asked MES to reduce its FY21 operations budgets by about 24% thus far. Team members are currently looking at options. Mr. Snee requested a joint Board meeting with the MES Board and the Maryland Port Commission board. Dr. Glass will be meeting with newly appointed MDOT MPA Executive Director Doyle soon. Ms. Banta relayed that the Mid-Bay island project, consisting of Barren and James Island, is in the design phase now, with field studies underway.

MES will soon take over development activity at the Brown Station Landfill in Prince George's County. Expansion of the Cell 3 will add 40 years of capacity to the landfill. MES will also play a larger role at the Sandy Hill Landfill.

**STRATEGIC PARTNERSHIP REPORT**

Mr. Pennington's team has continued to virtually meet with stakeholders throughout July, including Baltimore and Harford County. His team has been working with the Communications team to develop strategies to continue to increase MES brand awareness. They are preparing a grant application to the EPA related to feasibility studies on anaerobic digestion. This would include food waste recycling in urban areas, and chicken litter recycling in rural areas. A proposal is being developed for the potential operations of the Water Wastewater facilities for the City of Cumberland. A staffing evaluation is being conducted for Bioenergy DevCo. Several opportunities have been identified for work in St. Mary's County.

**FINANCIAL REPORT**

Mr. Harris presented the June 2020 financial report. FY20 total revenue to date is \$178.8 million, this is 11% over FY19. This is due primarily to work at Cox Creek Expanded and the Lake Linganore dredging project. All the Groups had higher labor sales compared to last fiscal year. These are the highest labor numbers in MES history. Members of the Board expressed their appreciation for the efforts across all MES groups for this achievement.

The net assets closed at \$3.7 million. This is lower than budgeted, but still very strong. The lower overhead rates have resulted in cost savings to agency clients. Overall it has been a strong financial year. Team members are preparing for the uncertainty of FY21 caused by COVID-19. The total net assets are \$33.5 million over last year. The budget v. actual is 7% over this point in time last year, due to labor sales. Everyone has been doing a great job, despite the challenges related to COVID-19. Some money will be pulled from contingency to pay for expenses.

The 2021 Financial Plan was presented.

The list of accounts past 90 days is longer than usual, but Finance staff and project managers are in constant contact with customers to resolve. Payments are expected as customers return to their offices. Dr. Glass and Mr. Gillespie are working toward a resolution with the Town of Sudlersville. Payments have been trickling in. The Town recently had an election, resulting in a new Commission President. A plan is being discussed with the Queen Anne's County Administration, whereby the County may pay the past-due invoices, as the Town pays their current invoices. The County and Town have asked for 60 days to work on a plan.

COVID-19 has significantly impacted Wise Recycling and their ability to pay their outstanding invoice. The Attorney General's office continues to pursue payment.

**RESOLUTION 2020-07-1R**

Mr. Harris and Mr. Coleman introduced Resolution 2020-07-1R for the Midshore II Bond Refunding. This transaction will save the Midshore counties approximately \$1.8 million over the life of the bonds. The sale is expected to close the first week in September. It is too early to know the exact new rate at the time of sale, but the current rate is 4.5%. The Preliminary Official Statement (POS) is attached to the Resolution. The Resolution allows the Treasurer and Board to make non-substantive changes to this document if necessary. Agency staff have been working with bond counsel and the PFM,

**Board of Directors Meeting**

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the agency's financial advisor on the structure of the sale. Also attached to the resolution is an Escrow Agreement and a Continuing Disclosure Agreement. A current issue is the COVID-19 virus, and what effect it may have on the sale of the bonds, and revenues. The final sizing of the bonds has not been completed yet. If the sale is less than \$10 million the sale may be "bank qualified" and could save the agency on issuance costs. Each of the four Midshore Counties will need to complete similar resolutions. Mr. Snee made the motion to approve the Resolution, Ms. Jenkins seconded. The motion passed unanimously.

**AUDIT COMMITTEE REPORT**

Ms. Jenkins reported that the Audit Committee met earlier this morning. The Audit committee consists of Mr. Smith, Mr. Hall, and Ms. Jenkins. Mr. Coleman and Mr. Harris joined them, as well as Valerie Colimon, the Audit Senior Manager, and Andrew Wolf the Audit Manager from RSM US, LLP. The auditors started their initial field work the week of June 8th, and plan to complete field work by August 3rd. On September 24th they will meet with the Audit Committee to present their draft findings. Their final report will be issued at the October Board meeting. Ms. Jenkins summarized the audit plan for conducting the audit. The Committee would also like to discuss an issue during the closed session of this meeting.

**HUMAN RESOURCES REPORT**

Dr. Glass reported that the agency currently has 855 total positions. Hiring for open positions is ongoing, despite the closures. Several additional positions have been added.

**PROCUREMENT ITEMS**

Ms. Crosby introduced Item 1. The procurement is for the first-year contract extension for general labor services provided by CMT Services at Prince George's County Material Recycling Facility. Mr. Smith made the motion to approve the item, Mr. Harris seconded. The motion passed unanimously, except for Ms. Jenkins who abstained.

Ms. Crosby introduced Item 2. The procurement is for engineering support services provided by Barton & Loguidice at the Gude & Oaks Landfills in Montgomery County. Mr. Harris made the motion to approve the item, Dr. Streett seconded. The motion passed unanimously.

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Ms. Crosby introduced Item 3. The procurement is for the purchase of aluminum sulfate for use at various water and wastewater facilities throughout the State. Mr. Snee made the motion to approve the item, Mr. Smith seconded. The motion passed unanimously.

Ms. Crosby introduced Item 4. The procurement is for COVID-19 staff augmented continued response and recovery for MEMA provided by Hagerty Consulting. Dr. Streett made the motion to approve the item, Mr. Hall seconded. The motion passed unanimously.

Ms. Crosby introduced Item 5. The procurement is for Carl Belt, Inc. to perform upgrades to the water distribution system at Swallow Falls State Park. Mr. Smith made the motion to approve the item, Mr. Harris seconded. The motion passed unanimously.

The Board Notifications were reviewed.

**LEGAL REPORT**

Mr. Coleman advised that in compliance with the Open Meetings Act, each public body is required to have at least one designated member of the body complete training on the Open Meetings Act. A public body may not meet in closed session unless one of the members who has completed that training is in the meeting. Otherwise, the public body must complete additional paperwork. All the members of the Audit Committee have volunteered and have been designated to take the training. The full Board must also designate at least one member to take the training. Mr. Harris has volunteered to be the designated person. Mr. Snee proposed that all members of the Board take the training. Mr. Coleman advised that any number of members may take the training, but the Board should designate individual members to be officially certified. Mr. Snee also volunteered to become certified. Dr. Streett made the motion to nominate Mr. Harris and Mr. Snee to take the training and become certified in the Open Meetings Act. Mr. Smith seconded the motion, the motion passed unanimously. Mr. Coleman will send out a link to the training site.

Mr. Coleman advised that Assistant Attorney General William J. Selle will be retiring the end of July. Mr. Eric Hartlaub has been appointed by the Attorney General as the new Assistant Attorney General.

Approval has been given by the Attorney General's office to file suit against Wise Recycling.

**OLD/NEW BUSINESS**

**Board of Directors Meeting**

**July 23, 2020**

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Dr. Streett advised that the Board would like to discuss a matter in closed session that was just brought to their attention.

Mr. Snee asked for an update on the progress of the new Headquarters building construction. Dr. Glass has met with Mr. Babusci and Mr. Craig Morrell and been briefed on the project. Adjustments are being made to the plan. Capital funds of MES will be impacted. No decision has been made regarding halting progress or continuing. Mr. Snee wanted the agency to ensure the funds designated for the project are secured.

The next meeting is scheduled for August 20, 2020 at 9:30 a.m.

**CLOSED SESSION**

At 11:04 a.m., in accordance with MD. Code Ann., Gen. Prov. §3-305(b)(1) and (b)(7) Dr. Glass stated that the Board intended to enter closed session to discuss the compensation of an agency employee, to approve the minutes of a prior closed meeting session and to consult with counsel to obtain legal advice. Dr. Glass asked if anyone objected to the Board entering closed session, and no objections were heard. Ms. Jenkins then made a motion that the Board enter closed session for the reasons stated above. Mr. Harris seconded the motion, all members voted in favor of closing the meeting. Dr. Glass announced that the meeting of the Board of Directors would immediately adjourn following the closed session. The public meeting then ended at 11:05 a.m. The Board members and Mr. Coleman then called into a secure conference phone line.

Dr. Glass called the meeting of the closed session of the Board to order at 11:14 a.m. Present during the closed session of the Board were Board members Glass, Harris, Streett, Snee, Jenkins, Smith, Addison, Hall, and Assistant Attorney General Coleman. At the start of the closed session Dr. Glass requested a motion for the approval of the minutes of the closed session from the meeting of June 29, 2020. Mr. Addison made the motion to approve the minutes and Mr. Harris seconded. The minutes were unanimously approved.

During the closed session the Board discussed several issues related to the performance of a specific employee of the Service, and to consult with counsel regarding those issues. The Board took no official action regarding those issues during the closed session, but will continue to gather information and discuss the issues again at the next meeting of the Board.

At 11:42 a.m. Dr. Glass left the closed session of the Board. Mr. Harris initiated a discussion of the salary of the Director. Following the discussion, the Board

**Board of Directors Meeting**

**July 23, 2020**

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unanimously approved modifying the annual salary of the Director to be \$205,000, effective July 29, 2020.

Mr. Harris then initiated a discussion of the salary of the Deputy Director, the position being currently vacant. Following the discussion, the Board unanimously approved modifying the annual salary of the Deputy Director to be \$198,000, effective July 29, 2020.

The closed session then ended, and the Board meeting adjourned at 12:03 p.m.

*Richard P. Streett Jr. V.M.D.*

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**RICHARD P. STREETT, JR., V.M.D**  
**SECRETARY**

*Charles* *Chairman*  
CHARLES GLASS, Ph.D.  
CHAIRMAN/DIRECTOR

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Larry Hogan **GOVERNOR**  
Boyd K. Rutherford **LT. GOVERNOR**  
Charles Glass, Ph.D. **ACTING DIRECTOR**

**BOARD OF DIRECTORS  
MEETING MINUTES  
MEETING 8-20  
August 20, 2020**

**LOCATION:** **Conference/Video Call**

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

**DIRECTORS PRESENT:** Charles Glass, Chairman (video)  
Michael C. Harris, Treasurer (video)  
Richard P. Streett, Jr., V.M.D., Secretary (video) on at  
9:55am  
William Addison (video)  
Morgan Hall (video)  
Leslie Jackson-Jenkins, Esq. (phone)  
J.P. Smith (phone)  
Joseph Snee, Esq. (phone) on at 9:40am

**DIRECTORS ABSENT:** None

**OTHERS PRESENT:** Sean L. Coleman, Esq. (video)  
Tammy Banta (video)  
Vishal Bhatia (video)  
Hattie Crosby (video)  
Dan Faoro (video)  
Pamela Fuller (video)  
Jason Gillespie (video)  
Jana Leech (video)  
Steve Pennington (video)  
Matthew Sherring (video)  
Steve Tomczewski (video)

**CALL TO ORDER**

Dr. Glass called the meeting to order at 9:36 a.m. The video connection provided the ability for some board members to be visible to one another.

**MINUTES**

Dr. Glass requested discussion or a motion for the approval of the minutes of the meeting of July 23, 2020. Mr. Addison made a motion to approve the minutes, and Mr. Hall seconded. The minutes were unanimously approved, with the exception of Mr. Snee and Dr. Streett who were not yet on the call.

**DIRECTOR'S REPORT**

Dr. Glass provided an update on the Conowingo Sediment Characterization and Dredging Pilot project. Discussions occurred with Deputy Chief of Staff to the Governor's Office Steven Schatz and MDE Secretary Ben Grumbles regarding funding support for a change order due to increased requirements by Exelon and extended project duration. Approval for the dredging project has been obtained from FERC under the Exelon license, and the team continues to work on the proposal for additional services to submit to MDE. Overall, the project is progressing nicely.

Mr. Harris, Mr. Tomczewski and Dr. Glass, along with the agency's Financial advisors, made a presentation to the Standard & Poors rating agency in connection with the Midshore II bond refunding. The bond sale is moving forward and will occur before the next board meeting.

The Lieutenant Governor is conducting a review of space requirements in order to evaluate how well teleworking is working at all levels of State Government. Dr. Glass had already asked the MES team to evaluate the impact of teleworking at MES.

Dr. Glass had an introductory meeting with Harford County Executive Barry Glassman. He also met with the Department of Public Works for Harford County to discuss current MES operations and potential future opportunities.

Dr. Glass, Ms. Banta and Mr. Gillespie were on a call with the Chesapeake Conservancy and Environmental Policy Innovation Center to discuss their multipronged approach to financing landscape conservation efforts in MD including how private capital can be leveraged to share the funding burden. They met with DNR and MDE regarding legislation that would create a pay for performance model for environmental restoration. This model would bring in more money from the private sector by changing the procurement model.

**AGENCY ACTIVITY REPORT**

Dr. Glass presented the Agency Activity Report. Ms. Banta highlighted the Cox Creek Expanded +60 Dike raising and expansion project proposal that was being

**Board of Directors Meeting**

**August 20, 2020**

**Page 3**

submitted to MDOT MPA and the Seagirt Berth 3 Dredging agreement that was recently executed by MDOT MPA.

Mr. Gillespie highlighted an additional Task Order with MTA. A quarterly meeting is being held with SHA to see which tasks can move forward, and which tasks will remain on hold for now. A proposal is moving forward with the City of Cumberland for water and wastewater services.

Mr. Tomczewski highlighted the proposed upgrades to the Montgomery County Materials Recycling Facility. The equipment is thirty years old and in need of upgrade. The 5-year contract with Prince George's County for the Brown Station Landfill is being reviewed by the Prince George's County Administrative Review Committee.

**STRATEGIC PARTNERSHIP REPORT**

Mr. Pennington's team has continued to virtually meet with stakeholders throughout August. The team achieved 4 stakeholder events, and 12 business to business meetings in July, and 3 stakeholder events and 6 business to business meetings in August. The Maryland Association of Counties convention would have been this week, if not for Covid-19. The current focus of Mr. Pennington's team has been meeting with major county and municipal clients such as Baltimore County, Harford County, Carroll County, St. Mary's County and the City of Cumberland. Communications has been working on outreach publications to launch after Labor Day.

**FINANCIAL REPORT**

Mr. Harris reported that it is too early in the month for the Financial report. Finance staff are working with the auditors to complete the fiscal year end reports.

**HUMAN RESOURCES REPORT**

Dr. Glass reported that the agency currently has a vacancy rate of 3.3%, and it will be under 3% once pending new hires are brought on board. This is an excellent rate.

**MINORITY BUSINESS ENTERPRISE (MBE) PRESENTATION**

Tim Barnes, the Manager of MBE and SBR Programs, presented a summary of the State MBE program, and its implementation at MES. The regulations direct 70 State agencies to try to direct 29% of their total spending to MBE firms. In FY19, MES reached 29.4%, and the numbers are looking good for FY20 also. New subgoals have been implemented for contracts as well. Mr. Snee expressed his congratulations on achieving goal numbers.

**PROCUREMENT ITEMS**

Ms. Crosby introduced Item 1. The procurement is for site services and labor related to hazardous waste management provided by EQ Northeast Inc. at Hawkins Point and Dundalk Marine Terminal. Mr. Harris made the motion to approve the item, Mr. Smith seconded. The motion passed unanimously.

Ms. Crosby introduced Item 2. The procurement is for site services and labor related to hazardous waste management provided by ACV Environmental Services, Inc. at Hawkins Point and Dundalk Marine Terminal. Mr. Smith made the motion to approve the item, Mr. Hall seconded. The motion passed unanimously.

Ms. Crosby introduced Item 3. The procurement is for Phase II mitigation plan development for the Cox Creek Expanded project provided by Anchor, QEA. Dr. Streett made the motion to approve the item, Mr. Snee seconded. The motion passed unanimously.

Ms. Crosby introduced Item 4. The procurement is for a new fabric building for the Prince George's Country Organic Composting Facility. Mr. Snee made the motion to approve the item, Dr. Streett seconded. The motion passed unanimously, with the exception of Ms. Jenkins who abstained.

Ms. Crosby introduced Item 5. The procurement is for a new front-end loader for the Prince George's Country Organic Composting Facility. Mr. Addison made the motion to approve the item, Mr. Harris seconded. The motion passed unanimously, with the exception of Ms. Jenkins who abstained.

Ms. Crosby introduced Item 6. The procurement is for a compost screener for the Prince George's Country Organic Composting Facility. Mr. Smith made the motion to approve the item, Mr. Hall seconded. The motion passed unanimously, with the exception of Ms. Jenkins who abstained.

Ms. Crosby introduced Item 7. The procurement is for transportation and processing of bypass recyclable material from Montgomery County provided by Penn Waste, Inc. Mr. Snee made the motion to approve the item, Dr. Streett seconded. The motion passed unanimously.

The Board Notifications were reviewed. Ms. Jenkins requested the MBE participation be noted on future Notification reports.

**LEGAL REPORT**

A collection suit has been filed against Wise Recycling.

**Board of Directors Meeting**

**August 20, 2020**

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**OLD/NEW BUSINESS**

Dr. Glass has met with the new President of the Queen Anne's County Board of County Commissioners and a local Delegate regarding the Town of Sudlersville. No payments have been received yet from the Town. Mr. Gillespie will be following up on a notice given to the Town. If there is no response or payment by September 2<sup>nd</sup>, MES will end its operation of the Town's water and wastewater facilities. Avenues to recover the outstanding debt will then be pursued.

The next meeting of the Board is scheduled for September 24, 2020 at 9:30 a.m.

**CLOSED SESSION**

At 10:37 a.m., in accordance with MD. Code Ann., Gen. Prov. §3-305(b)(1) and (b)(7) Dr. Glass stated that the Board intended to enter closed session to discuss the compensation of an agency employee, to approve the minutes of a prior closed meeting session and to consult with counsel to obtain legal advice. Dr. Glass asked if anyone objected to the Board entering closed session, and no objections were heard. Mr. Addison then made a motion that the Board enter closed session for the reasons stated above. Mr. Hall seconded the motion, all members voted in favor of closing the meeting. Dr. Glass announced that the meeting of the Board of Directors would immediately adjourn following the closed session. The public meeting then ended at 10:38am. The Board members and Mr. Coleman then called into a secure conference phone line.

Dr. Glass called the meeting of the closed session of the Board to order at 10:40 a.m. Present during the closed session of the Board were Board members Glass, Harris, Streett, Snee, Jenkins, Smith, Addison, Hall, and Assistant Attorney General Coleman and Paralegal Pamela Fuller. At the start of the closed session Dr. Glass requested a motion for the approval of the minutes of the closed session from the meeting of July 23, 2020. Ms. Jenkins made the motion to approve the minutes and Mr. Harris seconded. The minutes were unanimously approved.

During the closed session the Board discussed several issues related to a specific former employee of the Service, and to consult with counsel regarding those issues. The Board took no official action regarding those issues during the closed session.

**Board of Directors Meeting**

**August 20, 2020**

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The closed session then ended, and the Board meeting adjourned at 11:36 a.m.

*Frederic N. Smalkin*

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**HONORABLE FREDERIC SMALKIN**  
**SECRETARY**

*Charles* *CG*

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**CHARLES GLASS, Ph.D.**  
**ACTING DIRECTOR**



Larry Hogan **GOVERNOR**  
Boyd K. Rutherford **LT. GOVERNOR**  
Charles Glass, Ph.D. **ACTING DIRECTOR**

**BOARD OF DIRECTORS  
MEETING MINUTES  
MEETING 9-20  
September 24, 2020**

**LOCATION:** **Conference/Video Call**

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

**DIRECTORS PRESENT:** Charles Glass, Chairman (video)  
Judge Frederic Smalkin, Secretary (video)  
Morgan Hall (video)  
Leslie Jackson-Jenkins, Esq. (video)  
J.P. Smith (video)  
Joseph Snee, Esq. (video)

**DIRECTORS ABSENT:** None

**OTHERS PRESENT:** Sean L. Coleman, Esq. (video)  
Tammy Banta (video)  
Vishal Bhatia (video)  
Amanda Cooper (video)  
Hattie Crosby (video)  
Dan Faoro (video)  
Pamela Fuller (video)  
Jason Gillespie (video)  
Michael C. Harris (video)  
Jana Leech (video)  
Steve Tomczewski (video)  
Jewel White (video)  
2 guests on phone

**CALL TO ORDER**

Dr. Glass called the meeting to order at 9:40 a.m.

**MINUTES**

Dr. Glass requested discussion or a motion for the approval of the minutes of the meeting of August 20, 2020. Mr. Snee made a motion to approve the minutes, and Ms. Jenkins seconded. The minutes were approved with 5 members voting in favor and Judge Smalkin abstaining.

**DIRECTOR'S REPORT**

Dr. Glass began his report by stating that he intends to advise the Board each month of his business expenses incurred over the previous month. He has had no expenses. He has not traveled over the past month or used his agency issued purchasing card. eBirthday cards for clients have been purchased, and MES Christmas cards are going to be ordered. In addition, until the vehicle policy is more fully understood, Dr. Glass has returned to the MES fleet the vehicle previously assigned for the Director's use. It will now be available for use by any staff members who need it for site visits.

Dr. Glass welcomed Judge Frederic Smalkin to the Board. Dr. Glass has appointed Judge Smalkin to serve as the Agency Secretary, and the Governor has approved the appointment. Amanda Cooper, Dr. Glass' new Executive Assistant was also introduced. Dr. Glass would like to appoint Ms. Fuller as the Clerk of the Board to prepare the meeting minutes for both open and closed sessions. Dr. Glass would like to further discuss this with Judge Smalkin before officially making this designation.

Dr. Glass had numerous meetings with stakeholders over the last month. On August 27<sup>th</sup> he had a Teams meeting with Mike English and Steve Schupak from Maryland Public Television regarding MES' past sponsorship of Outdoors Maryland. No commitments were made for future sponsorship.

On September 3<sup>rd</sup>, he had a phone conversation with Kristen Fidler, the Director of Harbor Development for MDOT MPA to discuss State budget cuts and MPA support for MES moving forward on its projects. A second meeting was held with Wonza Span-Nicholas, the MPA CFO regarding the advanced payment program. A meeting is scheduled for next week with MDOT MPA Executive Director Doyle.

An agency wide Teams meeting was held on September 3<sup>rd</sup> for Dr. Glass to address the recent news articles and answer employee questions.

Dr. Glass had a conversation with Secretary Slater and Deputy Secretary Powell of MDOT after the release of the MDOT Consolidated Transportation Program. The six-year capital program has dropped from \$16.3B to \$13.4B. MES is ready to support MDOT in any way it can.

**Board of Directors Meeting****September 24, 2020****Page 3**

Several meetings were conducted with Dr. Mary Beth Tung, Executive Director of the Maryland Energy Administration to discuss the ECI boiler conversion project and other potential energy projects and funding sources.

Ms. Jenkins and Dr. Glass met with Mrs. Colimon of RSM, the agency auditor. They have almost completed their audit of Managing Director expenses. Their report should be complete by next week. In addition, the MES interview panel has almost completed their search for an Internal Auditor. They hope to have that position filled before the next Board meeting.

An initial payment of \$20,000 was received from the Town of Sudlersville on their outstanding debt, in early September and an agreement for further payment has been drafted.

Dr. Glass has been reviewing the MES law, regulations, board resolutions, policies and procedures. He has asked that all the open session minutes and resolutions be posted to the MES website. He has also been reviewing the agency Fleet policy, the mission, vision, values (Five Keys), Top 10 stories, performance measures and BEST program. The Managing Directors have been gathering top stories and key performance indicators. These will be used to present snapshots of quarterly performance of the Service. He has also formed a committee to summarize the differences in compensation and benefits between MES employees and traditional State employees. Issues such as retirement, 401K, leave and health insurance will be reviewed. Mr. Snee wanted to stress the importance of the BEST program to employees, and the agency should take steps to keep that program.

Mr. Snee inquired when the travel and reimbursement policy for the Director would be completed. Dr. Glass stated it has not been started yet, but staff can focus on this policy first. In the meantime, he will begin the Director's report to the Board each month with his expenses. The Team will also focus on preparing a report to attach to the Board materials before the next meeting.

**AGENCY ACTIVITY REPORT**

Dr. Glass presented the Agency Activity Report and asked the Managing Directors to highlight a few items from their respective departments.

Ms. Banta highlighted the Cox Creek Expanded Stage I project which is a very important project for MDOT MPA. The project has included demolition of the Kennecott Copper Refinery buildings, base dike widening of the existing Dredged Material Containment Facility (DMCF), and design and construction of a new operations complex amongst other items. The next step will include the +60 dike raising

**Board of Directors Meeting****September 24, 2020****Page 4**

and expansion of the facility onto to the upland area where the refinery existed. MDOT MPA has stated that funding has been identified in the Consolidated Transportation Program budget in the out years to support this important project. Ms. Banta also highlighted the Energy Transfer Ports (ETP) projects including Colgate Creek dredging and its innovative reuse component. Work on the DMCF operations projects continue although the budgets have been cut by ~24%. Hart-Miller Island closed in 2009 to material inflow, but work continues on dewatering and habitat development. Expansion projects at Cox Creek and Poplar Island are continuing, while dike raising at Masonville has been put on hold due to budget reductions.

Mr. Gillespie highlighted the amendment with SHA under Task 3 for drainage management and remediation. The amendment will add funding and expand the number of covered districts.

Mr. Tomczewski highlighted the Prince George's County landfill construction project. The County is moving forward with the FY21 amendment for \$11M. MES will perform oversight of all aspects of the improvements to Brown Station Landfill, and Sandy Hill Landfill. The next objective is the 4 year, \$81M contract. There are also single stream recycling and homeowner drop off areas.

Dr. Glass pointed out that all three Managing Directors have received rave reviews from their clients.

**FINANCIAL REPORT**

Mr. Harris reported that RSM has completed the year-end audit. Their draft statement should be available next week, for presentation at the October meeting. FY21 Revenue was \$22.5M, with \$5.6M in labor sales. There was one extra pay period in July 2019. Expenses have been down due to increased teleworking and cost saving measures. Projected labor sales are \$37.2M. No snow days are anticipated, or budgeted, for the coming winter. There was a cash balance of \$35M, which is close to the same as last year. Liabilities are lower. Most of the accounts on the 90-day report are in the process of payment. Foxville Gardens has paid. Prince George's County is waiting for the IGA to be executed and will then pay. Collection proceedings have been filed against Wise Recycling. There is a new project manager at MTA, and invoices have been re-submitted.

**HUMAN RESOURCES REPORT**

Ms. White reported that the agency has 856 current positions with a vacancy rate of 4.09%, and it will be 3.71% once pending new hires are brought on board. Remote hiring and orientation are ongoing.

**RESOLUTION 2020-09-1R**

Ms. White introduced Resolution 2020-09-1R which would grant November 27, 2020, the day after Thanksgiving, as an additional holiday for MES employees. State employees already received this day as a paid holiday, and MES has granted it for the last 7 years. Dr. Glass indicated this may be made a permanent part of the leave package, once the review of MES' policies and benefits is complete. Mr. Snee made the motion to approve the Resolution, Judge Smalkin seconded. The resolution passed unanimously.

**GROUP UPDATES**

Mr. Tomczewski discussed the partnership with the Maryland Department of Aging for Durable Medical Equipment recycling. Medical equipment is collected across the State, warehoused, sanitized, and refurbished for eventual reuse. The project started in August in Harford County and the Midshore Counties. More jurisdictions are also interested in participating. They are currently working with the Lions Club who already had a smaller scale operation in place.

Ms. Banta discussed the Lake Linganore Dredging project. The project is currently in Phase II. Although MES is contracted directly to Frederick County, there is a three way cost share agreement between Frederick County (25%), the City of Frederick (50%) and the Lake Linganore Association (25%) to pay for this project. About 150,000 cubic yards of material is being dredged from the upper reach of the lake, dewatered and hauled to Reich's Ford Landfill to be used as daily cover in the future. Frederick County is currently seeking approval of a grant by the Board of Public Works to dredge an additional ~22,000 cubic yards of material.

Mr. Gillespie discussed the Chesapeake Bay Crossing NEPA support. MES employs an Architectural Historian who works on SHA projects. The draft section 106 review has been completed and is out for public comment. Tier II will begin in 2021.

**A/E SHORTLIST & SMALL BUSINESS RESERVE SELECTION CRITERIA**

Ms. Crosby presented an overview of the A/E Shortlist and Small Business Reserve (SBR) selection criteria process. MES met internally to revise the Award Recommendation documents for Shortlist Contractors. The selection criteria were revised to allow fair opportunities in the selection process. They are looking for even distribution of resources across the short list. Mr. Snee recommended the logo be included on all 4 pages, not just the second pages, and include the titles for the procurement staff.

**PROCUREMENT ITEMS**

Ms. Crosby introduced Item 1. The procurement is a change order to increase the number of pallets procured from Peters Pallets Inc. for the Montgomery County Yard Trim Compost Facility. Mr. Smith made the motion to approve the item, Mr. Hall seconded. The motion passed unanimously.

Ms. Crosby introduced Item 2. The procurement is a change order to expand the geographic area for the MDOT SHA Drainage Management and Stormwater Remediation, provided by Concrete General, Inc. Ms. Jenkins made the motion to approve the item, Mr. Hall seconded. The motion passed unanimously.

Ms. Crosby introduced Item 3. The procurement is for electrical preventative maintenance services at the ECI Co-Gen to be provided by Premium Power Services LLC. Mr. Snee made the motion to approve the item, Mr. Smith seconded. The motion passed unanimously.

Ms. Crosby introduced Item 4. The procurement is for Covid-19 staff augmented continued response and recovery services for Maryland Department of Health provided by Hagerty Consulting. Mr. Snee made the motion to approve the item, Mr. Hall seconded. The motion passed unanimously.

A discussion was held concerning Covid-19 detection in wastewater. Testing has indicated the presence of Covid-19 in untreated wastewater. It allows researchers to see where the virus is coming from. There is not an increased risk to WWTP employees, as regular PPE and other protective measures are taken. There is no Covid-19 detected in final effluent.

Ms. Crosby introduced Item 5. The procurement is for pavement replacement of Section 1 of the lower compost pad at the Harford Waste Disposal Center provided by American Asphalt. Ms. Jenkins made the motion to approve the item, Mr. Smith seconded. The motion passed unanimously.

Ms. Crosby introduced Item 6. The procurement is for traffic control services for MDOT SHA Region 4 provided by Traffic Engineering Services. Mr. Gillespie indicated the scope of work has not expanded, but the number of stormwater repair projects has increased. Mr. Smith made the motion to approve the item, Ms. Jenkins seconded. The motion passed unanimously.

Ms. Crosby introduced Item 7. The procurement is for stormwater and roadway drainage maintenance services provided by Tri State Solutions of MD for the MDOT SHA Central Region. Judge Smalkin made the motion to approve the item, Mr. Snee seconded. The motion passed unanimously.

Ms. Crosby introduced Item 8. The procurement is for the Eastern Pre-Release Unit Wastewater Treatment plant expansion and upgrade, provided by M2 Construction LLC. Mr. Smith made the motion to approve the item, Judge Smalkin seconded. The motion passed unanimously.

The Board Notifications were reviewed.

**LEGAL REPORT**

Mr. Coleman advised there is a procurement dispute stemming from the Cox Creek expanded project. Two very competitive bids were received, with only about 4% difference between them. The second lowest bidder has filed suit in Anne Arundel County Circuit Court contesting the award of the contract to the low bidder.

The contract dispute stemming from the closure cap construction at the Midshore I landfill is scheduled for trial in April 2021, with a Pretrial settlement conference scheduled for October 2020.

The Midshore II bond sale is nearing completion. The true interest cost submitted by Bank of New York was .838229%. There were very favorable bids on the sale. The sale will save the Midshore Counties \$2.5M over the life of the project.

Mr. Coleman advised his staff is also continuing to assist with responses to numerous public information act requests and other inquiries.

**OLD/NEW BUSINESS**

The next meeting of the Board is scheduled for October 22, 2020 at 9:30 a.m.

**ADJOURNMENT**

Upon motion by Ms. Jenkins, seconded by Mr. Smith, the Board meeting adjourned at 11:36 a.m.

*Frederic N. Smalkin*

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**HONORABLE FREDERIC SMALKIN  
SECRETARY**

*Charles Glass*

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**CHARLES GLASS, Ph.D.  
ACTING DIRECTOR**



Larry Hogan **GOVERNOR**

Boyd K. Rutherford **LT. GOVERNOR**

Charles Glass, Ph.D. **ACTING DIRECTOR**

## **BOARD OF DIRECTORS MEETING MINUTES**

**MEETING 10-20  
October 22, 2020**

**LOCATION:** **Conference/Video Call**

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

**DIRECTORS PRESENT:** Charles Glass, Chairman (video)  
Judge Frederic Smalkin, Secretary (video)  
Morgan Hall (video)  
Leslie Jackson-Jenkins, Esq. (video)  
J.P. Smith (video)  
Joseph Snee, Esq. (video)

**DIRECTORS ABSENT:** None

**OTHERS PRESENT:** Sean L. Coleman, Esq. (video)  
Tammy Banta (video)  
Jason Gillespie (video)  
Steve Tomczewski (video)  
Hament Patel (video)  
Hattie Crosby (video)  
Jewel White (video)  
Vishal Bhatia (video)  
Dan Faoro (video)  
Pamela Fuller (video)  
Jana Leech (video)  
Amanda Cooper (video)  
Valerie Colimon, RSM in at 10, out at 10:19am  
Andrew Wolf, RSM in at 10, out at 10:19am

### **CALL TO ORDER**

Dr. Glass called the meeting to order at 9:35 a.m.

**Board of Directors Meeting**

**October 22, 2020**

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**MINUTES**

Dr. Glass requested discussion or a motion for the approval of the minutes of the meeting of September 24, 2020. Mr. Smith made a motion to approve the minutes, and Mr. Hall seconded. The minutes were unanimously approved.

**DIRECTOR'S REPORT**

Dr. Glass began by reporting his expenses for the last month. As the provided credit card and expense reimbursement reports reflect, he has incurred no expenses in the past month. Resolution 20-10-01R, which will be presented at this meeting, establishes expense reimbursement guidelines for the Director and procedures for oversight on a monthly basis by the Board of Directors.

Dr. Glass has decided to move forward with an electronic Christmas card to send to agency clients and partners, which will incur no added expense.

Dr. Glass introduced Ms. Winsome Condra to the Board. She is the new Internal Auditor for the agency. She has an impressive background working with both public and private organizations. She is already assisting the Executive Office and will be working with the Office of Attorney General in responding to various matters.

Dr. Glass also welcomed Mr. Hament Patel, a long serving MES employee, who is now the Acting Managing Director of Finance.

Dr. Glass asked for a motion to nominate Ms. Pamela Fuller, Paralegal with the Office of Attorney General, as the Clerk of the Board. The Clerk will work under the supervision of the Board Secretary and be responsible for preparing the meeting notices, preparing the initial set of minutes for both open and closed sessions of the Board, and maintaining the files of the Board meetings. Mr. Snee made a motion to approve the action, Mr. Smith second. The motion passed unanimously.

Dr. Glass and the Board wished a Happy Birthday to Ms. Tammy Banta.

Several partners have had high praise for the agency and teammates. Kristen Fidler and Kristen Keene at MDOT MPA praised Cox Creek site manager, Robert Natarian as the “mastermind of all things innovative re-use.” A U.S. Army Corps of Engineers staff member stated “The MES Operators [at Poplar Island] are the best in the world and great at what they do.”

On September 29<sup>th</sup>, Dr. Glass had an introductory meeting with MDOT MPA Executive Director Bill Doyle. Discussion involved the upcoming Seagirt Berth 3

**Board of Directors Meeting**

**October 22, 2020**

**Page 3**

dredging and the dredging associated with the approach and turn around for the post Panamax ships.

On October 6<sup>th</sup>, Dr. Glass met with Mr. Adam Ortiz, Director of the Montgomery County Department of Environmental Protection regarding the expansion of Leafgro®, Leafgro Gold ® and the expansion of other possible products. He has requested MES set-up a meeting with Joe Gill, Director of Prince George's County Department of the Environment to discuss this exciting opportunity.

On October 20<sup>th</sup>, Dr. Glass attended the annual meeting between MES and the DNR/Maryland Park Service. Mr. Gillespie led a presentation reviewing the Capital and Operating programs in support of water and wastewater systems throughout the Park Service, and Mr. Patel reviewed the financials from 2020. Park Service Superintendent Nita Settina is interested in expanding solar projects on Park Service land with MES and MEA as partners. MEA suggested they explore an MOU with MES to research and implement projects.

The draft audit report for FY20 is almost complete. Ms. Colimon of RSM will be on the call at 10am to discuss.

An initial payment from the Town of Sudlersville was received in early September. The second payment due in October has not yet been received. Dr. Glass is recommending a termination notice be submitted to the Town on November 1<sup>st</sup>.

Dr. Glass continues to review the MES statute, regulations, resolutions, policies and procedures. In an effort to be more transparent, all of the minutes of the Board have been posted to the MES website. All of the Resolutions will be posted soon. While reviewing and studying the law, regulations, board resolutions, policies and procedures that govern MES, he has also begun to review management actions that follow through on that intent and how those management actions and results can best be presented to all MES clients, stakeholders and partners. The Managing Directors have been providing top stories and key performance indicators. A presentation is being developed that can be shared online or with clients. A presentation is also being created that highlights the differences between compensation and benefits of MES employees and other State employees that can be used to guide future policies. Mr. Faoro and Ms. Banta are leading a group to trace the history of the agency with stories from long-serving staff.

**AGENCY ACTIVITY REPORT**

Dr. Glass presented the Agency Activity Report and asked if there were any questions.

**Board of Directors Meeting**

**October 22, 2020**

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Mr. Snee asked about some of the larger cost proposals on the Agency Activity Report including Cox Creek Expanded, Energy Transfer Ports - Colgate Creek, and Seagirt Berth 3. Ms. Banta noted that MDOT MPA signed the \$33.99M proposal for Cox Creek Expanded +60 dike construction earlier this month. Amongst other items, this project includes raising the existing dikes to +60 ft and expansion of the facility onto the upland area.

Colgate Creek is located between the Seagirt and Dundalk Marine Terminals. This dredging project also has an innovative reuse component that is not yet defined. The Seagirt Berth 3 project will be covered today under the Group Updates portion of the meeting.

Mr. Gillespie explained that the SHA District 3, Task 3 is for ongoing stormwater remediation projects. The amended Task will expand the project to more Districts. The MOU has not yet been executed, but the quarterly meeting is approaching, where all Task Orders will be discussed.

Mr. Tomczewski indicated the FY21 amendment with Prince George's County for \$11 million is almost finalized for work at Brown Station landfill. The FY21-FY25 five year agreement may be broken into smaller shorter duration MOUs.

**AUDIT COMMITTEE REPORT**

Ms. Jenkins reported that the Audit Committee met with the audit team from RSM earlier today. She reviewed the scope and objective of the audit team. Valerie Colimon and Andrew Wolf of RSM then joined the meeting at 10am and shared their presentation. They expect to issue a clean, unmodified report. Once they receive the final 3 components, they will issue their final report, next week.

There were no changes to the planned scope of the FY20 audit. Management was very responsive and helpful throughout the process. Their investigation indicated proper controls were in place to prevent fraud. Since Covid-19 struck in the fourth quarter, it had minimal impact on the last fiscal year.

A few additional items will be completed after the conclusion of the audit.

Mr. Patel thanked the entire RSM team. The FY20 financial statements are attached to the RSM presentation. They do not anticipate any substantive changes prior to finalization.

**FINANCIAL REPORT**

Mr. Patel reported that labor sales in FY21 are lower than FY20. This is partly due to the conversion to Workday which computes pay end dates differently than JDE. JDE used check date, Workday uses the pay-period end date. So FY21 will have one less pay period than FY20. The budgets were prepared with this in mind, and it will not have a major impact on the net results. The positive change in net assets for FY21 is at \$1.6M, with a projected \$3M increase for the whole year. Contributing factors include reduced overhead and fringe costs.

The total assets are at 50% Capital Assets and 50% restricted and unrestricted net assets. There was a \$1.6M increase in net assets. Overhead cost savings were not in the budget when prepared, but is subject to fluctuations due to holidays, snow days, etc.

The 2021 Financial Plan indicates labor will be lower, but recovery will be higher.

Progress continues to be made on the Accounts over 90 days report. ACH transfer information has been sent to the Town of Sudlersville. MTA is processing their invoice. A lawsuit has been filed against Wise Recycling, but they may no longer be in business.

**HUMAN RESOURCES REPORT**

Ms. White reported that the agency has 855 current positions with a vacancy rate of 4.39%, and it will be 3.87% once pending new hires are brought on board. Remote hiring and orientation are ongoing. There have been 57 new employees brought onboard since Covid started.

**RESOLUTION 2020-10-1R**

Ms. White introduced Resolution 2020-10-1R. This resolution modifies the manner in which the senior manager class of employees earn annual and compensatory leave. Ms. White indicated that employees must be pre-approved to work extra and earn comp time. Ms. Jenkins made the motion to approve the Resolution, Mr. Smith seconded, there was no discussion. The resolution passed unanimously.

**RESOLUTION 2020-10-2R**

Ms. White introduced Resolution 2020-10-1R. This resolution authorizes the Director to be reimbursed for certain business expenses, approved by the Managing Director of Finance, and reported to the Board on a monthly basis. Mr. Smith made the

**Board of Directors Meeting****October 22, 2020****Page 6**

motion to approve the Resolution, Mr. Hall seconded, there was no discussion. The resolution passed unanimously.

**GROUP UPDATES**

Ms. Banta presented the Seagirt Berth 3 Dredging project. MDOT MPA is working in conjunction with Ports America Chesapeake as part of the Building Utilizing Investments to Leverage Development (BUILD) grant. Approximately 400,000 cy of material will be dredged to 51-ft. +1 ft of overdepth below Mean Lower Low Water for the Seagirt Berth 3, Seagirt Berth 3 wideners, and Turning Basin to be placed at the Masonville Dredged Material Containment Facility. An additional 81,000 cy of material will be dredged from the Seagirt-Dundalk Channel Dredging under separate funding. This project will serve to further accommodate the ultra large container vessels into the Port of Baltimore.

Mr. Gillespie presented a new Task order with Baltimore County to examine problem flooding areas. MES will be updating the County's database and conducting condition assessments. Some of the studied areas may need maintenance or replacement.

Mr. Tomczewski presented the Montgomery County Food Scrap collections project. MES has purchased a collection truck and supplied the driver to provide for food scraps collection. Scrap food is collected from 10 commercial stops, 3 days a week. The materials are then composted at the Prince George's County Organic Composting Facility into Leafgro Gold ®. The amount of food scraps collected has been reduced by Covid-19 closures. A pilot homeowner collection program is being investigated.

**PROCUREMENT ITEMS**

Ms. Crosby introduced Item 1. The procurement is a change order with ACV Enviro for the Statewide Household Hazardous Collection (HHW) Program. Mr. Snee made the motion to approve the item, Ms. Jenkins seconded. The motion passed unanimously.

Ms. Crosby introduced Item 2. The procurement is a change order with Van Dyke Bale Corporation for the addition of a Maintenance Platform and Old Newsprint Screen to the plastics line at the Prince George's County MRF. Mr. Snee made the motion to approve the item, Mr. Smith seconded. The motion passed unanimously, with the exception of Ms. Jenkins who abstained.

Ms. Crosby introduced Item 3. The procurement is for line cleaning, inspection, and repair at the Hawkins Point Landfill and Dundalk Marine Terminal provided by

**Board of Directors Meeting**

**October 22, 2020**

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Mobile Dredging & Video Pipe, Inc. Mr. Smith made the motion to approve the item, Mr. Snee seconded. The motion passed unanimously.

Ms. Crosby introduced Item 4. The procurement is a change order with Anchor QEA for strategic planning support for reducing air emissions at MDOT MPA Public Terminals. Ms. Jenkins made the motion to approve the item, Mr. Hall seconded. The motion passed unanimously.

Ms. Crosby introduced Item 5. The procurement is a change order with Gahagan & Bryant Associates (GBA) for Energy Transfer Ports Task 5 – HarborWide Surveys. Ms. Jenkins made the motion to approve the item, Mr. Smith seconded. The motion passed unanimously.

Ms. Crosby introduced Item 6. The procurement is a change order with Mobile Dredging and Video Pipe, Inc. for additional dredging work at Lake Linganore. Frederick County was able to secure a Grant for \$3 million toward this project. Frederick County, the City of Frederick and the Lake Linganore Association are all happy with the progress of the project. Mr. Snee made the motion to approve the item, Mr. Smith seconded. The motion passed unanimously.

Ms. Crosby introduced Item 7. The procurement is a change order with STORMWATER Maintenance, LLC for stormwater remediation and maintenance throughout Central Maryland. Ms. Jenkins made the motion to approve the item, Judge Smalkin seconded. The motion passed unanimously.

Ms. Crosby introduced Item 8. The procurement is a change order with EARN Contractors, Inc. for contract labor at the Montgomery County Yard Trim Composting Facility and Grinding Operation. Mr. Snee made the motion to approve the item, Mr. Hall seconded. The motion passed unanimously.

The Board Notifications were reviewed.

**OLD/NEW BUSINESS**

Dr. Glass presented the Proposed 2021 Board meeting schedule. Board members were asked to check their schedules and provide comments by the next meeting.

Dr. Glass announced that this was Ms. Jenkins last meeting. He thanked her for her guidance and support during his first four months at MES as well as her many years of dedicated service on the Board. The Board members also wished her well.

The next meeting of the Board is scheduled for November 19, 2020 at 9:30 a.m.

**Board of Directors Meeting**

**October 22, 2020**

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**CLOSED SESSION**

At 11:13 a.m., in accordance with MD. Code Ann., Gen. Prov. §3-305(b)(1) (7) and (b)(12) Dr. Glass stated that the Board intended to enter closed session to approve the minutes of a prior closed meeting session, to discuss the performance of one or more individuals, to obtain advice of counsel, and to discuss an administrative proceeding. Dr. Glass asked if anyone objected to the Board entering closed session, and no objections were heard. Mr. Smith then made a motion that the Board enter closed session for the reasons stated above. Judge Smalkin seconded the motion, all members voted in favor of closing the meeting. Dr. Glass announced that the meeting of the Board of Directors would immediately adjourn following the closed session. The public meeting then ended at 10:38am. The Board members and Mr. Coleman and Ms. Fuller then logged into a secure conference video line.

Dr. Glass called the meeting of the closed session of the Board to order at 11:18 a.m. Present during the closed session of the Board were Board members Glass, Smalkin, Snee, Jenkins, Smith, Hall, and Assistant Attorney General Coleman and Paralegal Fuller. At the start of the closed session Dr. Glass requested a motion for the approval of the minutes of the closed session from the meeting of August 20, 2020. Ms. Jenkins made the motion to approve the minutes and Mr. Smith seconded. The minutes were unanimously approved.

During the closed session the Board consulted with counsel regarding the performance of a former employee of the Service, and regarding an investigation. The Board also voted unanimously to provide to the Joint Committee on Fair Practices and State Personnel Oversight copies of the approved minutes of the closed sessions of the Board meetings held on June 20, 2016, July 10, 2017, June 28, 2018, June 27, 2019, February 29, 2016, August 16, 2017, and May 28, 2020.

**ADJOURNMENT**

Upon motion by Mr. Snee, seconded by Judge Smalkin, the Board exited the closed session and the meeting adjourned at 12:00 p.m.

*Frederic N. Smalkin*

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**HONORABLE FREDERIC SMALKIN  
SECRETARY**

*Charles Glass*

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**CHARLES GLASS, Ph.D.  
ACTING DIRECTOR**



Larry Hogan **GOVERNOR**

Boyd K. Rutherford **LT. GOVERNOR**

Charles Glass, Ph.D. **ACTING DIRECTOR**

**BOARD OF DIRECTORS  
MEETING MINUTES  
MEETING 11-20  
November 19, 2020**

**LOCATION:** Conference/Video Call

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

**DIRECTORS PRESENT:** Charles Glass, Chairman (video)  
Judge Frederic Smalkin, Secretary (video)  
Morgan Hall (video)  
Shelley Heller (video)  
J.P. Smith (video)  
Joseph Snee, Esq. (video)

**DIRECTORS ABSENT:** None

**OTHERS PRESENT:** Sean L. Coleman, Esq. (video)  
Hament Patel (video)  
Hattie Crosby (video)  
Jewel White (video)  
Tammy Banta (video)  
Jason Gillespie (video)  
Steve Tomczewski (video)  
Vishal Bhatia (video)  
Dan Faoro (video)  
Steven King (video)  
Winsome Condra (video)  
Pamela Fuller (video)  
Jana Leech (video)  
Amanda Cooper (video)

**CALL TO ORDER**

Dr. Glass called the meeting to order at 9:32 a.m. Board members and staff participated via Teams video. The meeting was broadcast live to the public on YouTube.

**Board of Directors Meeting**

**November 19, 2020**

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**MINUTES**

Dr. Glass requested discussion or a motion for the approval of the minutes of the meeting of October 22, 2020. Mr. Snee made a motion to approve the minutes, and Mr. Smith seconded. The minutes were unanimously approved with the exception that Ms. Heller abstained, as she was not on the Board at that time and did not attend that meeting.

**DIRECTOR'S REPORT**

Dr. Glass welcomed new Board member Shelley Heller. Ms. Heller is the Kent County Administrator. She brings extensive local, State, and Federal government experience to her public board position.

Dr. Glass reported on his expenses over the last month. He has had no expenses in the past month and continues to refrain from travel and business expenses. Next month there will be a charge for gifts ordered for the three departing Board members. The total charge for all 3 gifts, including shipping is about \$400.

Dr. Glass introduced Steven King as the Managing Director of Administration. He has held positions in the private sector, academia, and State government with responsibilities in finance, administration, training, education, and human services. His diverse background will be an asset as he supports Safety, Human Resources, Procurement, Building services, and the Grants office.

On November 3<sup>rd</sup>, the agency launched Unconscious Bias Training that was established by the Diversity, Equity, and Inclusion committee. Trainings are being conducted via Teams by facilitator Erika Sallee of TrustSynergy, LLC.

On November 4<sup>th</sup>, a Teams meeting was held with Adam Ortiz, Director of the Montgomery County Department of Environmental Protection, Joe Gill, Director of the Prince George's County Department of the Environment, members of their staffs, and the MES Environmental Operations staff to discuss the Leafgro ® family of products. Efforts to collect residential food waste have begun in each County. Expansion of marketing, production, and bagging is also being explored.

Dr. Glass and Mr. Tomczewski met with Treasurer Kopp and Ms. Kille to discuss the natural gas pipeline on the Eastern Shore. Dr. Glass explained that MES is working for a client on this project and does not set environmental policy. An internal team has been convened to explore MES' role in siting solar photovoltaics in the State.

**Board of Directors Meeting**

**November 19, 2020**

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Discussions have already been held with the MDOT TSO Director of Environment, Director Dr. Tung from MEA and with senior staff at DGS.

Another productive meeting was held with Executive Director Bill Doyle of MDOT MPA. He is focused on enhancements to the Seagirt Berth 3 and dredging associated with the approach and turn around for Post Panamax ships. The procurement for this project is still open and should be awarded before the Holidays.

On November 13<sup>th</sup>, a webinar was hosted with Bioforcetech, a company that builds a dryer combined with a pyrolysis reactor to produce biochar. The system can be adapted to biosolids/food waste or yard waste and agricultural waste. The company wants MES to buy a facility, they then guarantee to sell the product, giving 10% of the proceeds back to the agency. MES is discussing possibilities with the Maryland Department of Agriculture.

Meetings are ongoing with Dr. Mary Beth Tung, Executive Director at the Maryland Energy Administration to support the ECI Boiler conversion project and to brainstorm potential energy projects and funding sources.

A double payment was received from the Town of Sudlersville on November 3<sup>rd</sup> for the October and November payments.

Mr. Bhatia and Mr. Tomczewski are heading an initiative to assemble all MES policies and procedures in one searchable location. They will also compare MES policies to DBM policies.

**AGENCY ACTIVITY REPORT**

Dr. Glass presented the Agency Activity Report and asked if there were any questions. Mr. Snee inquired about 2 proposals.

Ms. Banta relayed the Energy Transfer Ports agreement has been an important avenue for MDOT MPA to get work accomplished. They have an agreement with the USACE and have received an annual allotment of funds for work on ETP qualified projects. This includes projects such as the Berth Stability Analysis, and the Seagirt Loop project management plan development.

Mr. Tomczewski elaborated on the Prince George's County IGA for Brown Station landfill. The FY 20 item has been accepted and is moving forward. MES will be involved in all aspects of the project. The 2<sup>nd</sup> item is for \$81 million over 5 years. This item has not been accepted yet. If it is not awarded for a 5 year period, the work may be split into single year contracts.

**Board of Directors Meeting**

**November 19, 2020**

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**FINANCIAL REPORT**

Mr. Patel reported that labor sales in FY21 are 7.24% less than FY20. Part of the reason is due to FY21 having one less pay period (26) as compared to FY20 which had 27 pay periods. Overhead recovery is expected to exceed budget. The change in net assets is doing well compared to budget. The change in net assets is at \$2.2M, compared to \$1.6M at this point in October 2019 due to savings in overhead costs and a decrease in management positions. Fringe is lower than at this time last year, also due to the 1 fewer pay period.

The 2021 Financial Plan indicates labor sales will be lower, but recovery will be higher. Interest income is significantly lower than last year.

Progress continues to be made on the accounts over 90 days. Many of the accounts are with the Project Managers who are discussing with their clients. MDOT MPA paid \$35,000 on their past due balance. Department of Public Safety has also paid. The Town of Sudlersville paid \$40,000 on November 5<sup>th</sup>. They are currently scheduled for automatic electronic payments of \$20,000 on the first of every month which will cover their current expenses, and a portion of the past due amount. Wise Recycling appears to be no longer in business in Maryland. A hearing on MES' motion for summary judgment has been scheduled.

**HUMAN RESOURCES REPORT**

Ms. White reported that the agency has 855 current positions. The vacancy rate will be 3.87% once pending new hires are brought on board. Remote hiring and orientation are ongoing. There have been 65 new employees brought onboard since Covid started.

**RESOLUTION 2020-11-1R**

Ms. White introduced Resolution 2020-11-1R. This resolution will defer the FY20 BEST program and suspend implementation until after the conclusion of the 2021 General Assembly session. Mr. Snee reminded the Board that the BEST program was conceived by former Board member Larry Shubnell in 1999 and the program has worked to motivate employees for 21 years. While understanding the need for the pause in implementation, he looks forward to reinstating it in the Spring of 2021. Mr. Smith agreed that the program is important to the employees of the Service. Mr. Snee made

**Board of Directors Meeting****November 19, 2020****Page 5**

the motion to approve the item, Mr. Smith seconded, there was no further discussion. The resolution passed unanimously.

**GROUP UPDATES**

Ms. Banta highlighted the outreach and education services that MES and its consultants provide on behalf of MDOT MPA to help the Port reach communities and various stakeholders. Types of services are varied and include tasks such as site tours, the Terrapins Outreach & Education Program coordination, and meeting support services.

Mr. Gillespie presented the solar consulting and technical services agreement with Maryland Energy Administration. As part of the Governor's Task Force on Renewable Energy, MES assists MEA with siting and outreach efforts to State agencies. MES is developing a GIS tool to find potential solar sites.

Mr. Tomczewski presented the Brown Station Road Sanitary Landfill leachate pretreatment facility upgrade. MES has operated the pretreatment facility for many years. Current permit requirements and planned future upgrades require the \$11 million upgrade, which is scheduled to be completed by December 2024. Geosyntec is preparing the 30% design with potential technologies for the County to review. Upgrades will be constructed with Prince George's County capital funds. Updates are required to meet more stringent permit requirements, as well as to accommodate expansion of cells within the landfill.

**PROCUREMENT ITEMS**

Ms. Crosby introduced Item 1. The procurement is for GIS TMDL support for MDOT SHA provided by Whitney, Bailey, Cox & Magnani, LLC. Mr. Hall made the motion to approve the item, Judge Smalkin seconded. The motion passed unanimously.

Ms. Crosby introduced Item 2. The procurement is for design, bid and construction services provided by George, Miles & Buhr, LLC for the Elk Neck State Park WWTP ENR upgrade. Mr. Snee made the motion to approve the item, Mr. Smith seconded. The motion passed unanimously.

Ms. Crosby introduced Item 3. The procurement is for statewide stormwater management and remediation services provided by Brawner Builders, Inc. Mr. Snee made the motion to approve the item, Judge Smalkin seconded. The motion passed unanimously.

The Board Notifications were reviewed.

**Board of Directors Meeting**

**November 19, 2020**

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**LEGAL REPORT**

Mr. Coleman advised that his office has been very busy with multiple projects and contract reviews. The Right of Entry for the sediment sampling portion of the work at the Conowingo Dam was fully executed. Various investigations and record reviews continue. The Maryland Judiciary has scaled back from re-opening. This will impact several trial dates in the coming months.

**OLD/NEW BUSINESS**

Dr. Glass congratulated Ms. Banta and Mr. Buszinski on getting the Right of Entry in place for the Conowingo dredging project. This is an important first step in implementing the project.

Dr. Glass urged everyone to continue to be safe, wear their masks, wash their hands, and practice social distancing. He thanked everyone for continuing to work together in trying times.

The next meeting of the Board is scheduled for December 17, 2020 at 9:30 a.m.

**ADJOURNMENT**

The meeting adjourned at 10:36 a.m.

*Frederic N. Smalkin*

**HONORABLE FREDERIC SMALKIN  
SECRETARY**

*Charles Glass*

**CHARLES GLASS, Ph.D.  
ACTING DIRECTOR**



Larry Hogan **GOVERNOR**

Boyd K. Rutherford **LT. GOVERNOR**

Charles Glass, Ph.D., P.E. **ACTING DIRECTOR**

## **BOARD OF DIRECTORS MEETING MINUTES**

**MEETING 12-20  
December 17, 2020**

**LOCATION:** **Conference/Video Call**

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

**DIRECTORS PRESENT:** Charles Glass, Chairman (video)  
Judge Frederic Smalkin, Secretary (video)  
Morgan Hall (video)  
Shelley Heller (video)  
J.P. Smith (video)  
Joseph Snee, Esq. (video)

**DIRECTORS ABSENT:** None

**OTHERS PRESENT:** Sean L. Coleman, Esq. (video)  
Hament Patel (video)  
Hattie Crosby (video)  
Jewel White (video)  
Tammy Banta (video)  
Jason Gillespie (video)  
Steve Tomczewski (video)  
Vishal Bhatia (video)  
Dan Faoro (video)  
Steven King (video)  
Winsome Condra (video)  
Jeff Tosi (video)  
Pamela Fuller (video)  
Jana Leech (video)  
Amanda Cooper (video)

### **CALL TO ORDER**

Dr. Glass called the meeting to order at 9:33 a.m. Board members and staff participated via Teams video. The meeting was broadcast live to the public on YouTube.

**MINUTES**

Dr. Glass requested discussion or a motion for the approval of the minutes of the meeting of November 19, 2020. Mr. Snee made a motion to approve the minutes, and Mr. Smith seconded. The minutes were unanimously approved.

**DIRECTOR'S REPORT**

Dr. Glass reported on his expenses over the last month. He has had no expenses in the past month and continues to refrain from travel and business expenses. Gifts were ordered for the three departing Board members and new frames were ordered for the new Board member's photos. The total charge for the gifts and frames was \$457.89.

Dr. Glass welcomed Mr. Jeff Tosi as the Governmental Affairs Director. Mr. Tosi was the Director of Government Affairs with the Maryland Department of Transportation for the past 4 years. Mr. Tosi has extensive experience interacting with the General Assembly and with MACO and MML.

Dr. Glass had numerous meetings with stakeholders over the last month but wanted to highlight one. On December 2<sup>nd</sup>, he was called on at the Board of Public Works meeting to explain the role of MES in the construction of the Chesapeake Utilities Gas pipeline in Somerset County. The Board item, submitted by MDE was for a study to confirm the pipeline would not impact wetlands. MES does not have a role in the construction of the pipeline but is committed to purchasing the natural gas for its client, the Maryland Department of Public Safety and Correctional Services. The Comptroller wanted an explanation of why the word environment is in the name of the Service. Dr. Glass indicated a study had been prepared, though the report he recalled was related to the Maryland Correctional Institute-Hagerstown. This report was provided, and a meeting was requested with the Comptroller.

The meeting with the Comptroller was held on December 14<sup>th</sup>. Dr. Glass explained to him, as he did to the Treasurer, that MES is working for a client on this project and does not set environmental policy. The Comptroller stressed the need for MES to address issues of climate change and resiliency. He was not concerned with the agency's project-based funding from State and Local clients.

In response, Dr. Glass is exploring, with the Executive team, ways the agency is already working on resiliency goals. MES currently has a solar task from the Maryland Energy Administration. There are also several ongoing projects and potential projects

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that could address issues of climate change and resiliency. Projects include: composting food waste at Prince George's County Composting Facility into Leafgro Gold®; conversion of methane from landfills which produces renewable energy credits (REC); living shorelines and coastal wetland projects, which are now called Blue Carbon projects, and Biochar production from municipal solid waste, biosolids, manure and food waste. The challenge put forth by the Governor to meet 40% reduction of CO<sub>2</sub> emissions by 2030 is a challenge MES is uniquely prepared to meet.

The agency will also continue to move forward with the solar siting effort for the Maryland Energy Administration. Meetings have been held with four department secretaries. While the agency has not been given the go ahead to begin development of the geospatial application, the Treasurer and Comptroller have been briefed on the effort.

All three MES Groups are participating in eco-friendly projects and are preparing an accounting of what the agency is doing and how it protects the environment. As MES works for clients, it typically does not get credit or market the projects it does for these clients.

The December payment was received from the Town of Sudlersville, and staff are actively working on finishing an agreement with the Town.

Dr. Glass has been working with UMCES President Peter Goodwin. A meeting was held on December 4<sup>th</sup> to discuss participation in the Sea Grant Fellows program with the Maryland Department of the Environment. The Sea Grant Fellows program would place doctorate level candidates in environmental positions while they complete their graduate degrees.

The agency needs to appoint and confirm Board members to the agency committees. Dr. Glass recommended Ms. Shelly Heller for the Chair of the Audit Committee due to her many years of procurement, financial and executive experience in County government. Mr. Smith made the motion to appoint Ms. Heller as the Chair of the Audit Committee, Mr. Hall seconded. The motion passed unanimously, except for Ms. Heller who abstained. Mr. Smith and Mr. Hall volunteered to remain on the Audit Committee. Mr. Snee consents to remain the Chair of the Human Resources Committee. Judge Smalkin and Mr. Hall volunteered to serve on the Human Resources Committee. Mr. Smith made a motion to appoint Judge Smalkin and Mr. Hall to the Human Resources Committee, Ms. Heller seconded. The motion passed unanimously.

**AGENCY ACTIVITY REPORT**

Dr. Glass presented the Agency Activity Report and asked if there were any questions. Mr. Snee asked about the Energy Transfer Ports Colgate Creek and Innovative Reuse project. Ms. Banta explained the location of Colgate Creek was between the Dundalk and Seagirt Marine Terminals. The dredge quantity is estimated at 300,000 cubic yards and the innovative reuse of the material had yet to be determined. Mr. Hall asked if there had been any change in status to the Brown Station Landfill project since last month. Mr. Tomczewski indicated the multi-year IGA may be on hold due to changes in management at the County. However, the scope has not changed, and will most likely be awarded as single year contracts.

**FINANCIAL REPORT**

Mr. Patel presented the FY21 Budget v. Actual Report for the period ending November 30, 2020. The increase in Net Assets is over \$3.1M. The agency will achieve close to \$4M by the end of the year, which is \$900,000 more than budgeted. There has been one fewer pay period this FY, than last FY. And there has been significant savings in overhead due to a number of unfilled overhead positions right now.

Progress continues to be made on the accounts over 90 days. Many of the accounts are with the Project Managers who are discussing with their clients. Mr. Patel spoke with Mr. Griffith from the Town of Sudlersville earlier this week. Mr. Griffith would like to see a financial review of their entire account since 2019. Finance staff have been assisting him with questions. Mr. Snee inquired into the status of several accounts. Ritchie Land Reclamation has not submitted payment yet, but Finance staff are working with project managers. There is no update to the SHA accounts. The project managers are working with SHA staff. Mr. Patel will investigate further before the next meeting. Mr. Gillespie indicated there is no dispute in the amount, and agency staff are working with SHA staff on the invoicing process. Wise Recycling is listed as "in good standing." Mr. Coleman indicated there are two entities with similar names. The agency has filed a Motion for Summary Judgment. A hearing is scheduled in the Anne Arundel County Circuit Court. Wise did not file a response.

**HUMAN RESOURCES REPORT**

Ms. White reported that the agency has 854 current positions. The vacancy rate will be 2.57% once pending new hires are brought on board. Remote hiring and

orientation are ongoing. There have been 74 new employees brought onboard since Covid started.

The Governor has recently approved a 2% COLA increase for State employees. MES will move forward and also award the 2% increase to agency personnel in January. Mr. Snee expressed his support for this measure. Judge Smalkin inquired whether MES employees are considered part of the essential class and if so, would they be prioritized for Covid-19 vaccinations, such as category 1B personnel. Ms. White has not heard anything yet but will continue to monitor the situation.

#### **RESOLUTION 2020-12-1R**

Ms. White presented Resolution 2020-12-1R which would grant December 24, 2020, the day before Christmas, as an additional paid holiday for MES employees. The Governor recently granted this day off to State employees. Judge Smalkin made the motion to approve the Resolution, Mr. Smith seconded. The resolution passed unanimously.

#### **GROUP UPDATES**

Ms. Banta gave an overview of the Mid-Chesapeake Bay Island Ecosystem Restoration Project (Mid-Bay) located in the Bay in Dorchester County. The project will consist of remote island restoration at Barren and James Islands and SAV protection at Barren Island. Mid-Bay will be used for dredged material placement once Poplar Island nears/reaches full capacity (2031). The Barren Island restoration will include the addition of 72 acres of wetlands (100 % wetlands) while restoration efforts at James Island will include the addition of 2,072 acres of upland and wetland habitat (45% / 55%, respectively). Mid-bay will provide 90 to 95 MCY of capacity. The project is currently in the Pre-Construction Engineering & Design (PED) phase. MES and its subcontractors are providing in-kind services on behalf of MDOT MPA to accomplish their assigned portions of the cost shared project with the USACE.

Mr. Snee asked how far the Mid-Bay Islands were from Poplar Island. Ms. Banta noted they were further south, with James Island located in the vicinity of the Little Choptank River. She estimated about an hour or more away. Mr. Snee surmised the further south location would result in significantly increased transportation costs and inquired how it would be funded. Ms. Banta agreed the transportation cost would increase over those of Poplar and indicated that MDOT MPA has been planning for this project and building it into their budgets.

Mr. Gillespie discussed the Elk Neck State Park Wastewater Treatment Plant ENR Upgrade. The Board of Public Works and the Board of Directors have approved the project. GMB has started the design/bid/construction phase. Construction is scheduled to begin in FY 22/23. The project is eligible for a grant that would cover 77% of the costs as they upgrading to ENR standards. This will result in a significant reduction in Nitrogen and Phosphorus being discharged into the Elk Neck River.

Mr. Tomczewski discussed the CleanBay Renewables project in development near the ECI Co-Gen facility. CleanBay Renewables is planning to operate an anaerobic digestion facility, processing chicken manure to generate renewable electricity and slow-release fertilizer product. MES will be involved in two phases of the work. Phase 1 is a fertilizer market survey. Phase 2 is construction and operation of a bagging line. A proposal is in development that would include 6 new positions to operate the bagging line. Groundbreaking is scheduled for January 2021.

#### **PROCUREMENT ITEMS**

Ms. Crosby introduced Item 1. The procurement is for additional modeling services using an HDR reservoir model by Northgate Dutra Joint Venture at the Conowingo Sediment Characterization and Innovated Reuse and Beneficial Use Pilot Project. Ms. Banta provided an update on the Conowingo Pilot sediment characterization project noting the contractor had recently completed sediment sample collection in the Conowingo reservoir and was currently demobilizing from that effort. Additional samples will be collected from the dredging area in the near future. Mr. Smith inquired why the dredging area was located so far from the Conowingo Dam. Ms. Banta relayed that the site was chosen by MDE and MGS as they believe the location would be representative of the reservoir sediments and could be used for innovative reuse purposes. Mr. Snee made the motion to approve the item, Mr. Hall seconded. The motion passed unanimously.

Ms. Crosby introduced Item 2. The procurement is to purchase a new front-loader recycle truck for the Midshore II Regional Landfill. Mr. Smith made the motion to approve the item, Mr. Snee seconded. The motion passed unanimously, except for Ms. Heller who abstained.

Ms. Crosby introduced Item 3. The procurement is for transportation and processing of bypass recyclable materials from the Montgomery County MRF by Penn Waste Inc. Judge Smalkin made the motion to approve the item, Mr. Hall seconded. The motion passed unanimously.

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Ms. Crosby introduced Item 4. The procurement is for Energy Transfer Ports Task 10 – Berth stability analysis conducted by Moffatt & Nichol. Mr. Smith made the motion to approve the item, Judge Smalkin seconded. The motion passed unanimously.

Ms. Crosby introduced Item 5. The procurement is for Whitney, Bailey, Cox & Magnani to supply the MDOT/SHA EISD with professional support services to effectively track & capture road data for a variety of purposed. Mr. Snee made the motion to approve the motion. Ms. Heller seconded. The motion passed unanimously.

The Board Notifications were reviewed.

**LEGAL REPORT**

Mr. Coleman advised that his office has been very busy with multiple projects. A motion for summary judgment is due to be heard in February on the Wise Recycling collection case. An amended complaint was filed by Harnden Group, the contractor on the Midshore I cover cap. A trial date has been set for April in the Anne Arundel County Circuit Court.

**OLD/NEW BUSINESS**

Dr. Glass urged everyone to continue to be safe, wear their masks, wash their hands, and practice social distancing. He thanked everyone for continuing to work together in trying times. Mr. Snee wished everyone a Happy Holidays.

The next meeting of the Board is scheduled for January 28, 2021 at 9:30 a.m.

**ADJOURNMENT**

The meeting adjourned at 10:40 a.m.

*Frederic N. Smalkin*

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**HONORABLE FREDERIC SMALKIN  
SECRETARY**

*Charles Glass*

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**CHARLES GLASS, Ph.D.  
ACTING DIRECTOR**