



Wes Moore GOVERNOR

Aruna Miller LT. GOVERNOR

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

**BOARD OF DIRECTORS
HUMAN RESOURCES COMMITTEE
MEETING MINUTES
January 19, 2023**

LOCATION: Conference/Video Call

TIME: 11:00 a.m.

COMMITTEE MEMBERS PRESENT: Marian C. Hwang, Esq. (Chair) (phone)
Honorable Frederic N. Smalkin (video)
Robert L. Witt II (phone)

COMMITTEE MEMBERS ABSENT: Hiram L. Tanner, Jr., P.E.

OTHERS PRESENT: Charles C. Glass, Ph.D., P.E., Executive Director
Sean Coleman, Esq.
Ellen Frketic
Melissa Slatnick
Pamela Fuller
Casey Powers (IT) (video)

CALL TO ORDER

Ms. Hwang called the meeting to order at 11:00 a.m. Some Board members and staff participated via Zoom video and/or audio call; the remainder were present at Maryland Environmental Service (MES) Headquarters. The meeting was streamed live to the public via YouTube.

MINUTES

Ms. Hwang requested discussion or a motion for the approval of the October 18, 2022, committee meeting minutes. There were no questions or comments. The minutes were unanimously approved.

ELECTRICIAN & MECHANIC CAREER LADDERS

Ms. Slatnick presented the Electrician and Mechanic Career ladders to the Committee for their review and comments. These ladders represent an effort to clean up and create clearly defined career paths for these designations. The changes will have minimal impact on current employees, as many will have a lateral move.

The mechanic ladder will decrease the number of classifications. Many current levels were duplicative, with similar titles. They have created two avenues: a technical path and a supervisory path.

Summary of proposed changes to the Mechanic classification series

The proposed mechanic classification series includes both technical and supervisory tracks with overlap to provide career advancement through either track. Grade advancement requirements include additional years of experience or education, as well as approved training or certification.

- Combine similar mechanic position classifications (with similar grades) into one series that progresses in grade increases with experience and additional education or certifications.
 - Mechanic Trainee – Grade 2
 - Mechanic – Grade 4
 - Senior Mechanic – Grade 5
 - Lead Mechanic – Grade 6
 - Senior Lead Mechanic – Grade 7
- Combine similar supervisory mechanic position classifications (with similar grades) into a similar series that progresses in grade increases with experience and education and includes supervisory or management requirements.
 - Maintenance Supervisor – Grade 6
 - Senior Maintenance Supervisor – Grade 7
 - Lead Maintenance Supervisor – Grade 8
 - Manager, Mechanical Projects – Grade 8
 - Senior Lead Maintenance Supervisor – Grade 9

Summary of proposed changes to the Electrician classification series

The proposed electrician classification series requires additional years of experience or education, as well as approved training or certification for grade advancement. The proposed changes also include a new Electrician Apprentice position (Grade 3) for those who have more experience than an Electrician Trainee (Grade 2) but do not yet meet the

experience requirement for an Electrician (Grade 4). Additionally, a new Grade 10 Master Electrician classification has been added for those that obtain their Master Electrician license.

- Electrician Trainee – Grade 2
- NEW Electrician Apprentice – Grade 3
- Electrician I – Grade 4
- Senior Electrician (II) – Grade 5
- Lead Electrician (III) – Grade 6
- Senior Lead Electrician (IV) – Grade 8
- Master Electrician (V) – Grade 10

All levels of both ladders set out training and certification requirements. Current staff were consulting when drafting these steps. The tuition policy can be used to cover educational requirements, or education can be funded through training budgets.

Mr. Witt made a motion for the committee to recommend approval of the career ladders to the full board at the next meeting. Judge Smalkin seconded. The motion passed unanimously.

ADJOURNMENT

Upon motion by Ms. Hwang, the meeting adjourned at 11:22 a.m.

Marian C. Hwang

MARIAN HWANG, ESQ.
HUMAN RESOURCES COMMITTEE CHAIR

BOARD OF DIRECTORS
MEETING MINUTES
MEETING 1-23
January 26, 2023

LOCATION: Headquarters/Video Call

TIME: 9:30 a.m.

DIRECTORS PRESENT: Judge Frederic Smalkin, Chair
Robert Witt, II, Secretary (video)
Robert Neall, Treasurer
Dereck Davis, State Treasurer (video)
Marian Hwang, Esq. (video)
Shelley Heller
Charles Glass, Ph.D., P.E.

DIRECTORS ABSENT: Hiram Tanner, Jr., P.E.

OTHERS PRESENT:

Sean L. Coleman, Esq.
Ellen Frketic
Tim Barr
Steven Barzal
Hattie Crosby
Marni Dolinar
Tim Ford
Hament Patel

Jessica Riessett
Steven King
Pamela Fuller
Jana Leech (video)
Casey Powers (video)
Joanna Kille (video)

CALL TO ORDER

Judge Smalkin called the meeting to order at 9:30 a.m. Some Board members and staff were present at Maryland Environmental Service (MES) Headquarters, and other Board members and staff participated via Zoom video call. The meeting was streamed live to the public on YouTube.

INSPIRE

Mr. Barr presented the Extraordinary Service Inspire award to the following staff from the Cambridge Wastewater Treatment Plant: D. Jeffrey Cochran, Rod Tallen, Manning Budd, Darius Tilghman, and Kenney States. The group replaced gate valves without interrupting incoming flows and saved the client \$9,000.

Mr. Barr presented the Extraordinary Service Inspire award to the following staff from Water/Wastewater Operations for their work assisting the Town of Accident repair its water distribution system: Rex Bowman, Mark Kaiser, Jim Friend, Derek Beckman, Jim Kenner, and Wayne Boal. The group was able to assist the Town in restoring water service after a water main break on December 5, 2022. This group was not able to attend today's meeting as they were responding to another emergency at a different project.

Mr. King presented the Extraordinary Service Inspire award to Ted Kluga, MES Grants Administrator, for his work with the Maryland Department of Emergency Management (MDEM). He assisted their Hazard Mitigation Branch with forensic financial analysis and reviewed over \$100 million of expenditure records from subawards.

MINUTES

Judge Smalkin requested discussion or a motion for the approval of the minutes of the Board meeting on December 15, 2022. No corrections or objections were noted, and the minutes were unanimously approved.

EXECUTIVE DIRECTOR'S REPORT

Dr. Glass presented the Executive Director's and Deputy Director's expense reports for the last month. The only expenses during the last reporting period were for parking to attend the State of the Ports event at the World Trade Center in Baltimore.

Dr. Glass then presented his list of external engagements, which included meetings with Wicomico County officials and members of the Senate Budget & Taxation Committee and attending the Maryland Association of Counties (MACo) Winter Conference earlier in the month. Staff continue to conduct outreach at various career fairs, and the Agency will be developing an internship program.

The MES All-Teams meeting was held virtually on January 24, 2023. Dr. Glass reviewed the Agency structure, mission, values and the three pillars. The annual Employee Engagement Survey will be conducted soon.

Board of Directors Meeting
January 26, 2023
Page 3

On January 18, 2023, the Board of Estimates of Baltimore City signed a third-party reimbursement agreement with MES that extends the relationship at the Back River Wastewater Treatment Plant until April 30, 2023. On December 31, 2022, MES operational support ended. MES construction and maintenance projects will continue as equipment and materials arrive. No new projects have been initiated. MES joined the Maryland Department of the Environment (MDE) in briefings to the Senate Budget and Taxation Committee and the Baltimore County Senate delegation.

In addition to filling vacant positions, Agency staff have been analyzing billable positions. There are currently 680 billable positions. Of those, only four staff fell below the 80% billable threshold in the last quarter. Some overhead staff have created ways to become billable, such as Mr. Kluga who was honored earlier with an Inspire award.

Dr. Glass recently asked to have his mileage sheets audited. A small discrepancy was noted, and adjustments were made.

MES staff recently participated in a student career day at Graceland Park/O'Donnell Heights Elementary/Middle School in Baltimore. Several terrapin ambassadors joined the MES education team members at the very popular booth.

Midshore Landfill maintenance staff recently helped the Montgomery County Grinding operation to improve their facility fleet management. The fleet management system will provide better tools for asset, inventory, and maintenance management, as well as analytics reporting, compliance, and safety assurance.

The Executive staff are working to put together some possible field site visits for the coming year for the Board. Board meetings would be held at Headquarters, or at the field location followed by site tours. The meetings will also continue to be offered via Zoom. Additional information will follow.

BEST FY23 UPDATE

Ms. Frketic presented an update on the progress of the Agency in meeting its Building Excellence and Success Together (BEST) FY23 goals. Some goals have been accomplished, while most of the others are well along the way toward completion.

AGENCY ACTIVITY REPORT

Judge Smalkin presented the Agency Activity Report – Accepted Proposals and asked if there were any questions.

FINANCIAL REPORT

Mr. Patel presented the preliminary Financial Statements for December 2022. Labor sales are now higher than last year—and higher than projected—across all Managing Groups. Overall, this is due to new projects and lower vacancies.

Overhead variance is looking better than projected. A negative balance is expected for Fringe variance. Invested cash is earning higher percentage rates than was anticipated when the budget was created. This will continue throughout FY2023.

Six new trucks were received last week. A proposal is being reviewed for new electric charging stations for the Headquarters parking lot.

The FY22 Year-End Audit reports were distributed to the Board last week. These final reports were the same as the draft reports presented a few months ago. A clean report was issued with no corrections or changes in estimates or procedures.

The Legislative Audit was completed, but not yet issued, with no significant findings. There is one recommendation for the Agency to enter into contracts for its State Reimbursable projects. The auditors are now reviewing several cybersecurity areas. Finance staff are scheduled to meet with the auditors next week.

HUMAN RESOURCES REPORT

Mr. Barzal presented the Human Resources (HR) report. As of today, the Agency vacancy rate is 3.88%. Fifty candidates have been selected for the next manager and supervisor training session. Ms. Frketic mentioned that the Managing Director's hosted an HR Appreciation luncheon for the HR staff last week.

HUMAN RESOURCE COMMITTEE

Ms. Hwang reported that the HR Committee met on January 19, 2023, to discuss the new career ladders for mechanics and electricians. Ms. Dolinar reviewed the details of each ladder. The mechanic ladder includes five classifications for the technical track, and five additional classifications for the supervisory tracks. The electrician ladder now includes an Apprentice level and new Masters level (grade 10). Employees can utilize the tuition reimbursement program to help achieve the educational requirements.

The HR committee unanimously recommended approval of these career ladders. Mr. Witt made a motion to approve the two new career ladders for mechanics and electricians. Mr. Neall seconded. The motion passed unanimously.

PROCUREMENT ITEMS

Ms. Crosby presented Item 1. The procurement is for rehabilitation of the water distribution and collection system at Point Lookout State Park. Stormwater Management Solutions, LLC will provide the services at a cost of \$8,999,999. There is a 19% MBE goal. Mr. Neall made the motion to approve the item; Ms. Heller seconded. No members were opposed. The motion passed unanimously.

Ms. Crosby presented Item 2. The procurement is a change order with SCS Engineers for \$3,013,257. It is for additional design-build services for the north leg pump station and relocated Lot 5/5A at the Brown Station Road Sanitary Landfill – Area C infill. There is a 20% MBE goal. The contractor is currently achieving 23.9%. Mr. Neall made the motion to approve the item; Ms. Heller seconded. Five members voted in favor of the motion. Deputy Treasurer Kille voted no (Treasurer Davis had temporarily stepped away from the meeting). The motion passed.

Ms. Crosby presented Item 3. The procurement is a pre-solicitation approval for \$1,040,000 for scrap tire hauling and disposal for the FY23 Agricultural Scrap Tire collection event. There is a 29% MBE goal. Ms. Heller made the motion to approve the item; Judge Smalkin seconded. The motion passed unanimously.

Ms. Crosby presented Item 4. The procurement is for engineering services for a water system upgrade at the Sandy Point State Park. Watek Engineering Corporation will provide the services at a cost of \$323,514. There is a 29% MBE goal. Mr. Neall made the motion to approve the item; Ms. Heller seconded. The motion passed unanimously.

Ms. Crosby presented Item 5. The procurement is a change order with Allstate Powervac dba ACV Environmental Services, Inc. for \$234,635.70. It is for frac tank, roll-off box, vacuum box, and pump and spill guard rentals for the Hawkins Point Hazardous Waste Landfill and the Dundalk Marine Terminal. There is a 1% MBE goal. The contractor is currently in compliance with the goal. The MBE goal was low on this project due to the specialized equipment and lack of qualified MBE vendors for that equipment. Ms. Heller made the motion to approve the item; Judge Smalkin seconded. The motion passed unanimously.

Ms. Crosby presented Item 6. The procurement is a change order with Anchor QEA for \$133,388.59. It is for environmental and engineering support services for the MDOT MPA's innovative reuse and beneficial use program. There is a 9% MBE goal. The contractor is currently achieving 3.5%. Judge Smalkin made the motion to approve the item; Mr. Neall seconded. The motion passed unanimously.

Ms. Crosby presented Item 7. The procurement is a change order with G.M.H. Associates of America, Inc. for \$46,735.85. It is to sandblast and re-coat the bridge on primary

Board of Directors Meeting
January 26, 2023
Page 6

settling tank 2 at the Back River Wastewater Treatment Plant. The item stated the MBE goal was 20% and the contractor was achieving 6.1%. MBE Officer Tim Barnes recalculated the goal figures prior to the meeting. The MBE goal is actually 15%, and the contractor is currently achieving 11.51% to date. Ms. Heller made the motion to approve the item; Judge Smalkin seconded. The item passed unanimously.

Ms. Crosby presented Item 8. The procurement is a change order with South Atlantic Marine Services, Inc. for \$376,680. It is to supply and deliver 11- and 12-gauge baling wire for the Prince George's County Materials Recycling Facility. Mr. Neall made the motion to approve the item; Ms. Heller seconded. The motion passed unanimously.

Ms. Cosby presented Item 9. The procurement is to purchase a John Deere 700L Bulldozer and a John Deere 200G Excavator for W.R. Grace & Co., Solid Waste Management Services landfill. JESCO will provide the items at a cost of \$336,147. There is no MBE goal. Mr. Neall made the motion to approve the item; Ms. Heller seconded. The item passed unanimously, with the exception of Ms. Hwang, who abstained from the discussion and the vote).

The Board Notifications for Contracts, Purchase Orders, Amendments, and Change Orders between \$25,000 and \$200,000 were reviewed.

GROUP UPDATES

Ms. Dolinar discussed the Paul S. Sarbanes Ecosystem Restoration Project at Poplar Island. MES operates this facility for the Maryland Department of Transportation Maryland Port Administration (MDOT MPA) and the U.S. Army Corp of Engineers (USACE) Baltimore District. Material recovery efforts are currently underway, as well as the annual Christmas Trees for Habitat program. Tours are available to the public from March through October.

Mr. Barr discussed the Water and Wastewater Group Operator in Training (OIT) program. The OIT program is a three-year program of education and on-the-job training. Each OIT is assigned a mentor and is expected to complete four Operator Training courses and pass two Board of Waterworks and Waste Systems Operators certification exams. There are currently 47 employees in the program.

Mr. Ford discussed the Harford County integrated solid waste management programs. MES Environmental Operations personnel working in Harford County are responsible for: solid waste and recycling facility management; mulch and compost facility operations; recycling education and outreach; supporting county licensing and regulatory enforcement; environmental monitoring and reporting; noxious weed and litter control; engineering support and capital project management; and emergency response.

Ms. Riesett discussed the Maryland Department of Transportation State Highway Administration (MDOT SHA) drainage and stormwater projects in the metropolitan districts. MES completes work as needed on these projects under a recent memorandum of understanding (MOU). MES Technical and Environmental Services (TES) staff provide investigation, project management, construction contractor management, and technical support for Metro District Drainage and Stormwater Construction.

LEGAL REPORT

Mr. Coleman announced that Governor Moore has issued a new Executive Order on Standards of Care for Executive Branch employees.

Financial Disclosures are due to the State Ethics office by April 30, 2023. Board members must also send a copy of the complete disclosure to Ms. Fuller for the Board files.

A contract extension was recently signed with Baltimore City for work at the Back River Wastewater Treatment Plant.

The Office of the Attorney General (OAG) will be assisting Mr. Tosi with any necessary legislative bill reviews.

OLD/NEW BUSINESS

Dr. Glass reported that a bill has been filed (HB161) which mentions MES. The bill proposes to evaluate whether the Northeast Maryland Waste Disposal Authority (NEWDA) should remain in its current form or its obligations be assumed by MES.

Delegate Boyce has invited MES to make a presentation on Environmental Justice with MDE to the Environment & Transportation Committee.

The next meeting of the Board is Thursday, February 23, 2023, at 9:30 a.m.

ADJOURNMENT

The meeting adjourned at 11:21 a.m.



ROBERT L. WITT, II
SECRETARY



HONORABLE FREDERIC N. SMALKIN
CHAIR

BOARD OF DIRECTORS MEETING MINUTES

**MEETING 2-23
February 23, 2023**

LOCATION: Headquarters/Video Call

TIME: 9:30 a.m.

DIRECTORS PRESENT: Judge Frederic Smalkin, Chair (video)
Robert Witt, II, Secretary (video)
Robert Neall, Treasurer
Joanna Kille, State Deputy Treasurer (video)
Marian Hwang, Esq. (video)
Shelley Heller
Charles Glass, Ph.D., P.E.

DIRECTORS ABSENT: None (one position currently vacant)

OTHERS PRESENT:

Sean L. Coleman, Esq.
Ellen Frketic
Tim Barr
Steven Barzal
Hattie Crosby
Marni Dolinar
Tim Ford
Hament Patel

Melissa Slatnick
Steven King
Pamela Fuller
Jana Leech (video)
Casey Powers (video)
Kenny Toro

CALL TO ORDER

Judge Smalkin called the meeting to order at 9:30 a.m. Some Board members and staff were present at Maryland Environmental Service (MES) Headquarters, and other Board members and staff participated via Zoom video call. The meeting was streamed live to the public on YouTube.

HIRAM L. TANNER, JR., P.E.

Judge Smalkin announced that Board member Hiram Tanner passed away February 20, 2023. Dr. Glass expressed many fond memories of Mr. Tanner, who had been his friend and mentor over the years. Mr. Tanner will be remembered as a kind and jovial man. He is survived by his wife, three children, and two grandchildren. The Agency will find a way to honor him.

MINUTES

Judge Smalkin requested discussion or a motion for the approval of the minutes of the Board meeting on January 26, 2023. No corrections or objections were noted, and the minutes were unanimously approved.

EXECUTIVE DIRECTOR'S REPORT

Dr. Glass presented the Executive Director's and Deputy Director's expense reports for the last month. The only expenses during the last reporting period were for parking to attend various legislative hearings in Annapolis. Dr. Glass has requested and received a parking pass for the State-operated Calvert Street garage.

The Solid Waste Association of North America (SWANA) will be awarding MES and its partners the Sustainable Materials Management Organization Award. The recognition will take place in person at SOAR (Sustainability, Operations, Action, Resources – Technical Solutions for Resource Management) conference in Atlanta on April 18, 2023.

Dr. Glass advised the board of his intention to attend this conference with two MES staff members who will be presenting at the conference. Ms. Frketic and Dr. Glass would also like to attend the Water Environment Federation's Technical Exhibition and Conference (WEFTEC) conference in Chicago in October 2023. The Board did not object.

Dr. Glass then presented his list of external engagements, which included Senate and House Operating Budget hearings in Annapolis. He also stated that recruitment remains a priority. Dr. Glass then reviewed the enhanced employee recruitment and retention process.

AGENCY ACTIVITY REPORT

Judge Smalkin presented the Agency Activity Report – Accepted Proposals and asked if there were any questions. A question arose regarding the large proposal for the

Maryland Department of Transportation Maryland Port Administration (MDOT MPA) remediation project. Ms. Dolinar indicated this item was part of a larger project for innovative and beneficial reuse of dredged material and would be discussed in more depth as part of the Group Updates.

MES SERVICES FOR NON-GOVERNMENTAL ENTITY

This item is presented as required by the MES Reform Act. The non-governmental entity contract is a change order with IntePros Federal Inc. for MES to provide geographic information systems (GIS) services on the Watershed Resources Registry. The work is funded by the United States Environmental Protection Agency (EPA) Office of Water. Mr. Neall made a motion to approve the item; Ms. Heller seconded. No members were opposed. The motion passed unanimously. This item will now be submitted to the Maryland Board of Public Works for review.

FINANCIAL REPORT

Mr. Patel presented the preliminary Financial Statements for January 2023. Labor sales are now 11.62% higher than last year—and higher than projected—across all Groups. Overall, this is due to new projects and lower vacancies.

Overhead variance is looking better than projected. A negative balance is expected for Fringe variance. Invested cash is earning higher percentage rates than was anticipated when the budget was created. This will continue throughout FY2023.

HUMAN RESOURCES REPORT

Mr. Barzal presented the Human Resources report. As of today, the Agency vacancy rate is 5.0%. The rate varies daily. The prospects for onboarding a number of new employees looks good for the next few weeks. The Agency will continue to participate in multiple job fairs, including one sponsored by the Department of Budget and Management (DBM) on March 15, 2023, at the Fifth Regiment Armory.

PROCUREMENT ITEMS

Ms. Crosby presented Item 1. The procurement is for Verizon Wireless cellular/data services and equipment charges across the Agency. Verizon Wireless will provide the equipment and services at an estimated cost of \$350,000. There is no MBE goal. Ms. Kille made the motion to approve the item; Mr. Witt seconded. No members were opposed. The motion passed unanimously with the exception of Ms. Hwang, who abstained from the discussion, consideration, and vote.

Board of Directors Meeting
February 23, 2023
Page 4

Ms. Crosby presented Item 2. The procurement is a change order with Synagro Central LLC for \$686,000. It is for an additional 3,500 wet tons of sludge to be disposed from anaerobic digesters 1 and 4 at the Back River Wastewater Treatment Plant. There is a 12% MBE goal, and the contractor is currently achieving 14.18%. Judge Smalkin made the motion to approve the item; Ms. Kille seconded. No members were opposed. The motion passed unanimously, with the exception of Ms. Hwang, who abstained from the discussion, consideration, and vote.

Ms. Crosby presented Item 3. The procurement is for removal and replacement of an underground storage tank at the Cade Armory. Kalyani Environmental Solutions, LLC will provide the services at a cost of \$235,000. There is a 5% MBE goal. Mr. Witt made the motion to approve the item; Ms. Heller seconded. No members were opposed. The motion passed unanimously, with the exception of Ms. Hwang, who abstained from the discussion, consideration, and vote.

Ms. Crosby presented Item 4. The procurement is a change order with Univar Solutions USA, Inc. for \$122,500. It is for Sodium Hydroxide for the Brown Station Landfill. There is a 0% MBE goal. Ms. Hwang made the motion to approve the item; Ms. Kille seconded. No members were opposed. The motion passed unanimously.

The Board Notifications for Contracts, Purchase Orders, Amendments, and Change Orders between \$25,000 and \$200,000 were reviewed.

GROUP UPDATES

Mr. Barr provided an overview of a few of the engineering projects within the Water/Wastewater Group.

- Rocky Gap State Park: An upgrade of the collection system and pump stations is underway. Construction will start in late February 2023.
- Victor Cullen Wastewater Treatment Plant (WWTP): Construction is complete. The facility is now in a testing phase, with an anticipated startup of mid-March 2023.
- Camp Fretterd Booster Pump Station: The booster pump station design is completed and out for bidding. Designs are being finalized for the site's wastewater treatment plant and water distribution system.
- Woodstock WWTP: The plant is operational and in compliance. Access road construction will begin in mid-March 2023.
- Point Lookout State Park: A pre-construction meeting has been held for the water distribution and wastewater collection system upgrades. The 30% design is expected for the wastewater treatment plant design by mid-March 2023.

Mr. Ford introduced Kenny Toro, the Deputy Division Chief for Environmental Operations (EO), who presented an overview of the Engineering Services with EO. The division handles planning, design, permitting, construction, and operations support for landfills, transfer stations, convenience centers, recycling centers, composting operations, scrap tire cleanup, and power and steam plants. Mr. Toro presented an overview of several current projects.

- Brown Station Road Sanitary Landfill: Area C infill will create about 30 million cubic yards of disposal capacity and extend the life of the landfill by about 50 years. Design and permitting is almost complete. Construction is estimated to begin in July 2023 with a total project budget of about \$18 million.
- Montgomery County Materials Recycling Facility (MRF): A new comingled processing system and building expansion is underway, with a total project budget of about \$20 million.
- ECI Cogen Plant/Natural Gas Conversion: This is a complex project consisting of several components, including equipment fabrication, installation of a natural gas service line, equipment installation and plant modifications, and propane conversion, with a total project budget of about \$20 million.
- Maryland Department of the Environment (MDE) Scrap Tire Program: MES helps coordinate Agricultural and Citizen Scrap Tire collection events for MDE, in addition to small tire stockpile cleanups.

Ms. Slatnick presented the rock cut rating and evaluation services provided by MES for the Maryland Department of Transportation State Highway Administration (MDOT SHA). The MES team provides inspection services and data collection of rock cuts along State-maintained roads in Washington and Garrett Counties. The MDOT SHA then evaluates the data and determines priorities for maintenance. Most on-site inspections occur in the winter months when there is less vegetation.

Ms. Dolinar presented an overview of the Cox Creek Sediment and Technology Reuse Facility. Maryland Department of Transportation Maryland Port Administration (MDOT MPA) acquired 137 acres of property adjacent to the existing Cox Creek Dredged Material Containment Facility. MES, under a memorandum of understanding with MDOT MPA, will help perform remedial services on the property. Once remediated, the site will be used for projects involving innovative and beneficial reuse of dredged material.

LEGAL REPORT

Financial Disclosures are due to the State Ethics Commission by April 30, 2023. Board members must also send a copy of the complete disclosure to Ms. Fuller for the Board files.

The last Legislative Audit recommended MES enter into contracts with its State clients. MES has operated these projects under the Executive Order issued in 1971. Assistant Attorney General Eric Hartlaub has drafted the first agreement and sent it out for comments. Other agreements will roll out to the other agencies in the coming months after the first template is finalized.

OLD/NEW BUSINESS

Dr. Glass announced that the Federal trial for the prior MES Director is scheduled to begin in March. It is possible he may be called as a witness in that trial and may miss the March Board meeting. Ms. Frketic will attend the Board meeting in his place if necessary.

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

Mr. Neall requested that the Board adjourn in memory of Mr. Tanner today. A moment of silence was held.

ADJOURNMENT

The meeting adjourned at 10:46 a.m.



ROBERT L. WITT, II
SECRETARY



HONORABLE FREDERIC N. SMALKIN
CHAIR

BOARD OF DIRECTORS MEETING MINUTES

MEETING 3-23 March 30, 2023

LOCATION: Headquarters/Video Call

TIME: 9:30 a.m.

DIRECTORS PRESENT: Judge Frederic Smalkin, Chair (video)
Robert Witt, II, Secretary (video)
Robert Neall, Treasurer
Joanna Kille, State Deputy Treasurer (video)
Marian Hwang, Esq. (video)
Shelley Heller (video)
Charles Glass, Ph.D., P.E.

DIRECTORS ABSENT: None (one position currently vacant)

OTHERS PRESENT:

Sean L. Coleman, Esq.
Ellen Frketic
Tim Barr
Steven Barzal
Hattie Crosby
Marni Dolinar
Tim Ford
Hament Patel
Melissa Slatnick

Steven King
Pamela Fuller
Jana Leech (video)
Casey Powers (video)
Joe Wright
Melissa Filiaggi

CALL TO ORDER

Judge Smalkin called the meeting to order at 9:31 a.m. Some Board members and staff were present at Maryland Environmental Service (MES) Headquarters, and other Board members and staff participated via Zoom video call. The meeting was streamed live to the public on YouTube.

INSPIRE

Ms. Dolinar presented the Extraordinary Service Inspire award to James Jett, Andrew Payton, David Awkward and Samuel Suter for their support to the Maryland Department of Transportation Maryland Port Administration (MDOT MPA) at the Dundalk Marine Terminal from October 2022 to December 2022, including several extremely challenging and difficult projects that went above and beyond their already very busy workload. Due to a variety of unusual conditions over the three-month period, the team transferred over one million gallons of water from onsite frac tanks to the groundwater treatment plant and managed approximately ten times more contaminated soil than in the previous six months.

Mr. Barr presented the Extraordinary Service Inspire award to Mark Kaiser for his quick and thorough response to an emergency at the Midland- Lonaconing Water treatment system. His quick response, innovative actions, and coordination with the Town's engineers and MDE allowed the residents of Lonaconing to receive potable water within one month of the initial boil water alert. It also resulted in a new client for MES.

Mr. Ford presented the Extraordinary Service Inspire award to Chris Pelan, Michael Smith, and Jesse Boggs, who went above and beyond to assist the Montgomery County Department of Environmental Protection (DEP) by providing emergency fuel transport from the Montgomery County Yard Trim Compost Facility (MCYTFCF) to the nearby Resource Recovery Facility (RRF). The employees assisted Montgomery County after hours to enhance environmental protection and provide more cost effective and efficient service to our clients.

MINUTES

Judge Smalkin requested discussion or a motion for the approval of the minutes of the Board meeting on February 23, 2023. No corrections or objections were noted, and the minutes were unanimously approved.

EXECUTIVE DIRECTOR'S REPORT

Dr. Glass expressed his congratulations to Treasurer Davis on his recent re-election for another four-year term.

Dr. Glass presented the Executive Director's and Deputy Director's expense reports for the last month. One of the expenses was to send flowers to Mr. Tanner when he was hospitalized. The only other expenses during the last reporting period were for parking to attend various legislative hearings in Annapolis.

Board of Directors Meeting
March 30, 2023
Page 3

Dr. Glass attended a site visit at the Brown Station Landfill on March 4, 2023. He was very excited to see the sequencing batch reactors (SBRs). He is looking forward to resuming site visits this spring, as well as several site visits scheduled for the Board in the coming months.

Recruitment activities have continued in high gear through March and into April with many college and career job fairs. An MES internship program was recently posted with other Agency job openings and has already received robust responses. Mr. King discussed his visit to the Bowie State University Climate Career Expo which resulted in about 25-30 student visits. University of Maryland Baltimore County (UMBC) has also been a strong pipeline for student resumes. Dr. Glass has also reached out to numerous other Presidents and Deans of local colleges and universities.

Celebrations were held last month across the Agency in recognition of Black History Month including, a visit to the Harriet Tubman Underground Railroad State Park, Black History Jeopardy, and a mac & cheese and sweet potato pie contest. The Agency will be hosting Lieutenant Governor Aruna Miller on March 31, 2023 at headquarters as part of Women's History month.

MES worked with the University of Maryland Center for Environmental Science to host a delegation of environmental professionals from the Sister State of Rio de Janeiro, Brazil. MES hosted the delegation at the headquarters, spoke to the group on several issues, and provided a tour of the stormwater management areas at the headquarters.

The Office of Legislative Audits completed their FY20-FY22 audit of the Agency. There was one public finding concerning MES agreements with State clients. The Agency is actively working to develop omnibus agreements with these agencies.

Dr. Glass then presented gifts to two employees for their 35 years of service to the Agency. Mr. Roger Williams has worked at Hart Miller Island since 1987 and is now the field operations supervisor. Mr. Sean Coleman has been with the Office of the Attorney General since 1985 and has been Principal Counsel to MES since 1993.

AGENCY ACTIVITY REPORT

Judge Smalkin presented the Agency Activity Report – Accepted Proposals and asked if there were any questions.

FINANCIAL REPORT

Mr. Patel presented the preliminary Financial Statements for February 2023. Labor sales are now 12.22% higher than last year—and higher than projected—across all Groups. Overall, this is due to new projects and lower vacancies.

Overhead variance is looking better than projected. A negative balance is expected for fringe variance. Unexpected fees from the Maryland Department of Budget and Management (DBM) for health insurance administration, and from Maryland Department of Information Technology (DoIT) are impacting the budget. Invested cash is continuing to earn higher percentage rates than was anticipated when the budget was created. This will continue throughout FY23.

Board Treasurer Neall met with Mr. Patel before the meeting and is confident all is going well. He commended management on their efforts to fill empty positions.

HUMAN RESOURCES REPORT

Mr. Barzal presented the Human Resources report. As of today, the Agency vacancy rate is 4.38%. The rate varies daily. The prospects for onboarding a number of new employees look good for the next few weeks. The Agency will continue to participate in multiple job fairs.

PROCUREMENT ITEMS

Ms. Crosby presented Item 1. The procurement is for waste management services for MDOT State Highway Administration (SHA) facilities. Kalyani Environmental Solutions, LLC will provide the services at a cost of \$948,575.00. There is a 30% Minority Business Enterprise (MBE) goal. Mr. Neall made the motion to approve the item; Ms. Heller seconded. No members were opposed. The motion passed unanimously.

Ms. Crosby presented Item 2. The procurement is a pre-solicitation approval for \$13,332,400 for construction of cell C-1, Area C at the Brown Station Road Sanitary Landfill. There is a 29% MBE goal. Ms. Hwang made the motion to approve the item; Judge Smalkin seconded. No members were opposed. The motion passed unanimously.

Ms. Crosby presented Item 3. The procurement is a change order with HRI Construction, LLC dba M2 Construction LLC in Maryland for \$96,620.21. It is for repair of the service road at the Victor Cullen Wastewater Treatment Plant (WWTP) as part of the gravity sewer upgrade. There is a 5.04% MBE goal, and current participation is

Board of Directors Meeting
March 30, 2023
Page 5

5.04%. Judge Smalkin made the motion to approve the item; Mr. Witt seconded. No members were opposed. The motion passed unanimously.

Ms. Crosby presented Item 4. The procurement is a change order with Gahagan & Bryant Associates, Inc. (GBA) for \$100,000. It is for continued design & permit support support for the Masonville Dredged Material Containment Facility. There is a 20.6% MBE goal, and current participation is 15.6%. Mr. Neall made the motion to approve the item; Judge Smalkin seconded. No members were opposed. The motion passed unanimously.

Ms. Crosby presented Item 5. The procurement is a change order with W.M. Schlosser Company, Inc. for \$3,266,468.77. It is for boiler and room modifications to install natural gas equipment at the Eastern Correctional Institution Cogeneration plant. There is a 17% MBE goal. The current MBE participation is 0%; however, the MBE participation is forecasted to begin during construction, which is scheduled to start in July 2023. Mr. Neall made the motion to approve the item; Ms. Kille seconded. No members were opposed. The motion passed unanimously.

Ms. Crosby presented Item 6. The procurement is for the rental of a CBI Grinder for the Prince George's County Organics Composting Facility. GT Mid Atlantic will provide the equipment at a cost of \$315,180. There is a 0% MBE goal. Ms. Hwang made the motion to approve the item; Mr. Witt seconded. No members were opposed. The motion passed unanimously.

Ms. Crosby presented Item 7. The procurement is a change order with Concrete General, Inc. for \$3,500,000. It is for three new emergency repair drainage, management, remediation, and maintenance projects for MDOT SHA. There is a 15% MBE goal. Current MBE participation is 0%, however no invoices have been submitted for payment on this contract yet. Mr. Neall made the motion to approve the item; Ms. Kille seconded. No members were opposed. The motion passed unanimously.

Ms. Crosby presented Item 8. The procurement is for general laboratory services to support MES clients. ALS Environmental will provide the services at a cost of \$4,000,000. There is a 15% MBE goal. Mr. Witt made the motion to approve the item; Ms. Hwang seconded. No members were opposed. The motion passed unanimously.

The Board Notifications for Contracts, Purchase Orders, Amendments, and Change Orders between \$25,000 and \$200,000 were reviewed.

GROUP UPDATES

Mr. Ford introduced Melissa Filiaggi, Division Chief, Operations for the Environmental Operations Group, who discussed the BWI Thurgood Marshall Airport Food Scrap Collection program. The pilot project has grown from eight restaurants to 56 food vendors. In 2022, 145,460 pounds of food scraps were diverted from landfills to the Prince George's County Organics Composting Facility.

Ms. Slatnick highlighted work done by the engineering division of Technical and Environmental Services. The City of Laurel requested a feasibility study for installation of a levee for flood resiliency. A levee was one possible recommendation in the U.S. Army Corps of Engineers Flood Risk Management Study conducted on the Patuxent River. MES staff conducted desktop Geographic Information Systems (GIS), impact analysis, and field inspections. The team then developed a levee concept plan, which included construction recommendations and a cost estimate.

Ms. Dolinar updated the Board on construction at the Masonville Dredged Material Containment Facility. The facility was originally constructed in 2007-2010. A +18' dike expansion was completed in April 2020. Additional base dike widening construction began in January 2022. The dike is scheduled to be raised to +30 starting in 2023. A future and final expansion to +42 will begin in 2027.

Mr. Barr introduced Joe Wright, Deputy Division Chief, Operations for the Water/Wastewater Group who discussed MES' recent role in the Town of Lonaconing's water quality issues. The Maryland Department of the Environment (MDE) received a complaint about the water quality in the Town. They then conducted an inspection, issued a boil water advisory, and called in MES for assistance. On January 25, 2023 MES personnel took over operation of the system and opened a bypass to the City of Frostburg so the town would have potable water while repairs were conducted. By February 11, the boil water advisory was lifted, and MES is now the new operator of the plant.

LEGAL REPORT

Financial Disclosures are due to the State Ethics Commission by April 30, 2023. The Conflict of Interest Policy adopted by the Board requires Board members to also send a copy of the complete disclosure to Ms. Fuller for the Board files.

OLD/NEW BUSINESS

The next meeting of the Board is Thursday, April 27, 2023, at 9:30 a.m.

ADJOURNMENT

The meeting adjourned at 10:46 a.m.

A handwritten signature in blue ink, appearing to read "R L Witt II", written over a horizontal line.

ROBERT L. WITT, II
SECRETARY

A handwritten signature in blue ink, reading "Frederic N. Smalkin", written over a horizontal line.

HONORABLE FREDERIC N. SMALKIN
CHAIR

BOARD OF DIRECTORS MEETING MINUTES

MEETING 4-23
April 27, 2023

LOCATION: Headquarters/Video Call

TIME: 9:30 a.m.

DIRECTORS PRESENT: Judge Frederic Smalkin, Chair (video)
Robert Witt, II, Secretary (video)
Robert Neall, Treasurer
Joanna Kille, State Deputy Treasurer (video)
Marian Hwang, Esq. (video)
Shelley Heller
Charles Glass, Ph.D., P.E.

DIRECTORS ABSENT: None (one position currently vacant)

OTHERS PRESENT:

Sean L. Coleman, Esq.
Ellen Frketic
Tim Barr
Steven Barzal
Hattie Crosby
Marni Dolinar
Tim Ford

Hament Patel
Melissa Slatnick
Pamela Fuller
Jana Leech (video)
Casey Powers (video)

CALL TO ORDER

Judge Smalkin called the meeting to order at 9:31 a.m. Some Board members and staff were present at Maryland Environmental Service (MES) Headquarters, and other Board members and staff participated via Zoom video call. The meeting was streamed live to the public on YouTube.

INSPIRE

Ms. Slatnick presented the Extraordinary Service Inspire award to Casey Hanna, Senior Maintenance Supervisor. Mr. Hanna took the initiative to track down a copy of the programmable logic controller (PLC) software that helps airlines offload sanitary waste from aircraft at the Baltimore Washington International Thurgood Marshall Airport (BWI) after it was accidentally erased when the internal battery failed. He saved the client over \$10,000 and three weeks of downtime that would have resulted if the program needed to be rewritten.

Mr. Ford presented the Extraordinary Service Inspire award to Charles “Chuck” McClellan, a Senior Lead Engineering Technician in Harford County. His creativity and ingenuity in response to an emergency repair of the Bush Valley Landfill gas flare avoided months of downtime waiting for parts and saved the client money on rental machinery.

MINUTES

Judge Smalkin requested discussion or a motion for the approval of the minutes of the Board meeting on March 30, 2023. No corrections or objections were noted, and the minutes were unanimously approved.

EXECUTIVE DIRECTOR’S REPORT

Dr. Glass presented the Executive Director’s and Deputy Director’s expense reports for the last month. The only expenses during the last reporting period were for parking to attend various legislative hearings in Annapolis and recruitment events. Next month’s report will include expenses for Dr. Glass’ trip to Atlanta, Georgia.

Both Dr. Glass and Ms. Frketic will be attending the May Board meeting virtually, as they will both be away at separate speaking and training events. Dr. Glass has been asked to present two keynote addresses in the next month. In addition to various engagements with clients and potential clients, Dr. Glass and Ms. Frketic also visited the Prince George’s County Materials Recovery Facility (MRF) on April 13, 2023.

Although there were fewer recruitment activities this month, hiring has been in full gear for the MES internship program. There were ninety-two applications for ten available internships. The Executive Office will have two interns focused on electric vehicle (EV) chargers and the solar canopy, as well as environmental justice issues, climate resilience and sustainability, performance management, and biochar.

Board of Directors Meeting
April 27, 2023
Page 3

Dr. Glass presented a graph of MES Minority Business Enterprise (MBE) participation over the last 10 years. MES achieved 28.19% in FY22 and 32.42% in FY21. Gratitude was expressed to Tim Barnes and Hattie Crosby and all the project managers for their efforts.

The third Quarterly Strategic Advance leadership meeting was held on April 14, 2023. Thirty measures were identified. The next meeting will be held in July to discuss the revised Key Performance Indicators (KPI). The Agency is well on its way to meeting the goals of the Strategic Plan.

Lieutenant Governor Aruna Miller visited the Agency on March 31, 2023, as part of Women's History Month.

Dr. Glass was in Atlanta, GA, earlier this month to accept the Solid Waste Association of North America (SWANA) 2023 Sustainable Materials Management Technical Division's Organizational Award. Gary Lasako and John Agnoli also gave a presentation at the conference.

MES celebrated Earth Day on April 19, 2023, with various environmental enhancement activities around the State.

Dr. Glass announced the retirement of Mr. Roger Williams after thirty-five years of service. Mr. Williams has worked at Hart Miller Island since 1987.

2023 MARYLAND GENERAL ASSEMBLY SESSION RECAP

Mr. Tosi presented an overview of several bills from the 2023 Maryland General Assembly session. Out of 2,284 bills that were introduced, 975 passed and were signed by the Governor. All MES capital budget projects fared well. Mr. Tosi presented a summary of the following bills:

- SB880/HB843 Baltimore Regional Water Governance Task Force
- HB161 Northeast Maryland Waste Disposal Authority Sunset Act
- SB222 Statewide Recycling Needs Assessment and Producer Responsibility for Packaging Materials
- SB516/HB556 Cannabis Reform
- SB828/HB988 Family Medical Leave Insurance Program – modifications
- HB230/HB224 Clean Trucks Act of 2023

AGENCY ACTIVITY REPORT

Judge Smalkin presented the Agency Activity Report – Accepted Proposals and asked if there were any questions.

FINANCIAL REPORT

Mr. Patel presented the preliminary Financial Statements for March 2023. Labor sales are now 12.53% higher than last year—and higher than projected—across all Groups. This has been consistent over the last several months. Overall, this is due to new projects and lower vacancies.

Overhead variance is looking better than projected. Invested cash is continuing to earn higher interest than was anticipated when the budget was created. This will continue throughout FY23. Finance is exploring possibilities for the unexpected income, including adding it to the contingency fund.

Mr. Neall asked about the Accounts Over 90-Day report. Mr. Patel indicated there are a few accounts on the list, but none about which he is overly concerned. Most of the accounts are government clients who are experiencing delays in processing.

HUMAN RESOURCES REPORT

Mr. Barzal presented the Human Resources report. As of today, the Agency vacancy rate is 4.26%. The rate varies daily. Most of the interns have been selected and have start dates set. The Human Resources staff continues to monitor Family and Medical Leave Act (FMLA) insurance issues and any policy changes that may be necessary due to the new State Cannabis Reform act.

PROCUREMENT ITEMS

Ms. Crosby presented Item 1. The procurement is for elevated water storage tank repairs, modifications, cleaning, and repainting at Martinak State Park. Manolis Painting, Inc. will provide the services at a cost of \$342,320. There is a 10% MBE goal. Ms. Heller made the motion to approve the item; Ms. Hwang seconded. No members were opposed. The motion passed unanimously.

Ms. Crosby presented Item 2. The procurement is for groundwater treatment plant upgrades at the Dundalk Marine Terminal. Maverick Construction, LLC will provide the services at a cost of \$881,000. There is a 17.5% MBE goal. Judge Smalkin made the motion to approve the item; Mr. Witt seconded. No members were opposed. The motion passed unanimously.

Ms. Crosby presented Item 3. The procurement is a pre-solicitation approval for \$1.4 million for mechanical dredging of sediment from Arrowhead Cove in Deep Creek Lake. There is a 14% MBE goal. Ms. Hwang made the motion to approve the item; Mr. Neall seconded. No members were opposed. The motion passed unanimously, with the except of Mr. Witt, who abstained from the discussion, consideration, and vote.

Ms. Crosby presented Item 4. The procurement is a change order with Anchor QEA, Inc. for \$291,285.83. It is for Environmental Management System Self Audits provided to the Maryland Port Administration. There is a 22% MBE goal. Mr. Neall made the motion to approve the item; Judge Smalkin seconded. No members were opposed. The motion passed unanimously.

The Board Notifications for Contracts, Purchase Orders, Amendments, and Change Orders between \$25,000 and \$200,000 were reviewed.

LEGAL REPORT

Mr. Coleman reviewed each section of the draft Bylaws. The current version is based on information from the MES Statute and the bylaws of other government entities. An Organization Meeting is included each year to conduct business of the Board as outlined in the Bylaws. It was agreed that this meeting should occur in July each year, and be the first meeting of the new fiscal year. The Board members decided to review these draft Bylaws and send any comments to Mr. Coleman. The revised Bylaws will be presented at the May meeting for consideration and adoption.

OLD/NEW BUSINESS

Ms. Hwang mentioned that the Executive Director's performance evaluation is scheduled to be completed after the final audited financial report is prepared. However, Ms. Hwang and Mr. Neall's Board appointment terms are due to expire on June 30, 2023. It may be necessary to start the process earlier so they may participate in the review. The matter will be considered at the June Human Resources Committee meeting.

Dr. Glass reported that Wicomico County's County Executive contacted the Agency and asked for an evaluation of their landfill. Operations staff will begin an assessment of their airspace, capacity, and leachate management.

The next meeting of the Board is Thursday, May 23, 2023, at 9:30 a.m. The Audit committee will meet on Thursday, May 18, 2023, at 3:00 p.m.

CLOSED SESSION

At 11:25 a.m., in accordance with MD. Code Ann., Gen. Prov. §3-305(b)(8), Judge Smalkin stated that the Board intended to enter closed session to approve the minutes of a prior closed-meeting session and receive a litigation update from the Office of the Attorney General. Judge Smalkin asked if anyone objected to the Board entering closed session; no objections were heard. He also stated that any member of the viewing public who objected could submit their objection via email to the Agency. Ms. Hwang then made a motion that the Board enter closed session for the reasons stated above. Mr. Witt seconded the motion, and all members voted in favor of closing the meeting. Judge Smalkin announced that the meeting of the Board of Directors would immediately adjourn following the closed session. The public meeting ended at 11:25 a.m. Staff members who were not required for the closed session left the meeting room and Zoom session.

Judge Smalkin called the meeting of the closed session of the Board to order at 11:30 a.m. Present during the closed session of the Board were Board members Smalkin, Witt, Neall, Kille, Heller, Hwang, and Glass. They were joined by Mr. Coleman, Ms. Carroll, Ms. Frketic and Ms. Fuller.

Judge Smalkin requested approval of the minutes of the closed session from the December 15, 2022, meeting. There were no corrections or comments. The minutes were unanimously approved.

Mr. Coleman updated the Board on potential litigation in which the Agency may be a plaintiff.

ADJOURNMENT

The meeting adjourned at 11:58 a.m.



ROBERT L. WITT, II
SECRETARY



HONORABLE FREDERIC N. SMALKIN
CHAIR

BOARD OF DIRECTORS AUDIT COMMITTEE MEETING MINUTES

May 18, 2023

LOCATION: Video Call

TIME: 3:00 p.m.

COMMITTEE

MEMBERS PRESENT: Shelley L. Heller, Chair (video)
Honorable Robert R. Neall, Treasurer
Dereck E. Davis, State Treasurer (video)
Charles Glass, Ph.D., P.E., Executive Director

COMMITTEE

MEMBERS ABSENT: None

OTHERS PRESENT:	Sean Coleman, Esq.	Casey Powers (video)
	Ellen Frketic	Jana Leech (video)
	Pamela Fuller	Valerie Colimon, RSM (video)
	Hament Patel	Philip King, RSM (video)
	Winsome Condra	

CALL TO ORDER

Ms. Heller called the meeting to order at 3:04 p.m. Some Board members and staff were present at Maryland Environmental Service (MES) Headquarters, and other Board members and staff participated via Zoom video call. The meeting was streamed live to the public on YouTube.

MINUTES

Ms. Heller requested discussion or a motion for the approval of the minutes of the Audit Committee meeting of October 20, 2022. No corrections or objections were noted, and the minutes were unanimously approved.

RSM FY22 EXPENSES AUDIT

Ms. Colimon and Mr. King (RSM) presented the executive summary of the Agency expense audit, which was completed in April 2023.

This audit examined the Agency's compliance with defined policies and procedures provided by the Agency for expense reports, purchase card purchases, and supplier invoices, with a focus on unauthorized spending, misallocated expenses, and accounting errors during the period July 1, 2021, to June 30, 2022.

There were only two exceptions noted, both involving expense reimbursements not submitted within 30 days. A thorough review of expenses revealed no deviations from policy and no unauthorized spending. The two late submissions were the result of unavoidable issues and were for authorized expenses.

RSM FY23 AUDIT

Ms. Colimon and Mr. King presented an overview of the FY23 Audit Strategy. The preliminary audit will begin in July 2023 with a walkthrough of transaction cycles and preliminary analytical review procedures. The year-end fieldwork is scheduled for the week of August 7, 2023. The final internal review will be completed in October 2023. That month RSM will also provide a presentation to the Audit Committee and issue their reports on audit and indirect costs. In December 2023, they will perform the expense policy audit and issue the accountant's report.

The audit planning process emphasizes understanding the entity, materiality, internal control, risk assessment, and discussion among the engagement team. They will issue reports on the internal control over financial reporting and compliance related to financial statements and major programs, as well as compliance with State laws, statutes, regulations, and the terms and conditions of federal awards.

New accounting pronouncements include: GASB Statement 94 (public-private and public-public partnerships and availability payment arrangements); GASB Statement 96 (subscription-based information technology arrangements) and GASB Statement 99 (Omnibus 2022)

There were no questions from the Audit Committee. Representatives from RSM left the meeting at 3:26pm.

INTERNAL AUDIT REPORT

Ms. Condra presented the Internal Audit (IA) report and update. She also announced that May is Internal Audit Awareness Month.

FY23 Audit Updates

Audit 23-01 reviewed the contractor Minority Business Enterprise (MBE) / Small Business Reserve (SBR) waiver process. This audit was completed on April 3, 2023. The audit reviewed the process to waive the contractor's MBE participation and SBR-designated bids from July 12, 2021, to June 30, 2022. It identified two key management issues: lack of separation of duties (SOD) controls and undocumented processes. Internal Audit recommended that MBE/SBE analysis be separate from the MBE officer duties, as well as more thorough documentation of processes and succession planning. A waiver process was already in existence but not formalized in guidelines.

Audit 23-2 is a review of the segregation of duties. This audit is in the testing phase. The final report should be completed by June 30, 2023.

Audit 23-3 will be a review of Eastern Shore Forest Products' time and materials contract. This audit is in the initial planning stages.

FY24 Audit Plan

The following audits are scheduled for fiscal year 2024:

- Review of procurement shortlist selection process
- Review of management of duplicate invoices within Workday
- Review of training application policy and process
- Review of strategic compensation benefit management

Billable Project Activity

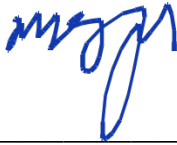
The Internal Audit staff assisted Maryland Department of Emergency Management (MDEM) with COVID close-out review. This is billable work that will extend for the next year. The IA staff are looking for any other potential billable projects that can help MES' environmental partners respond to problems, further their missions, and address audit needs.

FY25/FY26 Risk Assessment

Work will begin on the FY25/FY26 Risk Assessment in October and November 2023. There were no questions, comments, or concerns.

ADJOURNMENT

Upon motion by Mr. Neall, the meeting adjourned at 3:45 pm.



**MOALIE JOSE
CHAIR, AUDIT COMMITTEE**



Wes Moore GOVERNOR

Aruna Miller LT. GOVERNOR

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

**BOARD OF DIRECTORS
HUMAN RESOURCES COMMITTEE
MEETING MINUTES
May 25, 2023**

LOCATION: Conference/Video Call

TIME: 9:00 a.m.

COMMITTEE MEMBERS PRESENT: Marian C. Hwang, Esq. (Chair) (video)
Honorable Frederic N. Smalkin (video)
Robert L. Witt II (video)

COMMITTEE MEMBERS ABSENT:

OTHERS PRESENT: Charles C. Glass, Ph.D., P.E., Executive Director (video)
Sean Coleman, Esq.
Pamela Fuller
Jana Leech (video)
Casey Powers (IT) (video)

CALL TO ORDER

Ms. Hwang called the meeting to order at 9:00 a.m. Some Board members and staff participated via Zoom video and/or audio call; the remainder were present at Maryland Environmental Service (MES) Headquarters. The meeting was streamed live to the public via YouTube.

MINUTES

Ms. Hwang requested discussion or a motion for the approval of the January 19, 2023, Human Resources (HR) Committee meeting minutes. Ms. Hwang proposed one minor correction. There were no other questions or comments. The minutes were unanimously approved.

EXECUTIVE DIRECTOR PERFORMANCE EVALUATION TIMELINE

On February 24, 2022 the Board of Directors approved the Executive Director's (ED) performance evaluation process and evaluation form. The existing process requires that the ED's evaluation "should occur following completion of the MES annual financial audit." The financial audit for the current fiscal year, however, will not be completed until after July 1, 2023. Because the terms of two current Board members (Ms. Hwang and Mr. Neal) who have evaluated the ED, will end of June 30, 2023, and two new members who have not evaluated the ED, will commence on July 1, 2023, the Committee recommended that the timeline and process for conducting the ED's evaluation be amended in such circumstances to allow for the completion of the ED's evaluation prior to the issuance of the financial audit

Ms. Hwang forwarded the following proposed language to modify the evaluation process and survey form:

"In the event that Board members, who evaluated the ED in any given year, will complete their terms prior to the issuance of the MES annual financial audit, then the Board may complete the ED's evaluation prior to the issuance of the MES annual financial audit. The Board may revise the ED's evaluation, as appropriate, following the issuance of the MES annual financial audit."

This language will allow the Board to complete the ED's evaluation using the unaudited financial information provided at the Board meetings, and it will allow the flexibility to revise the evaluation if needed once the financial statements are fully audited, if any new information is revealed.

Ms. Hwang asked for a motion for the HR Committee to recommend that the full Board amend the ED's performance evaluation process to allow for completion of the ED's evaluation when the terms of members of the Board will be ending before the financial audit is available, and allow the Board to revise the evaluation if appropriate after the audit is completed. Mr. Witt made the motion; Judge Smalkin seconded. The motion passed unanimously.

ADJOURNMENT

Upon motion by Ms. Hwang, the meeting adjourned at 9:16 a.m.

Marian C. Hwang

MARIAN HWANG, ESQ.
HUMAN RESOURCES COMMITTEE CHAIR

BOARD OF DIRECTORS MEETING MINUTES

MEETING 5-23 May 25, 2023

LOCATION: Headquarters/Video Call

TIME: 9:30 a.m.

DIRECTORS PRESENT: Judge Frederic Smalkin, Chair (video)
Robert Witt, II, Secretary (video)
Robert Neall, Treasurer
Derek Davis, State Treasurer (video)
Marian Hwang, Esq. (video)
Charles Glass, Ph.D., P.E.

DIRECTORS ABSENT: Shelley Heller
One position currently vacant

OTHERS PRESENT:

Joanne Kille
Sean L. Coleman, Esq.
Tim Barr
Linda Brent
Hattie Crosby
Marni Dolinar
Tim Ford
Kayla Hammer
Hament Patel
Melissa Slatnick

Pamela Fuller
Jana Leech (video)
Casey Powers (video)
Al Razik
Winsome Condra (video)
Valerie Colimon (RSM, out at 9:46 a.m.)
Philip King (RSM, out at 9:46 a.m.)

CALL TO ORDER

Judge Smalkin called the meeting to order at 9:31 a.m. Some Board members and staff were present at Maryland Environmental Service (MES) Headquarters, and other Board members and staff participated via Zoom video call. The meeting was streamed live to the public on YouTube.

INSPIRE

Mr. Ford presented the Extraordinary Service Inspire Award to Kelsey Pearce. In January 2023, MES' only CADD technician retired, leaving MES with the possibility of needing to outsource this work and raising concerns about how that would affect cost and work continuity. Ms. Pearce, a Lead Environmental Specialist in the EO Environmental Monitoring and Reporting section, volunteered to add CADD work to her existing responsibilities. Among her other skillsets, Ms. Pearce has a background in CADD and familiarity with the complex AutoCAD software system. Thanks to her willingness to take on new roles and projects, MES remains able to ensure our clients receive the same high quality of reporting with no increased costs or untimely deliverables.

Mr. Ford also presented the Extraordinary Service Inspire Award to Paul Towers, Logan Milby, Eric Frase, Sarah Schunick-Baney, Mike Wilson, Domingo Llanes, Michael Stivers, Dakota Towers, Gavin Miller, and Kerry Davis, teammates at the Midshore II Landfill. In the early hours of the morning, the Midshore II personnel observed a fire in a wooded area near the western corner of the property, which fortunately was not on the landfill or within any facility improvements. They reacted rapidly by calling the fire department, which responded with brush trucks and a tanker. The MES team then assisted by using dozers and an excavator to cut fire breaks and pull out/bury burning materials. While the fire department left shortly to respond to another emergency, the Midshore II team provided a continuous watch for a 24-hour period, monitoring the site overnight and putting out reignited areas as needed.

RSM AUDIT PLAN

Valerie Colimon and Philip King of RSM US LLP presented the FY23 financial audit plan. A detailed presentation was given to the Audit Committee last week. The audit will begin in mid-July, with field work concluding in August. They do not anticipate any substantial changes to the process. If the Board has any concerns or requests for additional information, they are welcome to contact RSM at any time during the process.

MINUTES

Judge Smalkin requested discussion or a motion for the approval of the minutes of the Board meeting on April 27, 2023. No substantive corrections or objections were noted, and the minutes were unanimously approved.

EXECUTIVE DIRECTOR'S REPORT

Dr. Glass presented the Executive Director's and Deputy Director's expense reports for the last month. The only expenses were for Dr. Glass' travel to Atlanta to accept the Sustainable Materials Management Award at the Solid Waste Association of North America's (SWANA) Sustainability, Operations, Action, and Resources (SOAR) Conference.

Dr. Glass reviewed several recent client engagements. The Agency recently received the State Employee Risk Management Administration (SERMA) Injury Reduction Award for its 30% reduction in claims over the last year. Dr. Glass attended the grand opening of the new Durable Medical Equipment (DME) collection site at the Montgomery County Materials Recycling Facility (MRF). Staff continue to attend various recruitment fairs around the State. The twelve summer interns are scheduled to start next week and will begin with a "lunch and learn" event.

Dr. Glass announced he recently completed the Johns Hopkins University Fellowship Program. He now is a member of their Environmental Health and Engineering Department Advisory Board. Dr. Glass has been a speaker at various events over the last month, including: the Chesapeake Bay TMDL Symposium; National Governor's Association Infrastructure Coordinators Quarterly Workshop; and the Chesapeake Bay Scientific and Technology Advisory Committee Biochar Workshop, where he is presently.

The Mid-Atlantic SWANA Road-E-O was held earlier this month. Nine MES employees from Harford County and the Midshore landfills competed and did very well. Logan Milby placed first in the compactor competition and second in the off-road truck competition. He now qualifies to compete at the national level.

AGENCY ACTIVITY REPORT

Judge Smalkin presented the Agency Activity Report – Accepted Proposals and asked if there were any questions.

FINANCIAL REPORT

Mr. Patel presented the preliminary Financial Statements for April 2023. Labor sales are now 12.48% higher than last year—and higher than projected—across all Groups. This has been consistent over the last several months. Overall, this is due to new projects and lower vacancies.

Overhead variance is looking better than projected. Invested cash is continuing to earn higher interest than was anticipated when the budget was created. This will continue throughout FY23. Finance is exploring possibilities for the unexpected income, including adding it to the contingency fund. Mr. Patel intends to ask the Board to approve placing an additional \$500,000 in the retiree health benefits program to increase the reserves. Mr. Neall expressed his approval for the use of these funds.

Mr. Patel has reviewed the accounts over 90 days report with Mr. Neall. Of the overdue accounts at that time, over half has already been collected. Overall, about 95% of outstanding balances are from government clients, and will be paid. Mr. Patel also explained the role of General Construction Loans (“GCL”) for State projects.

AUDIT COMMITTEE REPORT

Mr. Neall presented the Audit Committee report on behalf of Ms. Heller. The Committee met last week with RSM—who presented their FY23 audit plan—and with Ms. Condra, the Agency Internal Auditor (IA). Ms. Condra completed a review of the Minority Business Enterprise (MBE)/Small Business Reserve (SBR) waiver process. Two issues were identified: lack of oversight controls and undocumented processes. Both issues are currently being corrected. IA is currently working on a segregation of duties review and will be starting a review of the Eastern Shore Forest Products time and materials contract in the coming months.

Mr. Patel also reported that RSM had recently completed the annual FY22 Executive Expenses audit of policies and procedures as required by the MES Reform Act. They randomly sampled from over 1,000 expense reports and found two transactions outside of the policy. Both were valid authorized expenses but were submitted more than 30 days after the expense was incurred.

HUMAN RESOURCES REPORT

Ms. Brent presented the Human Resources report. As of today, the Agency vacancy rate is 3.2%. The rate varies daily. Twelve interns have been selected and have already started or have start dates set.

PROCUREMENT ITEMS

Judge Smalkin asked if any members would need to abstain from voting on any item. Ms. Hwang indicated she would need to abstain from the discussion, consideration and vote on Items 1 and 6. Since only four other Board members were in attendance, those items will be deferred until a sufficient number of members are present and available to vote on them.

Ms. Crosby presented Item 2. The procurement is for replacement of the wastewater treatment plant at the Elk Neck State Park. Allan Myers MD, Inc. will provide the services at a cost of \$13,183,555. There is a 18.03% MBE goal. The low bidder requested an MBE waiver that was denied. The bidder protested that decision, and then appealed through the Agency administrative process. At each stage, the action of the Agency was upheld. The bidder recently petitioned for a writ of administrative mandamus in Circuit Court. Ms. Hwang made the motion to approve the item; Judge Smalkin seconded. No members were opposed, and the motion passed unanimously.

Ms. Crosby presented Item 3. The procurement is for development of a preliminary engineering report for the Dorsey Run Wastewater Treatment Plant (WWTP) upgrade. Rummel, Klepper & Kahl, LLP will provide the services at a cost of \$257,248.48. There is a 29% MBE goal. Mr. Neall made the motion to approve the item; Mr. Witt seconded. No members were opposed, and the motion passed unanimously.

Ms. Crosby presented Item 4. The procurement is a change order with W.K. Merriman, Inc. for \$112,543.20. It is for the purchase of ferric chloride solution for the Cambridge WWTP. There is a 0% MBE goal. Mr. Witt made the motion to approve the item; Ms. Hwang seconded. No members were opposed, and the motion passed unanimously.

Ms. Crosby presented Item 5. The procurement is for the purchase of Dell VxRail S670 Datacenter hardware at the Headquarters office. Dell Marketing Limited Partnership (aka Dell Marketing, L.P.) will provide the hardware at a cost of \$338,090.44. There is a 0% MBE goal. Ms. Hwang made the motion to approve the item; Judge Smalkin seconded. No members were opposed, and the motion passed unanimously.

Ms. Crosby presented Item 7. The procurement is a change order with GMH and Associates of America for \$37,705.50. It is connected to the rebuild of the center drive that was damaged when the primary settlement tank was flooded at the Back River WWTP. There is a 15% MBE goal. The contractor is currently achieving 12.19%. GMH is working diligently to meet the MBE goal. However, the unforeseen changes to the scope

Board of Directors Meeting
May 25, 2023
Page 6

of work and the flooding event will likely cause them to come up short. It is estimated the final actual MBE participation will be around 12.5%. Judge Smalkin made the motion to approve the item; Mr. Witt seconded. No members were opposed, and the motion passed unanimously.

Ms. Crosby presented Item 8. The procurement is a change order with CMT Services for \$2,319,826.07. It is for labor services provided to the Prince George's County Materials Recycling Facility. There is a 25% MBE goal. The contractor is currently achieving 18.59%. A corrective action plan has been requested. The contractor is hiring an additional MBE firm to increase participation. Mr. Neall made the motion to approve the item; Ms. Hwang seconded. No members were opposed, and the motion passed unanimously.

Ms. Crosby presented Item 9. The procurement is a pre-solicitation approval for \$450,000 for supply, installation, protection, and maintenance of tidal wetland low- and high-marsh plants for Masonville Cove. There is a 29% MBE goal. Ms. Hwang made the motion to approve the item; Judge Smalkin seconded. No members were opposed, and the motion passed unanimously.

The Board Notifications for Contracts, Purchase Orders, Amendments, and Change Orders between \$25,000 and \$200,000 were reviewed.

LEGAL REPORT

Mr. Coleman presented the revised draft Bylaws. There were no substantive changes. Ms. Hwang made a motion to approve and adopt the Bylaws; Mr. Neall seconded. No members opposed, and the motion passed unanimously. The Bylaws will be effective as of July 1, 2023.

GROUP UPDATES

Ms. Slatnick presented an overview of the Maryland Roadside Historical Marker Program. This is a partnership with Maryland Department of Transportation (MDOT) The Secretary's Office (TSO), MDOT State Highway Administration (SHA), and the Maryland Historical Trust (MHT). Two Agency archeologists support the program.

Ms. Dolinar presented updates covering the Deep Creek Lake Arrowhead Cove dredging project in Garrett County. Alternative analysis, permitting, and design have been completed. Dredging is expected to begin in the fall of 2023 and conclude in early 2024.

Mr. Razik presented an overview of how biosolid material is currently handled. He then went on to describe Per- and polyfluoroalkyl substances (PFAS) and how they might impact biosolid options in the future. There are no federal regulations currently pertaining to PFAS, but several states have made moves to ban or regulate their treatment and placement.

Mr. Ford presented reviews of the Montgomery County Bus Stop Trash Collection Project, Blue Bin Distribution Project, and the Commercial Food Scraps Recycling Project.

OLD/NEW BUSINESS

The Board made arrangements to continue this meeting tomorrow, May 26, 2023, at 9am, when a quorum of members will be available to discuss two procurement items.

Ms. Hwang reported that the Human Resources (HR) Committee met earlier in the day to discuss the timing of the Executive Director's (ED) performance evaluation. The current timeline indicates that the process should be completed after the final audited financial report is prepared. Last year, that final report was not available until December. In addition, Ms. Hwang and Mr. Neall's Board appointment terms are due to expire on June 30, 2023. To allow for completion of the ED's performance evaluation with the full input of all current Board members, the committee proposes that the process be completed prior to issuance of the final audit report, and prior to the departure of the two outgoing Board members. If necessary, the Board can revise their evaluation after the issuance of the final audited statements.

Ms. Hwang suggested adding the following to the ED Evaluation process:

"In the event that Board members, who evaluated the ED in any given year, will complete their terms prior to the issuance of the MES annual financial audit, then the Board may complete the ED's evaluation prior to the issuance of the MES annual financial audit. The Board may revise the ED's evaluation, as appropriate, following the issuance of the MES annual financial audit."

Judge Smalkin made a motion to approve the suggested changes; Mr. Witt seconded. No members were opposed, and the motion passed unanimously. The evaluation will now be completed prior to the June meeting.

The next meeting of the Board is Thursday, June 22, 2023, at 9:30 a.m. The HR committee will meet on Thursday, June 15, 2023, at 3:00 p.m.

ADJOURNMENT

The meeting adjourned at 11:30 a.m.

A handwritten signature in blue ink, appearing to read "R L Witt II", with a horizontal line underneath.

ROBERT L. WITT, II
SECRETARY

A handwritten signature in blue ink, appearing to read "Frederic N. Smalkin", with a horizontal line underneath.

HONORABLE FREDERIC N. SMALKIN
CHAIR

BOARD OF DIRECTORS MEETING MINUTES

MEETING 5-23b May 26, 2023

LOCATION: Video Call

TIME: 9:00 a.m.

DIRECTORS PRESENT: Judge Frederic Smalkin, Chair
Robert Witt, II, Secretary
Robert Neall, Treasurer
Shelley Heller
Derek Davis, State Treasurer
Charles Glass, Ph.D., P.E.

DIRECTORS ABSENT: Marian Hwang, Esq.
One position currently vacant

OTHERS PRESENT:

Joanne Kille
Sean L. Coleman, Esq.
Tim Barr
Matt Lapinski

Pamela Fuller
Jana Leech (video)
Casey Powers (video)

CALL TO ORDER

Judge Smalkin called the meeting to order at 9:00 a.m. All Board members and staff participated via Zoom video call. The meeting was streamed live to the public on YouTube.

PROCUREMENT REPORT

Mr. Barr presented Item 1. The procurement is for replacement of the booster pump station at the wastewater treatment plant (WWTP) at Camp Fretterd. Johnston

Board of Directors Meeting
May 25, 2023
Page 10

Construction Company will provide the services at a cost of \$866,146.00. There is a 54% MBE goal. Ms. Heller made the motion to approve the item; Treasurer Davis seconded. No members were opposed, and the motion passed unanimously.

Mr. Barr presented Item 6. The procurement is a change order with Synagro Central, LLC for \$251,875.00. It is for additional disposal of materials from digestors 1 and 4 at the Back River WWTP. There is a 12% MBE goal, and the contractor is currently achieving 15.66%. Mr. Neall made the motion to approve the item; Ms. Heller seconded. No members were opposed, and the motion passed unanimously.

ADJOURNMENT

The meeting adjourned at 9:05 a.m.



ROBERT L. WITT, II
SECRETARY



HONORABLE FREDERIC N. SMALKIN
CHAIR



Wes Moore GOVERNOR

Aruna Miller LT. GOVERNOR

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

**BOARD OF DIRECTORS
HUMAN RESOURCES COMMITTEE
MEETING MINUTES
June 15, 2023**

LOCATION: Conference/Video Call

TIME: 3:00 p.m.

COMMITTEE MEMBERS PRESENT: Marian C. Hwang, Esq. (Chair) (video)
Honorable Frederic N. Smalkin (video)
Robert L. Witt, II (video)

OTHERS PRESENT:

Charles C. Glass, Ph.D., P.E.
Ellen Frketic
Sean Coleman, Esq.
Pamela Fuller
Melissa Slatnick
Marni Dolinar

Shannon Bettleyon
Tim Ford
Hament Patel
Tim Barr
Jana Leech (video)
Casey Powers (IT) (video)

CALL TO ORDER

Ms. Hwang called the meeting to order at 3:00 p.m. Some Board members and staff participated via Zoom video and/or audio call; the remainder were present at Maryland Environmental Service (MES) Headquarters. The meeting was streamed live to the public via YouTube.

MINUTES

Ms. Hwang requested discussion or a motion for the approval of the May 25, 2023, Human Resources (HR) Committee meeting minutes. Ms. Hwang submitted changes to the draft minutes prior to the meeting. Judge Smalkin made a motion to approve the minutes; Mr. Witt seconded. The minutes were unanimously approved.

CAREER LADDER: EQUIPMENT OPERATOR

Mr. Ford presented the new career ladder for Equipment Operators. This ladder merges the Equipment Operator series and the Operations Manager series. There has been difficulty both attracting workers and keeping these positions filled. This updated ladder will provide staff a progressive pathway to management positions and help eliminate inconsistent usage of Senior and Lead designations. Several positions are being reclassified; these changes will not result in a pay cut to any current employees. The ladder also establishes training and career milestones for each position. Judge Smalkin made a motion to recommend the adoption of the Equipment Operator career ladder to the full Board for approval; Mr. Witt seconded. The motion passed unanimously.

CAREER LADDER: ENGINEER

Ms. Dolinar presented the new career ladder for Engineers. There has been difficulty attracting and keeping mid- to senior-level engineers. The recommended changes will add two new designations. The career ladder also adds professional development milestones and encourages obtaining a Professional Engineer (P.E.) license at the highest levels. Mr. Witt made a motion to recommend the adoption of the Engineer career ladder as presented to the full Board for approval; Judge Smalkin seconded. The motion passed unanimously.

PERFORMANCE BASED COMPENSATION (PBC)

Mr. Patel presented a memo from Dr. Glass recommending performance-based compensation (PBC) increases for Agency employees. Employee evaluations for the period of April 1, 2022, through March 31, 2023, have been completed. The Agency financial performance has been good. The Agency is recommending the following increases, based on evaluation scores:

Score	Percentage of Increase
2.99 and under	No PBC
3.0 – 3.49	3%
3.5 – 3.99	4%
4.0 – 5.0	5%

These increases are in line with increases given to State employees, which includes a 2% cost-of-living adjustment (COLA), 2% step increase, and an additional 2% increase for employees with more than five years of service (a total of 6%). Counties are granting a 5% increase with a 1% merit step increase. Smaller counties are granting a 3-

4% increase and 1-2% step increases. In addition, the State has approved providing \$600 in matching funds to employees' deferred compensation plans, with distribution in July 2023. MES will want to examine this as a possibility, but not until January 2024. It was reported that 70-80% of Agency employees' performance scores were in the 4 to 5 range (out of a possible 5) across all levels of the Agency.

The MES salary card will also need to be increased each year. The Agency is proposing increasing the minimum, mid-point, and maximum salaries on the card by 5%.

Judge Smalkin made a motion to recommend approval of the Performance-Based Compensation as proposed by the Agency; Mr. Witt seconded. The motion passed unanimously.

HUMAN RESOURCES POLICIES

Four updated HR policies were submitted for review and approval. Each policy contained minor updates, title changes, or clarifications.

The Policies reviewed were:

- HR 8.01 Tuition Assistance program (clarified that tuition can be sought either in advance or after completion of class; removed forms)
- HR 8.02 Agency-wide Training program (title changes)
- HR 8.03 Apprenticeship Policy for Operators in Training (OIT) (brings policy into agreement with OIT career ladder already approved by Board)
- HR 8.04 Out Service Training program (title changes)

Mr. Witt made a motion to recommend approval of the policy updates to the full Board; Judge Smalkin seconded. The motion passed unanimously.

CLOSED SESSION

At 3:46 p.m., in accordance with MD. Code Ann., Gen. Prov. §3-305(b)(1) Ms. Hwang stated that the Committee intended to enter closed session to approve the minutes of a prior closed meeting session, and to discuss the performance and compensation of one or more employees of the Agency. Ms. Hwang asked if anyone objected to the Committee entering closed session; no objections were heard. She also stated that any member of the viewing public who objected could submit their objection via email to the Agency. Judge Smalkin then made a motion that the Committee enter closed session for the reasons stated above. Mr. Witt seconded the motion; all members voted in favor of closing the meeting. Ms. Hwang announced that the Committee

meeting would immediately adjourn following the closed session. The public meeting then ended at 3:47 p.m. The Board members, Mr. Coleman, and Ms. Fuller were then transferred to a secure conference video line.

Ms. Hwang called the meeting of the closed session of the Board to order at 3:47 p.m. Present during the closed session of the Board were Board members Hwang, Smalkin, Witt, Glass (for a portion of the closed session), Assistant Attorney General Coleman, and Ms. Fuller.

Ms. Hwang requested approval of the minutes of the closed session of the HR Committee from the meeting of June 30, 2022. The minutes were unanimously approved.

During the closed session, the Committee reviewed various materials related to Executive staff salaries and discussed modifying the salary of the Deputy Director. The Committee then unanimously approved recommending to the full Board of Directors a salary increase of 6% for the Deputy Director, effective as of July 12, 2023.

Dr. Glass left the closed session at 4:02 p.m. Based on completion of the Executive Director's performance evaluation, the Committee unanimously approved recommending to the full Board of Directors a salary increase of 6% for the Executive Director, effective as of July 12, 2023.

The Committee then undertook the administrative function of reviewing the Financial Disclosures filed by Board members, as required by the MES Conflicts of Interest Policy (BOD 1.01). At 4:20 p.m. Mr. Coleman left the closed session. He returned at 4:35 to provide legal advice on several questions raised by Board members related to the Financial Disclosures.

ADJOURNMENT

Upon motion by Ms. Hwang, the meeting adjourned at 4:54 p.m.



ROBERT L. WITT, II
HUMAN RESOURCES COMMITTEE CHAIR

BOARD OF DIRECTORS MEETING MINUTES

MEETING 6-23 June 22, 2023

LOCATION: Headquarters/Video Call

TIME: 9:30 a.m.

DIRECTORS PRESENT: Judge Frederic Smalkin, Chair (video)
Robert Witt, II, Secretary
Robert Neall, Treasurer (phone)
Derek Davis, State Treasurer (video)
Shelley Heller
Marian Hwang, Esq.
Charles Glass, Ph.D., P.E.

DIRECTORS ABSENT: One position currently vacant

OTHERS PRESENT: Joanna Kille, State Treasurer's Designee (video)
Ellen Frketic Tim Ford
Sean L. Coleman, Esq. Kayla Hammer
Tim Barr Hament Patel
Shannon Bettleyon Melissa Slatnick
Hattie Crosby Pamela Fuller
Aimee Warner Kevin Eckhart (IT) (video)

CALL TO ORDER

Judge Smalkin called the meeting to order at 9:35 a.m. Some Board members and staff were present at Maryland Environmental Service (MES) Headquarters, and other Board members and staff participated via Zoom video call. The meeting was streamed live to the public on YouTube.

INSPIRE

Mr. Ford presented the Extraordinary Service Inspire Award to Robert Strand. Mr. Strand has provided extraordinary service to the Baltimore County Bureau of Solid Waste by going above and beyond his core duties, while also saving extra costs. When the client requested direct courier services to the lab, Mr. Strand volunteered to shift his working schedule to reduce anticipated overtime costs. On top of this, he continued to perform his routine inspections and reports at the County facilities.

Ms. Slatnick presented the Extraordinary Service Inspire Award to Alex Hancock. Mr. Hancock responded to a fuel spill at BWI Thurgood Marshall Airport at 2:30 a.m. He coordinated cleanup, inspection, and monitoring with staff from the airport fire department, airport operations, and the Maryland Department of the Environment (MDE).

Mr. Barr presented the Extraordinary Service Inspire Award to Darren Klink, Hunter Bingaman, Keith Wright, Roger Knox, Ben Weller, Brandon Folk, and Devin Spicher. These members of the Water/Wastewater and Maintenance groups worked together to design and construct a floating emergency water intake capable of rising and falling with lake levels at the Rocky Gap State Park and Resort. This work provided uninterrupted water service and saved the client over \$130,000.

MINUTES

Judge Smalkin requested discussion or a motion for the approval of the minutes of the Board meeting on May 25 and May 26, 2023. No substantive corrections or objections were noted, and the minutes were unanimously approved.

EXECUTIVE DIRECTOR'S REPORT

Dr. Glass presented the Executive Director's and Deputy Director's expense reports for the last month. The only expenses were for Dr. Glass' travel to Atlanta to accept the Sustainable Materials Management Award at the Solid Waste Association of North America's (SWANA) Sustainability, Operations, Action, and Resources (SOAR) Conference and Ms. Frketic's trip to Canada to attend the Water Environment Federation (WEF) conference.

Dr. Glass reviewed several recent client engagements. Dr. Glass met with Johns Hopkins University regarding a possible hazardous waste research project. He also attended a kickoff meeting with the Maryland Environmental Justice Coalition regarding possible engineering support for capital projects.

Recruitment events have decreased over the summer months. Thirteen interns have now started. They were greeted with a welcome session and recently participated in a teambuilding session at Headquarters. The Strategic Advance team also recently completed a teambuilding event at Terrapin Adventures.

On June 3, about 100 employees attended a Bowie Baysox baseball game. Three more game days have been scheduled in Frederick, Aberdeen, and Salisbury. On June 6, employees volunteered at the Baltimore Animal Rescue and Care Shelter (BARCS) to walk dogs. On June 20, The Manager/Supervisor Training program held its graduation ceremony and participated in a tour of Poplar Island.

Dr. Glass expressed his appreciation to Ms. Hwang and Senator Neall for their service on the Agency Board, as their terms end on June 30, 2023. Each has been an invaluable advisor. Their work will live on for years to come in the policies and procedures implemented under their guidance.

AGENCY ACTIVITY REPORT

Judge Smalkin presented the Agency Activity Report – Accepted Proposals and asked if there were any questions.

FINANCIAL REPORT

Mr. Patel presented the preliminary Financial Statements for May 2023. Labor sales are now 12.4% higher than last year—and higher than projected—across all Groups. This has been consistent over the last several months. Overall, this is due to new projects and lower vacancies.

Overhead variance is looking better than projected. Invested cash is continuing to earn higher interest than anticipated when the budget was created. This will continue throughout FY23. Finance is exploring adding funds to the contingency fund and placing an additional \$500,000 in the retiree health benefits program to increase the reserves. Mr. Neall expressed his approval for the use of these funds.

BEST FY24 GOALS

Ms. Frketic presented an overview of the proposed Building Excellence and Success Together (BEST) goals and subgoals for FY24. The goals include:

1. Safety – MES Employees should strive to work in a manner consistent with the highest safety standards.
2. Education – Encourage staff to take advantage of educational opportunities.

3. Diversity & Inclusion – Promote a more diverse work environment where opportunities are available for all staff.
4. Customer & Community Service – Provide excellent customer service to both internal and external customers.
5. Environment – Quantify MES’s carbon footprint from operations and continue to identify opportunities to reduce greenhouse gas (GHG) emissions.
6. Administrative Enhancements – Improve administrative procedures to increase efficiency, staffing, revenue, and minority business opportunities.

Ms. Hwang made a motion to approve the goals as proposed. Ms. Heller seconded. The motion passed unanimously.

HUMAN RESOURCES REPORT

Ms. Bettleyon presented the Human Resources (HR) report. As of today, the Agency vacancy rate is 4%. The rate varies daily. For comparison, the vacancy rate in June 2022 was 9.24%. The Agency continues to work diligently to keep the vacancy rate down.

HUMAN RESOURCES COMMITTEE REPORT

The HR Committee met on June 15, 2023, to discuss several matters.

Career Ladder Updates

Mr. Ford presented the new career ladder for Equipment Operators. This ladder merges the Equipment Operator series and the Operations Manager series. There has been difficulty both attracting workers and keeping these positions filled. This updated ladder will provide staff a progressive pathway to management positions and help eliminate inconsistent usage of Senior and Lead designations. Several positions are being reclassified; these changes will not result in a pay cut to any current employees. The ladder also establishes training and career milestones for each position.

Ms. Slatnick presented the new career ladder for Engineers. There has been difficulty attracting and keeping mid- to senior-level engineers. The recommended changes will add two new mid-level designations for Associate Engineer II and Project Engineer II. The career ladder also adds professional development milestones and encourages obtaining a Professional Engineer (P.E.) license at the highest levels.

Ms. Hwang reported that the HR Committee reviewed these ladders on June 15, 2023, and the HR Committee recommends the Board’s approval of the ladders as

Board of Directors Meeting
June 22, 2023
Page 5

presented. Mr. Neall made a motion to approve the Equipment Operator and the Engineer career ladders; Judge Smalkin seconded. The motion passed unanimously.

Performance Based Compensation

The HR Committee reviewed the memorandum and recommendation from the Agency to award performance-based compensation (PBC) to Agency employees. Employee evaluations for the period of April 1, 2022, through March 31, 2023, have been completed. The Agency financial performance has been good. The Agency is recommending the following increases, based on evaluation scores:

Score	Percentage of Increase
2.99 and under	No PBC
3.0 – 3.49	3%
3.5 – 3.99	4%
4.0 – 5.0	5%

The MES salary card will also need to be increased each year. The Agency is proposing increasing the minimum, mid-point, and maximum salaries on the card by 5%.

Ms. Hwang reported that the HR Committee reviewed the Agency PBC proposal and the HR Committee recommends the Board's approval. Mr. Witt made a motion to approve the PBC increases and salary card adjustment; Ms. Hwang seconded. The motion passed unanimously.

Mr. Patel added that the State has approved providing \$600 in matching funds to employees' deferred compensation plans, with distribution in July 2023. MES may wish to offer a similar benefit to its employees but will not decide until January 2024.

Updated HR Policies

Four updated HR policies were submitted for review and approval. Each policy contained minor updates, title changes, or clarifications. The Policies reviewed were:

- HR 8.01 Tuition Assistance program
- HR 8.02 Agency-wide Training program
- HR 8.03 Apprenticeship Policy for Operators in Training (OIT)
- HR 8.04 Out Service Training program

Ms. Hwang reported that the HR Committee is recommending approval of the updated policies by the Board. Mr. Neall made a motion to approve the policy updates; Judge Smalkin seconded. The motion passed unanimously.

PROCUREMENT ITEMS

Ms. Crosby presented Item 1. The procurement is a change order with 24/7 Grease Trap & Plumbing, Inc. for \$40,914.50. It is for liquid sludge hauling for southern region wastewater treatment facilities. There is a 0% minority business enterprise (MBE) goal. Ms. Heller made the motion to approve the item; Mr. Witt seconded. No members were opposed. The motion passed unanimously.

Ms. Crosby presented Item 2. The procurement is to purchase two Cat Dozers for the Midshore II Landfill. Carter Machinery Company will provide the dozers at a total cost of \$1,061,215. There is a 0% MBE goal. Ms. Hwang made the motion to approve the item; Mr. Neall seconded. No members were opposed. The motion passed unanimously with the exception of Ms. Heller, who abstained from the discussion, consideration, and vote.

Ms. Crosby presented Item 3. The procurement is for construction services at the Brown Station Landfill water distribution system. Sagres Construction Corp. will provide the services at a cost of \$1,425,863.14. There is a 30% MBE goal. Ms. Hwang made the motion to approve the item; Mr. Witt seconded. No members were opposed. The motion passed unanimously.

Ms. Crosby presented Item 4. The procurement is for propane fuel conversion construction at the Eastern Correctional Institution. Joseph M. Zimmer, Inc. will provide the services at a cost of \$4,365,000. There is a 20% MBE goal. Mr. Witt made the motion to approve the item; Judge Smalkin seconded. No members were opposed. The motion passed unanimously with the exception of Ms. Hwang, who abstained from the discussion, consideration, and vote.

Ms. Crosby presented Item 5. The procurement is a change order with South Atlantic Marine Services, Inc. for \$672,792. It is for baling wire provided to the Prince George's and Montgomery County Materials Recycling Facilities. There is a 0% MBE goal. Mr. Neall made the motion to approve the item; Judge Smalkin seconded. No members were opposed. The motion passed unanimously.

Ms. Crosby presented Item 6. The procurement is a change order with Agri-Services Corp. for \$1,527,359. It is for leachate hauling and disposal services provided to Sandy Hill Landfill. There is a 30% MBE goal; the contractor is currently achieving 85.29%. Ms. Heller made the motion to approve the item; Judge Smalkin seconded. No

Board of Directors Meeting
June 22, 2023
Page 7

members were opposed. The motion passed unanimously with the exception of Ms. Hwang, who abstained from the discussion, consideration, and vote.

Ms. Crosby presented Item 7. The procurement is a change order with Curtis Power Solutions, LLC for \$1,857,634.15. It is for landfill gas powerplant operations and maintenance provided to Brown Station Landfill. There is a 10.3% MBE goal. Mr. Witt made the motion to approve the item; Ms. Heller seconded. No members were opposed. The motion passed unanimously.

Ms. Crosby presented Item 8. The procurement is for equipment rental for managing hazardous materials at the Dundalk Marine Terminal and Hawkins Point Landfill. United Rental (North American) Inc. will provide the equipment at a cost of \$250,000. There is a 0% MBE goal. Judge Smalkin made the motion to approve the item; Mr. Heller seconded. No members were opposed. The motion passed unanimously with the exception of Ms. Hwang, who abstained from the discussion, consideration, and vote.

Ms. Crosby presented Item 9. The procurement is for solar installation at Deep Creek Lake State Park. Mountain View Solar & Wind, LLC will provide the services at a cost of \$253,295. There is a 0% MBE goal. This item and the next two similar items (Procurement Items 10 and 11) were advertised on two separate occasions; no proposals were received. The client, Maryland Park Service, requested that MES waive its procurement procedures and directly solicit quotes from multiple contractors. Ms. Hwang made the motion to approve the item and waive formal procurement procedures; Mr. Neall seconded. No members were opposed. The motion passed unanimously.

Ms. Crosby presented Item 10. The procurement is for solar installation at Assateague State Park. Paradise Energy Solutions, LLC will provide the services at a cost of \$294,560. There is a 0% MBE goal. This item was advertised on two separate occasions; no proposals were received. The client, Maryland Park Service, requested that MES waive its procurement procedures and directly solicit quotes from multiple contractors. Mr. Witt made the motion to approve the item and waive MES procurement procedures; Ms. Hwang seconded. No members were opposed. The motion passed unanimously.

Ms. Crosby presented Item 11. The procurement is for solar installation at Sandy Point State Park, Fair Hill Natural Resource Management Area, and Merkle Wildlife Sanctuary. Solar Energy World, LLC will provide the services at a cost of \$558,130. There is a 0% MBE goal. This item was advertised on two separate occasions; no proposals were received. The client, Maryland Park Service, requested that MES waive

Board of Directors Meeting
June 22, 2023
Page 8

its procurement procedures and directly solicit quotes from multiple contractors. Mr. Neall made the motion to approve the item and waive MES procurement procedures; Ms. Heller seconded. No members were opposed. The motion passed unanimously with the exception of Ms. Ms. Hwang, who abstained from the discussion, consideration, and vote.

Ms. Crosby presented Item 12. The procurement is for Baltimore County Ingleside Avenue sidewalk retrofitting. Whitney, Bailey, Cox & Magnani, LLC will provide the services at a cost of \$330,815.88. There is a 26.5% MBE goal. Ms. Hwang made the motion to approve the item; Judge Smalkin seconded. No members were opposed. The motion passed unanimously.

Ms. Crosby presented Item 13. The procurement is a change order with AECOM Technical Services, Inc. for \$295,892.36. It is for professional and technical services provided to Maryland Energy Administration (MEA). There is a 0% MBE goal. Ms. Heller made the motion to approve the item; Mr. Neall seconded. No members were opposed. The motion passed unanimously with the exception of Ms. Hwang, who abstained from the discussion, consideration, and vote.

Ms. Crosby presented Item 14. The procurement is a pre-solicitation approval for \$1,000,000 to purchase a 30-ton excavator for the Cox Creek Dredged Material Containment Facility. There is a 0% MBE goal. Ms. Hwang made the motion to approve the item; Mr. Neall seconded. No members were opposed. The motion passed unanimously.

Ms. Crosby presented Item 15. The procurement is a pre-solicitation approval for \$950,000 to purchase two, low ground-pressure, 20-ton bulldozers for the Masonville Dredged Material Containment Facility and the Paul S. Sarbanes Ecosystem Restoration Project at Poplar Island. There is a 0% MBE goal. Mr. Witt made the motion to approve the item; Ms. Hwang seconded. No members were opposed. The motion passed unanimously.

Ms. Crosby presented Item 16. The procurement is to purchase a 30-ton, long-reach excavator for Poplar Island. There is a 0% MBE goal. Ms. Hwang made the motion to approve the item; Judge Smalkin seconded. No members were opposed. The motion passed unanimously.

The Board Notifications for Contracts, Purchase Orders, Amendments, and Change Orders between \$25,000 and \$200,000 were reviewed.

LEGAL REPORT

Mr. Coleman will discuss one matter in closed session.

OLD/NEW BUSINESS

Dr. Glass reported that the family of Board member Hiram Tanner will be at Headquarters today for the dedication of a tree and plaque in his honor.

Ms. Hwang reported that in compliance with the MES Board of Directors Conflicts of Interest Policy, the HR Committee reviewed the Financial Disclosures submitted by current Board member at their June 15, 2023, meeting. The Committee found the disclosures to be in order and observed no actual or potential conflicts of interest.

The next meeting of the Board is Thursday, July 27, 2023, at 9:30 a.m. This will be the first Organizational Board meeting under the new Bylaws. Judge Smalkin expressed his thanks Mr. Neall and Ms. Hwang and wished them farewell.

CLOSED SESSION

At 11:20 a.m., in accordance with MD. Code Ann., Gen. Prov. §3-305(b)(1) and (8), Judge Smalkin stated that the Board intended to enter closed session to approve the minutes of a prior closed-meeting session; to consult with counsel regarding an employee complaint; and to discuss the compensation of the Deputy Director and Executive Director. Judge Smalkin asked if anyone objected to the Board entering closed session; no objections were heard. He also stated that any member of the viewing public who objected could submit their objection via email to the Agency. Mr. Neall then made a motion that the Board enter closed session for the reasons stated above. Ms. Heller seconded the motion, and all members voted in favor of closing the meeting. Judge Smalkin announced that the meeting of the Board of Directors would immediately adjourn following the closed session. The public meeting ended at 11:20 a.m. Staff members who were not required for the closed session left the meeting room and Zoom session.

Judge Smalkin called the meeting of the closed session of the Board to order at 11:30 a.m. Present during the closed session of the Board were Board members Smalkin, Witt, Neall, Kille, Heller, Hwang, and Glass. They were joined by Mr. Coleman, Ms. Frketic, and Ms. Fuller.

Board of Directors Meeting
June 22, 2023
Page 10

Judge Smalkin requested approval of the minutes of the closed session from the April 27, 2023, meeting. There were no corrections or comments. The minutes were unanimously approved.

Mr. Coleman updated the Board on a complaint received by a former employee.

Ms. Frketic left the closed session at 11:35 a.m. Based on the recommendation of the Executive Director, the HR Committee recommended to the full Board of Directors a salary increase of 6% for the Deputy Director, effective as of July 12, 2023. The Board approved that recommendation.

Dr. Glass left the closed session at 11:39 a.m. Based on completion of the Executive Director's performance evaluation, the HR Committee unanimously recommended to the full Board of Directors a salary increase of 6% for the Executive Director, effective as of July 12, 2023. The Board approved that recommendation.

ADJOURNMENT

The meeting adjourned at 11:30 a.m.

Frederic N. Smalkin

HONORABLE FREDERIC SMALKIN
SECRETARY

Shelley Heller

SHELLEY HELLER
CHAIR

BOARD OF DIRECTORS MEETING MINUTES

July 27, 2023

LOCATION: Headquarters/Video Call

TIME: 9:30 a.m.

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

DIRECTORS ABSENT: One position currently vacant

OTHERS PRESENT: Joanna Kille, State Treasurer's Designee (video)
Sean L. Coleman, Esq. (video) (portion of the meeting)
Priscilla Carroll, Esq.
Tim Barr, Managing Director, Water/Wastewater
Shannon Bettleyon, Acting Chief, Human Resources
Hattie Crosby, Chief, Procurement
Marnie Dolinar, Managing Director, Environmental
Dredging & Restoration
Tim Ford, Managing Director, Environmental Operations
Kayla Hammer, Acting Chief, Administration
Hament Patel, Deputy Treasurer
Melissa Slatnick, Managing Director, Technical &
Environmental Services
Jeff Tosi, Director, Government Affairs
Pamela Fuller, Board Clerk
Casey Powers (IT) (video)

CALL TO ORDER

Judge Smalkin called the meeting to order at 9:40 a.m. Some Board members and staff were present at Maryland Environmental Service (MES) Headquarters, and other Board members and staff participated via Zoom video call. The meeting was streamed live to the public on YouTube.

The Board welcomed new members Moalie Jose and Brendon Baatz.

ORGANIZATIONAL MEETING

In accordance with the Board Bylaws, this meeting is the annual “organizational meeting” of the Board.

Election of Board Officers

The first order of business for was the election of the Board officers. Judge Smalkin did not wish to continue as Board Chair. Dr. Glass nominated Ms. Heller to serve as Chair. Judge Smalkin made a motion to approve Ms. Heller as Board Chair; Mr. Witt seconded. No members were opposed. The motion passed unanimously, except for Ms. Heller who abstained. At this point, Ms. Heller assumed the role of Board Chair. She thanked Judge Smalkin for his leadership over the last few years.

Dr. Glass nominated Judge Smalkin for the position of Board Secretary. Mr. Witt made a motion to approve Judge Smalkin to serve as Board Secretary; Ms. Jose seconded. No members were opposed. The motion passed unanimously, except for Judge Smalkin who abstained.

Dr. Glass nominated Mr. Baatz for the position of Treasurer. Ms. Jose made a motion to approve Mr. Baatz to serve as Board Treasurer; Judge Smalkin seconded. No members were opposed. The motion passed unanimously, except for Mr. Baatz who abstained.

Dr. Glass nominated Ms. Fuller to continue as Board Clerk. Judge Smalkin made a motion to approve Ms. Fuller as Board Clerk; Mr. Baatz seconded. No members were opposed. The motion passed unanimously.

Committee Assignments

Ms. Heller recommended Mr. Witt to serve as Human Resources (HR) Committee Chair. Judge Smalkin recommended Ms. Jose to serve as Audit Committee

Chair. It was further recommended that State Treasurer Davis and Board Treasurer Baatz serve on the Audit Committee and Judge Smalkin serve on the HR Committee. Ms. Heller, as Board Chair, and Dr. Glass, as Executive Director, would serve on both committees as needed. Treasurer Davis made a motion to approve the assignments as presented. Judge Smalkin seconded. No members were opposed. The motion passed unanimously.

Meeting Schedules

The 2023 meeting schedule and the draft 2024 meeting schedule were presented. Judge Smalkin made a motion to approve both; Mr. Baatz seconded. No members were opposed. The motion passed unanimously.

Board Training Requirements

Ms. Heller summarized the annual Board training required by the MES Reform Act. It has been scheduled for September 15, 2023. Treasurer Davis inquired if the training he has already completed for his other various boards would satisfy this requirement. Mr. Coleman will review this issue.

Ms. Heller also summarized the Closed Meeting training required by the Open Meetings Act. Ms. Heller and Ms. Jose have completed the training. She recommended all members complete the training and provide the certification to the Clerk.

MINUTES

Ms. Heller requested discussion or a motion for the approval of the minutes of the Board meeting on June 22, 2023. No substantive corrections or objections were noted, and the minutes were unanimously approved.

EXECUTIVE DIRECTOR'S REPORT

Dr. Glass presented the Executive Director's and Deputy Director's expense reports for the last month. The Reform Act requires any expense over \$500 to be reported to the Board. For full transparency, Dr. Glass has been reporting all expenses.

Dr. Glass reviewed several recent client engagements. The FY25 Capital Budget meeting with the Department of Budget and Management was held July 26, 2023. Some capital projects may be delayed or reduced.

Recruitment events have slowed over the summer but will pick up again in the fall. The summer intern program has been going well. Many of the interns will be invited

back for the fall or winter. The Frederick Keys baseball game is scheduled for July 28, 2023.

Mr. Barr has been appointed to the Baltimore Regional Water Governance Task Force. This task force will prepare a report for the General Assembly on the best options for Baltimore-region water and wastewater services.

The new MES booth was unveiled at the Maryland Municipal League (MML) event. The Strategic Advance team held their fourth meeting and will prepare a year-end report shortly. The meeting was held at the Durable Medical Equipment (DME) facility and included a tour of the facility.

Dr. Glass presented a chart of Performance Based Compensation (PBC) distribution across grades which was prepared by Ms. Short, one of the summer interns, in response to a question posed by Ms. Hwang at the last meeting. This analysis shows a fair distribution of raises across all grade levels within the Agency.

Dr. Glass expressed condolences to the family of MES employee Owen O'Hare, Jr., who passed away unexpectedly on July 16, 2023. Mr. O'Hare worked at the Montgomery County Grinding Operation for 14 years.

NEW BUSINESS REPORT - AGENCY ACTIVITY REPORT

Ms. Heller presented the New Business Report (formerly known as the Agency Activity Report) and asked if there were any questions.

FINANCIAL REPORT

Mr. Patel reported that FY23 ended on June 30, 2023. The year-end reports are currently being finalized but look good. Overall, the Agency did better than projected. Labor sales were 12.37% higher than FY22. This was due to more billable hours, a lower vacancy rate, and more projects across all groups. The overhead recovery was \$473,000 more than budgeted. The overhead expenses were \$275,000 less than budgeted. This increased net earnings.

There was unexpected interest income this year. There had been almost no interest income over the last three years. This unexpected interest income will be put to good use. A proposal will be brought to the Board once the year-end reports are finalized. Options for usage include increasing the contingency fund, provide funding for research and development, increasing the number of charging stations and electric fleet vehicles, and increases to the BEST and BEST Plus pools.

Revenues were 17.87% higher than last year. Much of this is passed through to private entities. Overall, the Agency is solvent and performing very well.

HUMAN RESOURCES REPORT

Ms. Bettleyon presented the Human Resources (HR) report. As of today, the Agency vacancy rate is 4.5%. The rate varies daily. There are 740 active positions. Many new hires are scheduled for August. The Inspire Award committee is scheduled to meet next week to review submissions.

PROCUREMENT ITEMS

Ms. Crosby presented Item 1. The procurement is a change order with EARN Contractors, Inc. for \$325,000. It is for labor services provided to the Montgomery County Grinding Operation and the Yard Trim Compost Facility. There is a 30% Minority Business Enterprise (MBE) goal. The contractor is currently achieving 25% and is an MBE prime. Treasurer Davis inquired how this impacts the goal. Ms. Crosby explained that the MBE prime can self-perform 50% of the work, and 30% is required to be performed by subcontractors. The MES MBE performance will reflect 100% achievement. Judge Smalkin made the motion to approve the item; Mr. Witt seconded. No members were opposed. The motion passed unanimously.

Ms. Crosby presented Item 2. The procurement is a contract renewal with Colossal Contractors, Inc. for \$2,640,080.40. It is for labor services provided to the Montgomery County Recycling Center. There is a 30% MBE goal. The contractor is currently achieving 27.6% and is an MBE prime. Treasurer Davis made the motion to approve the item; Mr. Baatz seconded. No members were opposed. The motion passed unanimously.

Ms. Crosby presented Item 3. The procurement is a contract renewal with Shore Waste, LLC for \$131,784. It is for the third option year to transport dewatered sludge from the Cambridge Wastewater Treatment Plant (WWTP) to the Dorchester Landfill. There is a 0% MBE goal. Treasurer Davis made the motion to approve the item; Mr. Witt seconded. No members were opposed. The motion passed unanimously.

Ms. Crosby presented Item 4. The procurement is for compliance monitoring reporting at the Sandy Hill Landfill. Arcadis, U.S., Inc. will provide the services at a cost of \$454,074. There is a 30.6% MBE goal. Mr. Witt made the motion to approve the item; Treasurer Davis seconded. No members were opposed. The motion passed unanimously.

Ms. Crosby presented Item 5. The procurement is a contract renewal with J.D. Lawn Services, Inc. for \$80,020. It is for the first renewal period for ground cover maintenance at the Harford County Landfills. There is a 0% MBE goal due to the specialized nature of the equipment and work. Treasurer Davis made the motion to approve the item; Judge Smalkin seconded. No members were opposed. The motion passed unanimously.

Ms. Crosby presented Item 6. The procurement is for groundwater and surface water monitoring at the Brown Station Landfill. SCS Engineers will provide the services at a cost of \$224,883. There is a 25% MBE goal. Mr. Baatz asked how many contractors are on the A/E Shortlist. Ms. Crosby indicated there are about 15-20 contractors per category. The A/E Shortlist is re-bid every 5 years and is scheduled to be rebid later this year. Mr. Witt made the motion to approve the item; Treasurer Davis seconded. No members were opposed. The motion passed unanimously.

Ms. Crosby presented Item 7. The procurement is for landfill gas and air emissions monitoring at the Brown Station Landfill. SCS Engineers will provide the services at a cost of \$476,871. There is a 20% MBE goal. Mr. Baatz made the motion to approve the item; Judge Smalkin seconded. No members were opposed. The motion passed unanimously.

Ms. Crosby presented Item 8. The procurement is for landfill gas operations and maintenance, and air emissions monitoring and reporting at the Sandy Hill Landfill. SCS Engineers will provide the services at a cost of \$476,988. There is a 10% MBE goal. Mr. Witt made the motion to approve the item; Mr. Baatz seconded. No members were opposed. The motion passed unanimously.

Ms. Crosby presented Item 9. The procurement is for dredging of Arrowhead Cove in Deep Creek Lake. Byco Enterprises, Inc. will provide the services at an estimated cost of \$1,677,147. There is a 10% MBE goal. Ms. Dolinar explained that this project was presented to and approved by the Board at \$1.4M. Only one bid was received on the initial process, and it was over the budget. Garret County has secured additional funds, and the MBE has been reduced from 14% to 10% due to limited MBE opportunities in the area. This allowed the bidder to reduce its cost proposal. Mr. Witt will abstain from the discussion, consideration, and vote. The Board temporarily deferred action on this item until later in the meeting. Following the discussion of Old and New Business, Judge Smalkin made the motion to approve the item; Mr. Baatz seconded. The motion passed unanimously with the exception that Mr. Witt abstained.

Ms. Crosby presented Item 10. The procurement is for two, twelve-inch dewatering pumps and one, six-inch dewatering pump for the Cox Creek Dredged Material Containment Facility (DMCF). Xylem Dewater Solutions, Inc. will provide the equipment at a cost of \$248,438.16. There is a 0% MBE goal. Mr. Witt made the motion to approve the item; Mr. Baatz seconded. No members were opposed. The motion passed unanimously.

Ms. Crosby presented Item 11. The procurement is for the purchase of a 30-ton hydraulic excavator for the Poplar Island DMCF. The contractor, once chosen from the Intergovernmental Cooperative (Sourcewell contract), will provide the equipment at a cost not to exceed \$340,000. There is a 0% MBE goal. Judge Smalkin made the motion to approve the item; Mr. Baatz seconded. No members were opposed. The motion passed unanimously.

The Board Notifications for Contracts, Purchase Orders, Amendments, and Change Orders between \$25,000 and \$200,000 were reviewed.

LEGAL REPORT

Ms. Carroll reported that a dispute over a bid protest has been resolved. The petitioner dismissed its litigation, and the project is moving forward.

OLD/NEW BUSINESS

The next meeting of the Board is Thursday, August 24, 2023, at 9:30 a.m.

ADJOURNMENT

The meeting adjourned at 10:57 a.m.

Frederic N. Smalkin

**HONORABLE FREDERIC SMALKIN
SECRETARY**

Shelley Heller

**SHELLEY HELLER
CHAIR**

BOARD OF DIRECTORS MEETING MINUTES

August 24, 2023

LOCATION: Headquarters/Video Call

TIME: 9:30 a.m.

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

DIRECTORS ABSENT: None

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

Ms. Heller called the meeting to order at 9:30 a.m. Some Board members and staff were present at Maryland Environmental Service (MES) Headquarters, and other Board members and staff participated via Zoom video call. The meeting was streamed live to the public on YouTube.

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

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

INSPIRE AWARDS

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

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

MINUTES

Ms. Heller requested discussion or a motion for the approval of the minutes from the Board meeting on July 27, 2023. No substantive corrections or objections were noted, and the minutes were unanimously approved.

EXECUTIVE DIRECTOR’S REPORT

Dr. Glass presented the Executive Director’s and Deputy Director’s expense reports for the last month. The Reform Act requires any expense over \$500 to be reported to the Board. For full transparency, Dr. Glass has been reporting all expenses.

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

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

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

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

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

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

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

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

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

NEW BUSINSS REPORT - AGENCY ACTIVITY REPORT

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

FINANCIAL REPORT

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

HUMAN RESOURCES REPORT

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

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

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

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

PROCUREMENT ITEMS

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

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

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

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

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

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

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

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

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

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

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

Ms. Crosby presented Item 10. The procurement is a change order with Stormwater Management Solutions, LLC for \$3,118,942.87. It is for the disposal of unsuitable backfill; purchase and placement of suitable backfill materials; and to change the method of installation of water and sewer through the Confederate cemetery from open cut to directional drilling at Pt. Lookout State Park. There is a 19% MBE goal. Participation to date is currently 3%. The MBE portion of the work has not started yet. Mr. Witt made the motion to approve the item; Dr. Johnson and Ms. Kille seconded. No members were opposed. The motion passed unanimously.

The Board Notifications for Contracts, Purchase Orders, Amendments, and Change Orders between \$25,000 and \$200,000 were reviewed. Dr. Glass highlighted two new electric vehicles (EVs). MES has plans for twenty more EV charging stations at the Headquarters office.

LEGAL REPORT

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

GROUP UPDATES

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

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

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

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

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

OLD/NEW BUSINESS

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

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

ADJOURNMENT

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

Frederic N. Smalkin

HONORABLE FREDERIC SMALKIN
SECRETARY

Shelley Heller

SHELLEY HELLER
CHAIR

**BOARD OF DIRECTORS
HUMAN RESOURCES COMMITTEE
MEETING MINUTES
September 20, 2023**

LOCATION: Conference/Video Call

TIME: 12:30 p.m.

COMMITTEE MEMBERS PRESENT: Robert L. Witt, II (Chair) (video)
Honorable Frederic N. Smalkin (video)
James Johnson, Jr., Ph.D., P.E. (video)
Shelley Heller (video)

OTHERS PRESENT:

Brendon Baatz (video)
Charles C. Glass, Ph.D., P.E.
Ellen Frketic
Sean Coleman, Esq.
Pamela Fuller

Marni Dolinar
Kanishk Sharma
Shannon Bettleyon
Jana Leech (video)
Casey Powers (IT) (video)

CALL TO ORDER

Mr. Witt called the meeting to order at 12:32 p.m. Some Board members and staff participated via Zoom video and/or audio call; the remainder were present at Maryland Environmental Service (MES) Headquarters. The meeting was streamed live to the public via YouTube.

MINUTES

Mr. Witt requested discussion or a motion for the approval of the June 15, 2023, Human Resources (HR) Committee meeting minutes. The minutes were unanimously approved.

COMPENSATION ADMINISTRATION GUIDELINES

Dr. Glass presented the Compensation Administration Guidelines, which were distributed at the August 24, 2023, meeting. These guidelines are a compilation of work done over the years. The Agency conducted a review of the entire Human Resources process to make sure staff are compensated fairly, while taking into consideration the Agency's client's budgetary needs. The draft guidelines have been vetted through the Managing Directors and the Office of Attorney General. It is designed to be a guiding

document for the entire HR process. The newly created career ladders have also been added.

A Request for Proposals (RFP) is currently out for a contractor to conduct the biennial class and compensation survey. The selected contractor will compare salaries at other State, County, and private entities to MES's salaries. Many adjustments were made based on the last survey. It costs about \$50,000 to \$100,000 to conduct the study.

Mr. Witt requested that the Operator in Training (OIT) career ladder be included. Dr. Glass indicated that would be added to the guidelines.

In response to Dr. Johnson's questions about the Agency's salary structure, Dr. Glass explained that MES differs from the State system in that it has 13 grades and no steps. Instead of steps, the MES salary scale has a minimum, midpoint, and maximum dollar amount. The Agency will review the salary cards annually as raises are awarded to help prevent any employee from maxing out within their grade.

The guidelines also elaborate on the Incentive programs at MES, including Building Excellence and Success Together (BEST), Inspire, and Targeting Excellence.

Mr. Witt asked for a motion to recommend approval of the guidelines to the full Board with the addition of the OIT career ladder. Judge Smalkin made the motion for the recommendation; Ms. Heller seconded. The motion passed unanimously.

HUMAN RESOURCES POLICY

Mr. Coleman presented the amended MES Sexual Harassment Policy (HR Policy 11.02) to the committee for consideration. The General Assembly recently enacted changes to the time period in which a State employee can file a complaint based on harassment. State employees now have two years to file a complaint with the employer. MES does not have a general harassment policy, but this change would apply to its sexual harassment policy.

The recommended change to Section V would make MES' policy consistent with the State law, which is effective October 1. There were no questions or concerns with this change.

Dr. Johnson made a motion to recommend approval of the policy update to the full Board, effective October 1; Judge Smalkin seconded. The motion passed unanimously.

ADJOURNMENT

Upon motion by Mr. Witt, the meeting adjourned at 12:56 p.m.


ROBERT L. WITT, II,
HUMAN RESOURCES COMMITTEE CHAIR

BOARD OF DIRECTORS MEETING MINUTES

September 28, 2023

LOCATION: Headquarters/Video Call

TIME: 9:30 a.m.

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

**DIRECTORS
ABSENT:** None

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

Ms. Heller called the meeting to order at 9:32 a.m. Some Board members and staff were present at Maryland Environmental Service (MES) Headquarters, and other Board members and staff participated via Zoom video call. The meeting was streamed live to the public on YouTube.

INSPIRE AWARDS

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

MINUTES

Ms. Heller requested discussion or a motion for the approval of the minutes from the Board meeting on August 24, 2023. No substantive corrections or objections were noted, and the minutes were unanimously approved.

EXECUTIVE DIRECTOR'S REPORT

Dr. Glass presented the Executive Director's and Deputy Director's expense reports for the last month. There were no expenses over the last month. Dr. Glass and Ms. Frketic plan to attend the Water Environment Federation's Technical Exhibition and Conference (WEFTEC) in Chicago next month. The conference offers training and educational opportunities to water quality professionals.

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

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

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

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

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

NEW BUSINSS REPORT - AGENCY ACTIVITY REPORT

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

FINANCIAL REPORT

Ms. Hammer reported financial performance as of August 31, 2023. Labor sales for FY24 are on track. Labor sales are 14.21% over FY23 actuals, and 3.5% over FY24 budget. Labor sales will increase in part due to annual salary increases. Billable hours have also increased due to increased projects and scopes of work.

HUMAN RESOURCES REPORT

Ms. Bettleyon presented the Human Resources (HR) report. As of September 27, 2023, the Agency vacancy rate is 4.8%. There are 749 active positions and 38 vacancies. Many new hires are scheduled for October.

RESOLUTION 23-09-1R

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

HUMAN RESOURCES COMMITTEE REPORT

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

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

BEST FY23 FINAL RESULTS

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

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

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

PROCUREMENT ITEMS

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

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

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

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

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

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

Rudkevich will provide the services at a cost of \$300,000. There is a 0% MBE goal. Treasurer Davis made the motion to approve the item; Mr. Witt seconded. No members were opposed. The motion passed unanimously with the exception of Mr. Baatz, who abstained from the discussion, consideration, and vote.

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

Ms. Crosby presented Item 8. The procurement is for three Ford F-450 replacement vehicles for Montgomery County projects. Apple Ford will provide the trucks at a cost of \$228,811.62. There is a 0% MBE goal. Dr. Johnson made the motion to approve the item; Mr. Baatz seconded. No members were opposed. The motion passed unanimously.

Ms. Crosby presented Item 9. The procurement is for ten Ford F-150s, and three Mitsubishi Outlander, or similar, replacement vehicles for the MES fleet. Apple Ford will provide the trucks at a cost of \$525,000. There is a 0% MBE goal. Mr. Witt made the motion to approve the item; Treasurer Davis seconded. No members were opposed. The motion passed unanimously.

The Board Notifications for Contracts, Purchase Orders, Amendments, and Change Orders between \$25,000 and \$200,000 were reviewed.

GROUP UPDATES

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

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

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

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

OLD/NEW BUSINESS

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

LEGAL REPORT

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

CLOSED SESSION

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

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

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

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

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

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

ADJOURNMENT

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

Frederic N. Smalkin

**HONORABLE FREDERIC SMALKIN
SECRETARY**

Shelley Heller

**SHELLEY HELLER
CHAIR**

BOARD OF DIRECTORS AUDIT COMMITTEE MEETING MINUTES

October 19, 2023

LOCATION: Video Call

TIME: 3:00 p.m.

COMMITTEE

MEMBERS PRESENT: Moalie Jose, Chair (video)
Brendon Baatz, Treasurer (video)
Dereck E. Davis, State Treasurer (video)
Shelley L. Heller, Board Chair (video)
Charles Glass, Ph.D., P.E., Executive Director

COMMITTEE

MEMBERS ABSENT: None

OTHERS PRESENT:	James Johnson, Jr., Ph.D., P.E.	Casey Powers (video)
	Sean Coleman, Esq.	Jana Leech (video)
	Ellen Frketic	Valerie Colimon, RSM (video)
	Pamela Fuller	Philip King, RSM (video)
	Hament Patel	
	Winsome Condra	

CALL TO ORDER

Ms. Jose called the meeting to order at 3:02 p.m. Some Board members and staff were present at Maryland Environmental Service (MES) Headquarters, and other Board members and staff participated via Zoom video call. The meeting was streamed live to the public on YouTube.

MINUTES

Ms. Jose requested discussion or a motion for the approval of the minutes of the Audit Committee meeting of May 18, 2023. No corrections or objections were noted, and the minutes were unanimously approved.

RSM FY23 AUDIT

Ms. Colimon and Mr. King presented the executive summary of the Preliminary FY23 Financial Audit. They expect to issue an unmodified opinion, pending completion of several items that are currently being wrapped up. This audit cycle began in May, and there have been no changes to the strategy presented at that time. They noted no significant deviations from accounting policies and no unusual transactions.

There have been no audit adjustments made to the original trial balance presented to the team at the onset of the audit. The financial statements are in compliance with government auditing standards, and there are no compliance findings related to Office of Management and Budget (OMB) Uniform Guidance (Federal funded programs) for FY23 based on the procedures performed to date. The audit included a new accounting pronouncement, Governmental Accounting Standards Board (GASB) Statement 96 (subscription-based information technology arrangements).

There were no disagreements with management or difficulties encountered dealing with management. On the last day of the audit, RSM will present the final Audit Letter. The final report should be submitted by the end of October 2023.

Mr. Patel thanked the RSM team for their diligent and thorough review.

There were no questions from the Audit Committee. Representatives from RSM left the meeting at approximately 3:18 p.m.

INTERNAL AUDIT REPORT

Ms. Condra presented the Internal Audit (IA) report and update.

FY23 Audit Updates

Audit 23-2 is a review of the segregation of duties with Workday. The Board and the Audit Committee requested this audit to assess internal controls within the Information Technology (IT) systems, and to review policies and procedures. The audit is substantially complete, and a final report should be issued by October 27, 2023.

Audit 23-3 will be a review of the closeout of the Eastern Shore Forest Products' time and materials contract. This audit is in the planning stages.

FY24 Audit Plan

The following audits are scheduled for fiscal year 2024:

- Review of procurement shortlist selection process
- Review of management of duplicate invoices within Workday
- Review of training application policy and process
- Review of strategic compensation benefit management

Billable Project Activity

The Internal Audit staff assisted Maryland Department of Emergency Management (MDEM) with a COVID close-out review. This is billable work that will extend for the next year. For the period November 2022 to October 2023, the IA staff have billed 927 hours.

The IA staff are looking for any other potential billable projects that can help MES' environmental partners respond to problems, further their missions, and address audit needs.

FY25/FY26 Risk Assessment

Work will begin on the FY25/FY26 Risk Assessment in October and November 2023. There were no questions, comments, or concerns.

OLD/NEW BUSINESS

The next Audit Committee meeting is scheduled for Thursday, May 23, 2024, at 9:30 a.m.

ADJOURNMENT

The meeting adjourned at 3:26 pm.



**MOALIE JOSE
CHAIR, AUDIT COMMITTEE**

BOARD OF DIRECTORS MEETING MINUTES

October 26, 2023

LOCATION: Headquarters/Video Call

TIME: 9:30 a.m.

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

**DIRECTORS
ABSENT:** None

OTHERS PRESENT:	Joanna Kille, State Treasurer's Designee (video) Sean L. Coleman, Esq. Ellen Frketic, Deputy Director Tim Barr, Water/Wastewater Shannon Bettleyon, Human Resources William Kessell, Procurement Aimee Warner, Environmental Dredging & Restoration Tim Ford, Environmental Operations	Hament Patel, Finance Kanishk Sharma, Administration Melissa Slatnick, Technical & Environmental Services Pamela Fuller, Board Clerk Kevin Eckhart, IT (video) Jana Leech, Executive Winsome Condra, Internal Audit Valerie Colimon (RMS) Logan Milby (portion of mtg.) Eric Frase (portion of mtg.) Inspire Recipients (portion of mtg.)
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CALL TO ORDER

Ms. Heller called the meeting to order at 9:33 a.m. Some Board members and staff were present at Maryland Environmental Service (MES) Headquarters, and other Board members and staff participated via Zoom video call. The meeting was streamed live to the public on YouTube.

INSPIRE AWARDS

Ms. Warner presented the Extraordinary Service Inspire Award to Chelsie Bateman, Robert Natarian, Joe Drescher, Harry Grafton, Marshall Friend, Rene Robidoux, and Shaquerra Musser for their exceptional service to the Cox Creek Sediment Technology and Reuse Facility (STAR Facility) on behalf of the Maryland Port Administration. For over seven months, the staff managed immediate-needs projects and emergencies at the STAR facility, all the while continuing to meet their responsibilities at the adjacent Cox Creek Dredged Material Containment Facility (DMCF).

MINUTES

Ms. Heller requested discussion or a motion for the approval of the minutes from the Board meeting on September 26, 2023. No substantive corrections or objections were noted, and the minutes were unanimously approved.

RSM FY23 AUDIT REPORT

Valerie Colimon (RSM) presented a summary of the FY23 Preliminary Financial Audit to the Board. A full briefing was delivered to the Audit Committee on October 19, 2023. RSM expects to issue a clean, unmodified opinion pending completion of several review items. The audit included the newly adopted Governmental Accounting Standards Board (GASB) Statement 96 – Subscription Information Technology Arrangements. There were no identified weaknesses in the internal controls over financial reporting during the audit period. There were no issues encountered with management during the audit process.

Mr. Patel thanked the entire RSM team for their diligence.

EXECUTIVE DIRECTOR'S REPORT

Dr. Glass presented the Executive Director's and Deputy Director's expense reports for the last month. Dr. Glass and Ms. Frketic attended the Water Environment Federation's Technical Exhibition and Conference (WEFTEC) in Chicago in early October. Ms. Frketic was asked to give a presentation at the member association leader's forum on the innovative math class MES developed to help Operators pass their

certification exams. Dr. Glass also attended the second annual Blacks in Water breakfast.

Dr. Glass reported on several external engagements over the last month with governmental and private entities. Dr. Glass served as a moderator on a panel at the Maryland Clean Energy Center conference. Over the past month, the Agency engaged with 27 college and career fairs, and three Minority Business Enterprise (MBE) outreach events. The Agency hosted the Anne Arundel County Workforce Development Corporation Career Fair on October 18, 2023, at MES Headquarters. Since the events, many job candidates have submitted resumes.

A draft Memorandum of Understanding (MOU) partnership agreement has been received from the Maryland Hispanic Chamber of Commerce.

Dr. Glass has been asked to serve as a mentor for four Glen Burnie High School students for their Climate Change Mitigation project.

The Agency congratulated Senior Operations Manager Logan Milby, who won first place in this year's International Solid Waste Association of North America (SWANA) Road-E-O in Denver, Colorado. Mr. Milby, who works at the Midshore II landfill, placed first in the regional Mid-Atlantic Road-E-O earlier this year. At the International Road-E-O, Mr. Milby also had the distinction of earning the highest score out of all landfill events this year. The Mid-Atlantic regional Road-E-O competition will be held at the Midshore II landfill next year.

The final Strategic Advance meeting of the year was held October 13, 2023. Among other topics, Dr. Glass focused on leadership. The Whistleblower and Equal Employment Opportunity (EEO) policies were also reviewed with staff, as well as the hotline numbers available to register complaints. Senator Lam and several other senators recently received an anonymous complaint. The senators asked Dr. Glass about the policies in place to address complaints. MES has supplied all the information requested, and so far there have been no further follow-up questions.

NEW BUSINESS REPORT

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

FINANCIAL REPORT

Mr. Patel reported on the Agency's financial performance as of September 30, 2023. Labor sales for FY24 are on track. Labor sales are 14.82% higher than FY23 actuals. Labor sales will increase in part due to annual salary increases. Billable hours have also increased by 8.18% due to increased projects and scopes of work.

Additional revenues are being credited to a research and development fund, and the Agency is investing in assets and the fleet.

AUDIT COMMITTEE REPORT

Ms. Jose reported that the Audit Committee met on October 19, 2023, during which time they received a full report from RSM on the FY23 Audit and an Internal Audit (IA) report from Ms. Condra. Ms. Condra reviewed two FY23 audits that should be completed soon and reviewed the planned FY24 audits with the Committee. In addition, IA has completed a billable audit for the Technical and Environmental Services (TES) Group for the Maryland Department of Emergency Management (MDEM) Covid Close-out project. They will also be assisting the Maryland Port Administration (MPA) with an audit in spring 2024.

HUMAN RESOURCES REPORT

Ms. Bettleyon presented the Human Resources (HR) report. As of October 26, 2023, the Agency vacancy rate is 4.1%. There are 757 active positions and 33 vacancies. For comparison, the vacancy rate in October 2022 was 6.99%.

BEST FY23 FINAL RESULTS

Mr. Patel reminded the Board that Ms. Frketic reviewed the FY23 year-end Building Excellence and Success Together (BEST) program performance at the last meeting. Overall, the Agency met all its goals. Only Goal 5 was not at 100% due to circumstances beyond the Agency's control.

Mr. Patel reviewed the components of the BEST program funding. Funding for the BEST incentives comes from fringe variance, overhead variance, project variance, working capital, equipment fund, and interest income. The total BEST pool for FY23 is \$5,036,303. The Agency is proposing to allocate 60.89% (\$2,700,203) of the pool to the BEST payout. This would result in a \$4,200 payment to every eligible employee. The Agency is further proposing to allocate 34.19% (\$1,516,203) of the pool to the BEST Plus incentive, and 4.92% (\$218,162) to the Executive Incentive. BEST payments would be made on November 20. BEST Plus and Executive Incentive payments would be made November 21.

About 40-50% of employees will receive a BEST Plus payment. The exact amount will vary depending on group and contribution. Ms. Frketic and Dr. Glass review all BEST Plus recommendations. Mr. Baatz inquired if the BEST and BEST Plus caps (maximum of 15% of salary) would negatively impact anyone. Mr. Patel and Dr. Glass explained they did not think that would be the case but would review individual cases and adjust if necessary.

Ms. Heller asked for a motion to approve the FY23 BEST proposal as presented. Treasurer Davis made a motion to approve the proposal; Dr. Johnson seconded. The motion passed unanimously.

PROCUREMENT ITEMS

Mr. Kessel presented Item 1. The procurement is for pavement of five sections of the Harford County Solid Waste Management Services facility. The American Asphalt Company, LLC will provide the services at a cost of \$438,690.19. There is a 10% Minority Business Enterprise (MBE) goal. The work is being procured through a cooperative contract with Harford County Government. The 10% MBE goal is what was in their original procurement. The contract includes supply, installation, and transportation of concrete. The transportation portion is predominantly where the MBE will be achieved. Mr. Baatz made the motion to approve the item; Mr. Witt seconded. No members were opposed. The motion passed unanimously except for Treasurer Davis who abstained from the vote.

Mr. Kessel presented Item 2. The procurement is a pre-solicitation approval for \$1,600,000 for general labor for the Prince George's County Materials Recycling Facility (MRF). There is a 30% MBE goal. Treasurer Davis made the motion to approve the item; Mr. Baatz seconded. No members were opposed. The motion passed unanimously.

Mr. Kessel presented Item 3. The procurement is for the purchase of a CBI 6800 Horizontal Grinder. Groff Tractor Mid Atlantic, LLC will provide the grinder at a cost of \$716,757.00. There is a 0% MBE goal. Treasurer Davis made the motion to approve the item; Dr. Johnson seconded. No members were opposed. The motion passed unanimously.

Mr. Kessel presented Item 4. The procurement is a change order with Bradley Technologies, Inc. for \$166,550.28. It is for the first renewal period for security services provided to the Montgomery County Yard Trim Composting Facility. There is a 17% MBE goal, and the contractor is currently achieving 8.5%. BTI is an MBE firm but can only self-perform 50% of the MBE goal. The Agency is in negotiations with the contractor to ensure compliance. Treasurer Davis made the motion to approve the item; Mr. Baatz seconded. No members were opposed. The motion passed unanimously.

The Board Notifications for Contracts, Purchase Orders, Amendments, and Change Orders between \$25,000 and \$200,000 were reviewed.

LEGAL REPORT

Mr. Coleman reported it had been an extremely busy month and advised the Agency on various procurement and personnel matters.

GROUP UPDATES

Ms. Slatnick presented on the Resilient Maryland Revolving Loan Fund program. Two Agency employees support the Maryland Department of Emergency Management (MDEM) to oversee administration of funds. The purpose of the fund is to provide loans for resilience projects that address mitigation of all hazards, including natural hazards.

Ms. Warner presented on the Port of Baltimore Diesel Equipment Upgrade Program administered by the Agency on behalf of the Maryland Port Administration (MPA). Participants in the program receive funds to retrofit, repower, or replace older vehicles and equipment with more emission-efficient engines or technologies.

Mr. Barr presented on “Team Innovation.” This is a new initiative within the Water/Wastewater Group to investigate and aid in the development of emerging technologies in the water/wastewater sector. The group has also been in contact with colleges and universities for possible collaborations.

OLD/NEW BUSINESS

Some of the Board members took a tour of the Prince George’s County Materials Recycling Facility following this meeting. No official business was conducted, and the tour was not an open meeting under Maryland’s Open Meetings Act.

The next meeting of the Board is Thursday, November 16, 2023, at 9:30 a.m.

ADJOURNMENT

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

Frederic N. Smalkin

HONORABLE FREDERIC SMALKIN
SECRETARY

Shelley Heller

SHELLEY HELLER
CHAIR

BOARD OF DIRECTORS MEETING MINUTES

November 16, 2023

LOCATION: Headquarters/Video Call

TIME: 9:30 a.m.

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

**DIRECTORS
ABSENT:** None

OTHERS PRESENT:	Sean L. Coleman, Esq.	Hament Patel, Finance
	Ellen Frketic, Deputy Director	Kanishk Sharma, Administration
	Tim Barr, Water/Wastewater	Luke Page, Technical & Environmental Services
	Winsome Condra, Procurement	Pamela Fuller, Board Clerk
	Marni Dolinar, Environmental Dredging & Restoration	Casey Powers, IT (video)
	Tim Ford, Environmental Operations	Jana Leech, Executive Office
		Emily Martinazzi, Water/Wastewater

CALL TO ORDER

Ms. Heller called the meeting to order at 9:31 a.m. Some Board members and staff were present at Maryland Environmental Service (MES) Headquarters, and other

Board members and staff participated via Zoom video call. The meeting was streamed live to the public on YouTube.

MINUTES

Ms. Heller requested discussion or a motion for the approval of the minutes from the Board meeting on October 26, 2023. No substantive corrections or objections were noted, and the minutes were unanimously approved.

EXECUTIVE DIRECTOR'S REPORT

Dr. Glass presented the Executive Director's and Deputy Director's expense reports for the last month. Dr. Glass and Ms. Frketic attended the Water Environment Federation's Technical Exhibition and Conference (WEFTEC) in Chicago in early October. These expenses are from the conference. A few more expenses are currently being processed.

Dr. Glass reported on several external engagements within the last month with governmental and private entities. Dr. Glass met with three of the four Glen Burnie High School students whom he will be advising on their climate mitigation project. He had several conversations with non-profit entities. He also asked for any referrals from the Board, staff, or the public of non-profits that may need assistance from the Agency in meeting their environmental goals.

Ms. Kille joined the meeting at 9:39 a.m.

Dr. Glass presented the Fall/Winter recruitment schedule. Recruitment events will slow over the winter holidays but increase again in January. The Agency will also begin recruiting for its summer intern program.

Some members of the Board visited the Prince George's County Materials Recycling Facility last month.

Agency staff toured the Hart-Miller Island Dredged Material Placement Site and State Park.

A "lunch and learn" was held on November 8, 2023. Ms. Nicole Hill, an Outreach Coordinator with the Anne Arundel County Board of Elections, discussed the importance of becoming an election judge. MES will grant eight hours of leave to any employee who volunteers as an election judge on Election Day.

Dr. Glass summarized recent grant proposal applications filed by the Agency. Four proposals have been submitted over the last month in cooperation with several partners. Several more applications are currently being drafted.

NEW BUSINESS REPORT

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

FINANCIAL REPORT

Mr. Patel reported on the Agency's preliminary financial performance as of October 31, 2023. Billable labor is \$3.3 million greater than this time last year due to three pay periods falling in October 2023 (versus only two pay periods in October 2022). These figures will even out over the next two months.

The Agency received its first electric truck, a Ford F-150 Lightning. Two new vehicle charging stations will be installed at Headquarters, and an additional 12 stations are in the planning stages.

HUMAN RESOURCES REPORT

Mr. Sharma presented the Human Resources (HR) report. As of November 16, 2023, the Agency vacancy rate is 4.56%. There are 36 vacancies, ten of which are new positions. In an effort to be more flexible, the Agency has started onboarding new employees twice a week rather than once a week. Staff will be looking at all processes to see where improvements to efficiency can be made.

PROCUREMENT ITEMS

Ms. Condra presented Item 1. The procurement is for upgrades to the wastewater treatment facility at the Camp Fretterd Military Reservation. Lee Foundation Company, Inc. will provide the services at a cost of \$3,576,943. There is a 20% Minority Business Enterprise (MBE) goal. Questions were addressed regarding the history of this item. Agency staff are looking at improving the process going forward. The initial low bidder did not meet the MBE requirements and did not request a waiver. Dr. Johnson made the motion to approve the item; Judge Smalkin seconded. No members were opposed. The motion passed unanimously.

Ms. Condra presented Item 2. The procurement is for water distribution and collection system upgrade design services at Greenbrier State Park. Mott MacDonald, LLC will provide the services at a cost of \$495,724. The contractor has committed to a 57.4% MBE goal. Mr. Witt made the motion to approve the item; Dr. Johnson seconded. No members were opposed. The motion passed unanimously.

Ms. Condra presented Item 3. The procurement is for engineering services for the water main and electric power distribution systems upgrades at the Janes Island State Park. Keystone Engineering, Inc. will provide the services at a cost of \$292,961.

There is a 36% MBE goal. Judge Smalkin made the motion to approve the item; Mr. Baatz seconded. No members were opposed. The motion passed unanimously.

The Board Notifications for Contracts, Purchase Orders, Amendments, and Change Orders between \$25,000 and \$200,000 were reviewed.

GROUP UPDATES

Mr. Ford presented an overview of three steam plants operated by the Agency on behalf of the Maryland Department of Public Safety and Correctional Services. MES provides licensed Grade 1 Stationary Engineers for 24/7 operation of the facilities. The Agency also provides a training program for operators.

Ms. Dolinar discussed the Masonville Cove Connector, which will provide convenient and equitable access to Masonville Cove, the first Urban Wildlife Refuge Partnership in the country. Proposed plans have been presented to the community for comment. The 30% design plans will be completed this winter. The 100% design will be completed in 2024, with construction occurring in 2025.

Ms. Martinazzi, an Assistant Engineer in the Water/Wastewater Group, discussed graphical presentations of Water/Wastewater (W/WW) compliance data. Data collected from Water Information Management Systems (WIMS) is converted to graphical format to help W/WW operators, engineers, and Safety and Compliance staff see and project trends in testing data. This data is currently being exported for a variety of State projects.

Mr. Page updated the Board on preparations for the 2023-2024 winter season at the Baltimore/Washington International Thurgood Marshall Airport (BWI). MES manages the deicing fluid collection system and the National Oceanic and Atmospheric Administration (NOAA) official snow measurement and reporting.

OLD/NEW BUSINESS

The next meeting of the Board is Thursday, December 14, 2023, at 9:30 a.m.

LEGAL REPORT

Mr. Coleman stated that he will update the Board on one litigation matter in closed session.

CLOSED SESSION

At 10:35 a.m., in accordance with MD. Code Ann., Gen. Prov. §3-305(b)(8), Ms. Heller stated that the Board intended to enter closed session to approve the minutes of a prior closed-meeting session and to receive a briefing from the Office of the Attorney General (OAG) on a pending litigation matter. Ms. Heller asked if anyone objected to

the Board entering closed session; no objections were heard. She also stated that any member of the viewing public who objected could submit their objection via email to the Agency. Mr. Johnson then made a motion that the Board enter closed session for the reasons stated above. Judge Smalkin seconded the motion; all members voted in favor of closing the meeting. Ms. Heller announced that the meeting of the Board of Directors would immediately adjourn following the closed session. The public meeting ended at 10:35 a.m. Staff members who were not required for the closed session left the meeting room and Zoom session.

Ms. Heller called the meeting of the closed session of the Board to order at 10:38 a.m. Present during the closed session of the Board were Board members Heller, Smalkin, Witt, Baatz, Jose, Johnson, Kille, and Glass. They were joined by Mr. Coleman, Ms. Frketic, Ms. Fisher, and Ms. Fuller.

Ms. Heller requested approval of the minutes of the closed session from the September 28, 2023, meeting. There were no corrections or comments. The minutes were unanimously approved. The Board took no other official action during the closed session.

Mr. Coleman and Assistant Attorney General Christy Fisher briefed the Board on a new litigation matter.

ADJOURNMENT

The meeting was adjourned at 10:41 a.m.

Frederic N. Smalkin

HONORABLE FREDERIC SMALKIN
SECRETARY

Shelley Heller

SHELLEY HELLER
CHAIR

BOARD OF DIRECTORS MEETING MINUTES

December 14, 2023

LOCATION: Headquarters/Video Call

TIME: 9:30 a.m.

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

**DIRECTORS
ABSENT:** None

OTHERS PRESENT:	Joanna Kille, State Treasurer's Designee (video) Sean L. Coleman, Esq. Ellen Frketic, Deputy Director Tim Barr, Water/Wastewater Winsome Condra, Procurement Marni Dolinar, Env. Dredging & Restoration (EDR) Tim Ford, Environmental Operations (OPS) Hament Patel, Finance	Kanishk Sharma, Administration Melissa Slatnick, Technical & Environmental Services (TES) Luke Page, TES Pamela Fuller, Board Clerk Casey Powers, IT (video) Jana Leech, Executive Office (video) Ben Buppert, EDR Melissa Filiaggi, OPS Stephanie Patton, Human Resources
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CALL TO ORDER

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

MINUTES

Ms. Heller requested discussion or a motion to approve the minutes from the Board meeting on November 16, 2023. No substantive corrections or objections were noted, and the minutes were unanimously approved.

EXECUTIVE DIRECTOR'S REPORT

Dr. Glass presented the Executive Director's and Deputy Director's expense reports for the last month. Dr. Glass and Ms. Frketic attended the Water Environment Federation's Technical Exhibition and Conference (WEFTEC) in Chicago in early October. The expenses reported are from the conference.

Dr. Glass reported on several external engagements with governmental and private entities within the last month. Dr. Glass met with several of the Glen Burnie High School students whom he will be advising on their climate mitigation project. One interesting engagement during the month was with Sustainable Energy Strategies, Inc., which is working to convert diesel vehicles to biodiesel. This process would decrease carbon emissions and pollutants by 90%. Challenges include expense and keeping the biodiesel warm.

The fall recruitment season is now finished, but the Agency is gearing up for future recruitment work, including advertising for the internship program.

The Agency recently participated in numerous holiday food and gift drives. In November and December, staff collected donations for multiple Maryland food banks, Marine Toys for Tots, Frisky's Wildlife & Primate Sanctuary, and the Salvation Army Angel Tree. The Agency also has exceeded its Maryland Charity Campaign goal.

Dr. Glass welcomed Stephanie Patton, the new Chief of Human Resources, who started this week. He also thanked Shannon Bettleyon for filling in as Acting Chief for the last six months.

Ms. Jose joined the meeting at 9:48 a.m.

Dr. Glass and the Board extended their appreciation and congratulations to Don Gittings, Tara Harris, and Al Razik, each of whom is retiring after more than 35 years.

MES was awarded a Baltimore Sun Top Workplace; it is the second consecutive year MES has received this honor.

NEW BUSINESS REPORT

Ms. Heller presented the New Business Report and asked if there were any questions. Ms. Heller asked about the per- and polyfluoroalkyl substances (PFAS) sampling opportunity for Maryland Military. Mr. Page reported that this is MES' third year conducting sampling at various military sites throughout the site.

FINANCIAL REPORT

Mr. Patel reported on the Agency's preliminary financial performance as of November 30, 2023. Billable labor is \$2 million greater than this time last year. Billable labor is consistently about 12% over FY23. Billable hours are up 7%, and overhead recovery is up 9.92%. New health benefit rates go into effect in January.

Finance is working to replace as many high-mileage vehicles as possible.

Interest income continues to be higher than projected. Any interest MES earns is shared with State clients (or other clients for whom MES holds advance funds) as credits.

HUMAN RESOURCES REPORT

Mr. Sharma presented the Human Resources (HR) report. As of December 13, 2023, the Agency vacancy rate is 4.41%. There are 35 vacancies, eight of which are new positions. In an effort to be more flexible, the Agency has started onboarding new employees twice a week rather than once a week. The Human Resources department will begin to review all policies and procedures.

PROCUREMENT ITEMS

Ms. Condra presented Item 1. The procurement is for the supply and transportation of ultra-low sulfur diesel fuel to Hart-Miller and Poplar Islands. The Vane Brothers Company will provide fuel and delivery at a cost not to exceed \$654,055. There is a 0% Minority Business Enterprise (MBE) goal. The vendor has the only Coast Guard certified fuel-delivery vessel in the State. Costs are in line with previous years' purchases and are based on fair market prices. Dr. Johnson made the motion to approve the item; Judge Smalkin seconded. No members were opposed. The motion passed unanimously.

The Board Notifications for Contracts, Purchase Orders, Amendments, and Change Orders between \$25,000 and \$200,000 were reviewed.

GROUP UPDATES

Mr. Barr updated the Board on the wastewater treatment plant upgrades at the Woodstock Job Corps Center. The campus is located on State property inside Patapsco State Park. The construction project was completed in December 2022 at a cost of \$8.6 million. Since completion, discharge results have been well below permit limits.

Ms. Filiaggi presented on the waste composition studies conducted to provide baselines for understanding waste generation, aid in design of programs, and evaluate success of recycling programs. The Agency performs these studies for a variety of current and new clients. They are also done on outgoing commodities.

Mr. Buppert presented an overview of fixed-wing drone operations using a new Wingtra Generation 2 fixed-wing drone, which MES recently purchased on behalf of the Maryland Port Administration (MPA). The Poplar Island project team uses the drone to collect multispectral imagery (MSI) data for Poplar Island's completed wetland cells and to track vegetation health and density per permit requirements. Mr. Buppert provided a flight demonstration in the parking lot after today's Board meeting.

Mr. Page presented an overview of the stormwater management structures at the Agency Headquarters building. He provided a walking tour of the structures after the meeting.

LEGAL REPORT

Mr. Coleman reported that the Agency is working to draft agreements with various State agencies for existing water and wastewater facilities in response to the audit report recommendations. These facilities have been operated under an executive order for many years. One agreement has been completed, and several others are currently being processed.

Mr. Coleman announced that the MES legal team received the Attorney General's award for Distinguished Service for Ensuring Government Accountability. The award was in recognition of the team's support to MES in responding to inquiries related to the former Director and its guidance in implementing the requirements of the MES Reform Act. The team consists of Assistant Attorneys General Sean Coleman, Priscilla Carroll, Eric Hartlaub, and Christy Fisher, and Paralegal Pamela Fuller.

OLD/NEW BUSINESS

The next meeting of the Board is Thursday, January 25, 2024, at 9:30 a.m.

ADJOURNMENT

The business meeting adjourned at 10:43 a.m. Following the meeting, several Board members viewed a demonstration of the fixed-wing drone and toured the stormwater facilities at the Headquarters building. No official business was conducted during the demonstration and tour.

Frederic N. Smalkin

Shelley Heller

HONORABLE FREDERIC SMALKIN
SECRETARY

SHELLEY HELLER
CHAIR