

BOARD OF DIRECTORS MEETING MINUTES

January 25, 2024

LOCATION: Headquarters/Video Call

TIME: 9:30 a.m.

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

**DIRECTORS
ABSENT:** None

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

CALL TO ORDER

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

MINUTES

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

LEGISLATIVE UPDATE

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

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

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

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

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

EXECUTIVE DIRECTOR'S REPORT

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

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

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

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

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

NEW BUSINESS REPORT

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

FINANCIAL REPORT

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

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

HUMAN RESOURCES REPORT

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

PROCUREMENT ITEMS

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

Mr. Kessel presented Item 2. The procurement is for upgrades to the water treatment facility at Swallow Falls State Park. Carl Belt, Inc. will provide the services at a cost of \$2,061,480. There is a 10% MBE goal. A discussion was held concerning the MBE participation and lack of bidders on this project. Mr. Witt made the motion to approve the item; Judge Smalkin seconded. No members were opposed. The motion passed unanimously, with the exception of Ms. Jose who abstained from the consideration and vote.

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

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

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

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

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

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

Mr. Kessel presented Item 8. The procurement is a change order with Copeland Trucking, Inc. for \$100,000. It is for waste hauling service provided to Montgomery County Organics Composting Facility and Materials Recycling Facility. There is a 0% MBE goal, but Copeland Trucking is a certified MBE. Mr. Witt made the motion to approve the item; Mr. Baatz seconded. No members were opposed. The motion passed unanimously.

The Board Notifications for Contracts, Purchase Orders, Amendments, and Change Orders between \$25,000 and \$200,000 were reviewed. At this point, Treasurer Davis left the meeting while Ms. Kille remained on the line.

GROUP UPDATES

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

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

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

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

OLD/NEW BUSINESS

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

LEGAL REPORT

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

CLOSED SESSION

At 11:22 a.m., in accordance with MD. Code Ann., Gen. Prov. §3-305(b)(8), Ms. Heller stated that the Board intended to enter closed session to approve the minutes of a prior closed-meeting session and to receive a briefing from the Office of the Attorney General (OAG) on pending litigation matters. Ms. Heller asked if anyone objected to the Board entering closed session; no objections were heard. She also stated that any member of the viewing public who objected could submit their objection via email to the Agency. Dr. Johnson then made a motion that the Board enter closed session for the reasons stated above. Mr. Baatz seconded the motion; all members voted in favor of closing the meeting. Ms. Heller announced that the meeting of the Board of Directors would immediately adjourn following the closed session. The public meeting ended at 11:22 a.m. Staff members who were not required for the closed session left the meeting room and Zoom session.

Ms. Heller called the meeting of the closed session of the Board to order at 11:25 a.m. Present during the closed session of the Board were Board members Heller, Smalkin, Witt, Baatz, Jose, Johnson, and Kille. They were joined by Mr. Coleman, Ms. Frketic, Mr. Sharma, Ms. Fisher, and Ms. Fuller.

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

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

ADJOURNMENT

The meeting adjourned at 11:39 a.m.

Frederic N. Smalkin

HONORABLE FREDERIC SMALKIN
SECRETARY

Shelley Heller

SHELLEY HELLER
CHAIR

BOARD OF DIRECTORS MEETING MINUTES

February 29, 2024

LOCATION: Headquarters/Video Call

TIME: 9:30 a.m.

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

**DIRECTORS
ABSENT:** None

OTHERS PRESENT:	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) (video) Kayla Hammer, Finance Hament Patel, Finance Stephanie Patton, Human Resources Kanishk Sharma, Administ.	Melissa Slatnick, Technical & Environmental Services (TES) Jeff Tosi, Government Affairs Pamela Fuller, Board Clerk Casey Powers, IT (video) Tiff Bradshaw (WWW) Charles Ingram (OPS) Jen Wijetunga (TES)
----------------------------	---	--

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.

MINUTES

Ms. Heller requested discussion or a motion to approve the minutes from the Board meeting on January 25, 2024. 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 had no expenses. Ms. Frketic incurred expenses related to the Chesapeake Water Environment Association (CWEA) Collections Seminar on Environmental Justice and advanced flight arrangements to represent CWEA at the Water Environment Federation (WEF) Member Association Exchange (WEFMAX) in May.

Dr. Glass extended his congratulations to Dr. Johnson, whose appointment to the MES Board was confirmed by the Maryland Senate this month. Many of the Senators extolled Dr. Johnson's virtues.

Dr. Glass reported on several external engagements with governmental and private entities within the last month. The spring recruitment season is well underway. Over 200 applications have been received for the summer internship program.

Dr. Glass invited the Board members to several upcoming events being hosted this spring and early summer. The Solid Waste Association of North America (SWANA) Regional Road-E-O will be held at the Midshore II Landfill on May 10. A birding tour at Cox Creek and site visit to the Freedom Wastewater Treatment Plant (WWTP) are currently being scheduled.

The annual employee engagement survey recently closed. There were 245 responses. Dr. Glass will be reviewing every response.

"Ronnie" the river otter has been spotted at Masonville Cove in Baltimore. The Chesapeake Bay Otter Alliance cameras captured his appearance in mid-January. Ronnie's presence is a positive signal of improving water quality and watershed conditions.

Two Agency employees were on teams honored at the Maryland Quality Initiative (MdQI) Conference held in February. Jessica Pilarski is on the State Highway Administration's I-695 at I-70 Interchange (Triple Bridges) Public Involvement Team, which won an Innovation Award for their Bridge Builder Survey tool. Patrick McMahon is on Maryland Transit Administration's 2022 award-winning North Avenue Rising Project Team. He provided an update on the final stages of the project, which won the 2022 MdQI Project of the Year (Over \$5M). The North Avenue Rising project is a collaboration with Baltimore City with the goal of supporting "economic revitalization along North Avenue through increased mobility and to broaden access for residents of the corridor to economic opportunity throughout Baltimore" (North Avenue Rising website).

On February 15, MES celebrated Black History Month with a visit from Glo Shines, a hip hop artist and spoken word poet.

Public testimony was played for the Board from the Maryland Department of Aging (MDA) operating budget hearing in support of the Durable Medical Equipment program that MES operates for MDA.

LEGISLATIVE UPDATE

Mr. Tosi updated the Board on the status of several bills before the General Assembly this session, including:

- House Bill 78 / Senate Bill 293 Maryland Environmental Service – Governance and Requirements
- House Bill 918 / Senate Bill 777 State Treasurer – Membership Responsibilities
- House Bill 809 Members of Boards, Committees, Task Forces, or Workgroups – Removal or Suspension

BEST UPDATE

Ms. Frketic presented an update on the status of Building Excellence and Success Together (BEST) goal achievements. All goals are well underway or near completion.

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 January 31, 2024. Billable labor is 11.84% over FY23. The budget was 4% higher than

the previous year, and actual billable labor has been higher than budgeted. This is due to new projects as well as existing projects. Used oil prices and interest rates are both higher than budgeted, which will result in net earnings being higher than expected.

Maryland State employees were awarded up to \$600 match to their MD Supplemental Retirement Plans for FY24. The financial performance of MES has been exceptional. A low vacancy rate has resulted in more billable hours than projected, and overhead expenses were much lower than budgeted. Based on the financial performance as of January 2024, the Agency is recommending a one-time, \$600 contribution to every eligible employee's 401k plan. All current employees as of February 29, who are still active as of March 19 will receive the payment, except for employees participating in the State Pension system (who already received this incentive), Chesapeake Bay Trust employees, and MES employees not currently eligible for MES contributions to their 401k accounts. Several questions were addressed. Mr. Baatz made a motion to approve the recommended contribution to employee 401k accounts; Mr. Witt seconded. The motion passed unanimously.

Mr. Patel left the meeting at 10:18 a.m.

HUMAN RESOURCES REPORT

Ms. Patton presented the Human Resources (HR) report. As of February 12, 2024, the Agency vacancy rate was 4.08%. Ms. Patton then described the new Employee Assistance Program (EAP) being implemented at MES. An EAP is a work-based intervention program designed to assist employees in resolving personal problems that may adversely affect the employee's performance. Employees engage voluntarily or via formal referral from their manager or HR. The benefits include: improved health and wellness; improved fortitude; better productivity and employee engagement; and reductions in health care costs, employee turnover, safety incidents, and unplanned leaves of absence. The program will be run by BHS Services, who currently runs the My MD Cares program for employees in the State Personnel Management System. The EAP should launch for MES employees in March.

PROCUREMENT ITEMS

Ms. Condra presented Item 1. The procurement is for annual Microsoft Licensing for MES. SHI International Corp. will provide the services at a cost of \$776,239.44 for three years. There is a 0% Minority Business Enterprise (MBE) goal. Ms. Kille made a motion to approve the item; Judge Smalkin seconded. No members were opposed. The motion passed unanimously with the exception of Mr. Baatz, who abstained from the discussion, consideration, and vote.

Ms. Condra presented Item 2. The procurement is for replacement of the pier at the Hart-Miller Island Landbase. Dissen & Juhn, LLC will provide the services at a cost of \$358,450. There is a 5% MBE goal. Mr. Witt made a motion to approve the item; Mr. Baatz seconded. No members were opposed. The motion passed unanimously.

Ms. Condra presented Item 3. The procurement is a change order with Coya/Reliastar Life Insurance Company for \$250,000. It is for an additional six months of disability and life insurance coverage for MES employees while a new contract is out for bid. There is a 0% MBE goal. Dr. Johnson made a motion to approve the item; Ms. Kille seconded. No members were opposed. The motion passed unanimously.

Ms. Condra presented Item 4. The procurement is a change order with KCI Technologies, Inc. for \$20,000. It is for design, bid, and construction services for the ECI WWTP sludge facility upgrade. There is a 21% MBE goal. The contractor is currently achieving 27.7%. Mr. Baatz made a motion to approve the item; Mr. Witt seconded. No members were opposed. The motion passed unanimously with the exception of Ms. Jose, who abstained from the discussion, consideration, and vote.

Ms. Condra presented Item 5. The procurement is for energy technical and engineering analysis to support the development and implementation of energy programs by Maryland Energy Administration (MEA). Newport Partners, LLC will provide the services at a cost of \$2,600,000. There is a 29% MBE goal. Ms. Heller made a motion to approve the item; Mr. Witt seconded. No members were opposed. The motion passed unanimously.

Ms. Condra presented Item 6. The procurement is for offshore wind financial and economic analysis for Maryland Energy Administration. Levitan & Associates, Inc. will provide the services at a cost of \$1,000,000. It is a client-directed sole source. There is a 0% MBE goal. Several Board members expressed concerns with the 0% MBE goal and high project cost. Board members also asked multiple questions about the client-directed sole-source procurement method. After staff addressed several questions, Dr. Glass asked that the item be withdrawn from consideration at this time.

Ms. Condra presented Item 7. The procurement is a change order with Watek Engineering Corporation for \$157,240. It is for engineering services for New Germany State Park water and sewer improvements. There is a 29% MBE goal. The contractor is currently achieving 30.7%. Mr. Witt made a motion to approve the item; Mr. Baatz seconded. No members were opposed. The motion passed unanimously with the exception of Ms. Jose, who abstained from the discussion, consideration, and vote.

Ms. Condra presented Item 8. The procurement is for design, bidding, and construction management services for Camp Fretterd Military Reservation water system upgrades. Watek Engineering Corporation will provide the services at a cost of \$356,914. There is a 29% MBE goal. Judge Smalkin made a motion to approve the item; Ms. Jose seconded. No members were opposed. The motion passed unanimously.

Ms. Condra presented an item for notification. This item is below the \$200,000 threshold requiring Board approval but is scheduled to go to the Board of Public Works in March. The item is for bidding and construction management services for Camp Fretterd Military Reservation, to be provided by George, Miles & Buhr, LLC for a cost of \$92,320.33. There is a 6.03% MBE goal. The Board reviewed the item and had no objections.

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

LEGAL REPORT

Mr. Coleman reminded Board members to file their Financial Disclosure Statements with the State, and to send a copy to Ms. Fuller, Clerk of the Board, as required by the MES Conflicts of Interest Policy.

GROUP UPDATES

Ms. Dolinar discussed the environmental rehabilitation work done on a Baltimore Inner Harbor site. A history of chrome ore processing on the site left 18 acres contaminated with chromium. In 1985, operations at the plant ceased, and in 1989, a consent decree was reached to cooperatively clean up the site and prepare it for redevelopment. MES provides maintenance, monitoring, and support services at the site, which is now a successful brownfield redevelopment known as Harbor Point.

Ms. Wijetunga, the Section Chief in TES Engineering, discussed stormwater support services provided to several Maryland universities. The Municipal Separate Storm Sewer System (MS4) permit from Maryland Department of the Environment (MDE) requires the treatment of stormwater from certain areas. MES hosted a workshop for universities on stormwater support in 2018, and has since completed 30 unique tasks at five different universities in Maryland.

Mr. Ingram discussed new regulations (COMAR 26.11.42) for the control of methane from municipal solid waste landfills. MDE is sponsoring the new regulations based on existing regulations in place on the West Coast. The new requirements consist of four phases:

- Phase 1 – Prepare and submit a waste-in-place report and methane generation rate.
- Phase 2 – If the methane rate is between 732 and 8,548 tons per year, perform quarterly surface emissions monitoring.
- Phase 3 – If methane exceeds 200 ppm, the site will require a landfill gas (LFG) system design plan by June 2024.
- Phase 4 – Install or operate an LFG system within 30 months of design approval.

MES has completed Phases 1 and 2 at the Midshore Landfills.

Mr. Bradshaw ended Black History Month with a presentation on African American water pioneers. Sarah Bickford was the only African American woman to own a utility company in 1900. Lewis Latimer invented an improved toilet system for railroad cars in 1874. Hugh M. Brown invented a device to prevent backflow from sewers into people's homes in the early 1900s. Moses West invented an Atmospheric Water Generator (AWG) that extracts water from ambient air and creates potable water. Lisa P. Jackson was the twelfth administrator of the U.S. Environmental Protection Agency (EPA) and is now the current vice president of Environment, Policy, and Social Initiatives at Apple, Inc.

OLD/NEW BUSINESS

The next meeting of the Board is Thursday, March 28, 2024, at 9:30 a.m.

ADJOURNMENT

The meeting adjourned at 11:23 a.m.

Frederic N. Smalkin

**HONORABLE FREDERIC SMALKIN
SECRETARY**

Shelley Heller

**SHELLEY HELLER
CHAIR**

BOARD OF DIRECTORS MEETING MINUTES

March 28, 2024

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. (video)
James Johnson Jr., Ph.D., P.E. (video)

**DIRECTORS
ABSENT:** Dereck Davis, State Treasurer
Charles Glass, Ph.D., P.E.

OTHERS PRESENT:	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) (video) Hament Patel, Finance Stephanie Patton, Human Resources	Kanishk Sharma, Administration Melissa Slatnick, Technical & Environmental Services (TES) Jeff Tosi, Government Affairs Pamela Fuller, Board Clerk Casey Powers, IT (video) Priscilla Carroll, Esq. (closed session only) Eric Hartlaub, Esq. (closed session only)
----------------------------	---	--

CALL TO ORDER

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

MINUTES

Ms. Heller requested a discussion or motion to approve the minutes from the Board meeting on February 29, 2024. No substantive corrections or objections were noted, and the minutes were unanimously approved.

EXECUTIVE DIRECTOR'S REPORT

Dr. Glass was unavailable for this meeting. Ms. Frketic delivered the Deputy Director's Report. The Executive Director's and Deputy Director's expense reports for the last month were reviewed. Dr. Glass and Ms. Frketic will attend the Mid-Atlantic Utility Conference in April, where both will participate in panel discussions. The conference is hosted by the Chesapeake Section of the American Water Works Association (CSAWWA) in collaboration with the Chesapeake Water Environment Association (CWEA). They are also registered to attend the Maryland Association of Counties (MACo) summer conference in August.

Ms. Frketic extended her congratulations to Ms. Winsome Condra, who has been named the new Chief of Procurement. Ms. Condra has graciously offered to help with the search for a new Chief of Internal Audits (IA) and serve as Acting Chief of IA until a replacement can be found.

Ms. Frketic reported on several external engagements with governmental and private entities within the past month. The spring recruitment season is well underway. Over 200 applications have been received for the summer internship program. Dr. Glass, Ms. Slatnick, and Mr. Bradshaw spoke to an assembly of 255 students in the electrical and mechanical fields at the Woodstock Job Corps event on March 18.

MES sponsored a Women's History Month panel discussion on March 19. Candice Gray, an Education and Outreach Associate for the Maryland Commission on Civil Rights, moderated the discussion. The panelists were Erin Lanagan, Chief of MES Safety & Environmental Compliance; Kerry Strong, Wastewater Treatment Plant Operator in the Southern region; and Danielle Wilson, Deputy Division Chief with the Environmental Operations Group.

One of the Building Excellence and Success Together (BEST) program goals this fiscal year is to provide equal employment opportunity (EEO) training to 50% of MES hiring managers. To this end, Human Resources has held two classes. So far, 149 hiring managers out of the 169 required have attended. A third class is taking place later this afternoon, March 28.

All Board members are invited to several upcoming events being hosted this spring and early summer. The Solid Waste Association of North America (SWANA) Regional Road-E-O will be held at the Midshore II Landfill on May 10. A birding tour scheduled for April 25 at Hart-Miller Island may be rescheduled to a new location on the same date. Visits to the Freedom Wastewater Treatment Plant is currently being scheduled.

The Board is required to hold an annual organization meeting in July of each year to elect officers and members of standing committees and conduct other business. This year the organization meeting will be held on July 25, along with the regular Board meeting. It will be followed by a mandatory annual training which is also required by the MES Reform Act. The meeting agenda is currently being prepared.

EMPLOYEE ENGAGEMENT SURVEY

Mr. Tosi reviewed the third annual employee engagement survey. There were 245 responses to the anonymous survey. Overall, the results were positive. Positive responses outnumbered negative responses on every question. The Agency continues to review and analyze the survey results. Once completed, leadership staff will identify key areas for improvement and develop strategic action initiatives and action plans. A progress report can be prepared and shared with the Board.

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 February 29, 2024. Billable labor is 11% over FY23 across all operating groups. The budget was 4% higher than the previous year, and actual billable labor has been higher than budgeted. FY23 vs. FY24 actual amounts are better than expected and budgeted in all categories. The budget vs. actual projections also all look good. Labor sales are expected to be \$1.8M higher than budgeted, and overhead expenses are lower than expected. This is partly due to multiple overhead vacancies. Net earnings are projected to be \$7.2M.

Mr. Patel had several suggestions for how to utilize the net earnings. Major investments will be made in technology. Several expansions will be made to MES' Workday software, including the addition of training modules for employees. Tablets will be purchased for the water/wastewater treatment plants. Currently, operators enter data onto paper sheets and then transcribe those data into software once they return to an office. Having tablets will allow them to enter data directly into the software at the plants. There will be no charge to customers for these tablets. Mr. Patel is also recommending adding an additional \$500k to the employee Retiree Medical Reimbursement Plan. Additional funds will also be added to the BEST and BEST Plus programs with Board approval.

HUMAN RESOURCES REPORT

Ms. Patton presented the Human Resources (HR) report. As of March 14, 2024, the Agency vacancy rate was 3.8%. There are currently 30 vacancies. Nine new employees were brought on board in March. Offers are currently being made to summer interns.

PROCUREMENT ITEMS

Ms. Condra presented Item 1. The procurement is a change order with Padlands, LLC for \$146,775. It is for trucking and land application of biosolids provided to the Dorsey Run Advanced Wastewater Treatment Facility. There is a 23% minority business enterprise (MBE) goal. The contractor is currently achieving 66.8%. Dr. Johnson made a motion to approve the item; Judge Smalkin seconded. No members were opposed. The motion passed unanimously.

Ms. Condra presented Item 2. The procurement is a change order with Stormwater Management Solutions, LLC for \$326,643.03. It is for restoration of campsites damaged due to water and sewer improvements at Point Lookout State Park. There is a 19% MBE goal. The contractor is currently achieving 20.5%. Mr. Witt made a motion to approve the item; Mr. Baatz seconded. No members were opposed. The motion passed unanimously.

Ms. Condra presented Item 3. The procurement is Change Order #4 with W. M. Schlosser Co. Inc. for \$1,545,862.00. It is to extend utility equipment rentals to allow for completion of the boiler fuel conversion at the Eastern Correctional Institution (ECI) Cogeneration Plant. There is a 17% MBE goal. The contractor is currently achieving 15.1% but is expected to reach 17% in their next invoices. Mr. Baatz asked why the equipment rentals were not anticipated. Mr. Ford explained that it was determined during start-up that the induction fans were oversized and would need to be re-

designed. New induction fans have been ordered; the equipment rental will cover the period until they can be installed. Mr. Baatz made a motion to approve the item; Mr. Witt seconded. No members were opposed. The motion passed unanimously.

Ms. Condra presented Item 4. The procurement is Change Order #5 with W. M. Schlosser Co., Inc. for \$208,653.00. It is to perform additional conversion activities for the ECI Cogeneration plant boiler fuel conversion. There is a 17% MBE goal. The contractor is currently achieving 15.1% but is expected to reach 17% in their next invoices. Dr. Johnson made a motion to approve the item; Judge Smalkin seconded. No members were opposed. The motion passed unanimously.

Ms. Condra presented Item 5. The procurement is for stormwater mapping and condition assessment services for Baltimore County. Rummel, Klepper & Kahl, LLP (RK&K) will provide the services at a cost of \$465,297.17. There is a 45.2% MBE goal. Judge Smalkin made a motion to approve the item; Mr. Baatz seconded. No members were opposed. The motion passed unanimously with the exception of Ms. Jose, who abstained from the discussion, consideration, and vote.

Ms. Condra presented Item 6. The procurement is for stormwater drainage construction for State Highway Administration (SHA) Districts 3 and 5. AB Construction, Inc. will provide the services at a cost of \$8,646,322.88. There is a 14% MBE goal. Mr. Witt made a motion to approve the item; Mr. Baatz seconded. No members were opposed. The motion passed unanimously.

Ms. Condra presented Item 7. The procurement is for stormwater drainage construction for SHA Districts 4 and 7. Brawner Builders, Inc. will provide the services at a cost of \$8,392,286. There is a 14% MBE goal. Dr. Johnson made a motion to approve the item; Mr. Witt seconded. No members were opposed. The motion passed unanimously.

Ms. Condra presented Item 8. The procurement is for Phase II floodplain mapping for Maryland Department of the Environment (MDE) Water and Science Administration's Stormwater, Dam Safety and Floodplain Management Program. WSP USA Environment & Infrastructure Inc. will provide the services at a cost of \$360,377. There is a 19.4% MBE goal. Dr. Johnson made a motion to approve the item; Mr. Baatz seconded. No members were opposed. The motion passed unanimously with the exception of Ms. Jose, who abstained from the discussion, consideration, and vote.

Ms. Condra presented Item 9. The procurement is for energy technical and engineering analysis of Commercial, Industrial, Institutional, and Governmental Energy Programs for the Maryland Energy Administration. Energy Shrink, LLC will provide the

services at a cost of \$3,755,000. There is a 29% MBE goal. Mr. Witt made a motion to approve the item; Judge Smalkin seconded. No members were opposed. The motion passed unanimously.

Ms. Condra presented Item 10. The procurement is for transportation model mapping and support for SHA. Synergy Systems & Services, Inc. will provide the services at a cost of \$450,509.64. There is a 29.42% MBE goal. Mr. Witt made a motion to approve the item; Mr. Baatz seconded. No members were opposed. The motion passed unanimously.

Ms. Condra presented Item 11. The procurement is a pre-solicitation approval for \$450,000 for leasing portable liquid storage tanks for Baltimore Washington International Thurgood Marshall Airport (BWI). There is a 0% MBE goal. Mr. Baatz made a motion to approve the item; Judge Smalkin seconded. No members were opposed. The motion passed unanimously.

Ms. Condra presented Item 12. The procurement is a pre-solicitation approval for \$400,000 for leasing glycol recovery vehicles for BWI Deicing. There is a 0% MBE goal. Dr. Johnson made a motion to approve the item; Mr. Witt seconded. No members were opposed. The motion passed unanimously.

Ms. Condra presented Item 13. The procurement is for the purchase of a super-long reach, 30-ton hydraulic excavator for the Paul S. Sarbanes Ecosystem Restoration Project at Poplar Island. McClung Logan Equipment Company will provide the equipment at a cost of \$337,792. There is a 0% MBE goal. Mr. Baatz made a motion to approve the item; Mr. Witt seconded. No members were opposed. The motion passed unanimously.

Ms. Condra presented Item 14. The procurement is a change order with Agri-Services Corp. for \$250,000. It is for loading, hauling, and disposal of leachate collected at the Brown Station Landfill. There is a 30% MBE goal. The contractor is currently achieving 50.5%. Dr. Johnson made a 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 reminded Board members to file their Financial Disclosure Statements with the State and to send a copy to Ms. Fuller, Clerk of the Board, as

required by the MES Conflicts of Interest Policy. Financial Disclosures are due by April 30, 2024. Mr. Coleman advised that the remainder of the legal report would be discussed in closed session.

OLD/NEW BUSINESS

Ms. Heller and the Board held a moment of silence in memory of the construction workers lost during the Key Bridge collapse earlier this week.

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

CLOSED SESSION

At 10:32 a.m., in accordance with MD. Code Ann., Gen. Prov. §3-305(b)(8), Ms. Heller stated that the Board intended to enter closed session to approve the minutes of a prior closed-meeting session and to receive a briefing from the Office of the Attorney General (OAG) on pending litigation matters. Ms. Heller asked if anyone objected to the Board entering closed session; no objections were heard. She also stated that any member of the viewing public who objected could submit their objection via email to the Agency. Ms. Jose then made a motion that the Board enter closed session for the reasons stated above. Mr. Baatz seconded the motion; all members voted in favor of closing the meeting. Ms. Heller announced that the meeting of the Board of Directors would immediately adjourn following the closed session. The public meeting ended at 10:32 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 10:34 a.m. Present during the closed session were Board members Heller, Smalkin, Witt, Baatz, Jose, and Johnson. They were joined by Mr. Coleman, Ms. Frketic, Ms. Carroll, Mr. Hartlaub, Ms. Dolinar, and Ms. Fuller.

Ms. Heller requested approval of the minutes of the closed session from the January 25, 2024, meeting. There were no corrections or comments. The minutes were unanimously approved.

Mr. Coleman and Assistant Attorney General Hartlaub informed the Board that the litigation matter he had previously informed them of has since been dismissed.

Mr. Coleman then left the meeting at 10:40 a.m. Mr. Hartlaub and Ms. Carroll discussed with the Board a second matter that is currently in litigation. Following the discussion, the Board authorized the Office of the Attorney General to attempt to settle the dispute up to the amount approved by the Board.

ADJOURNMENT

The meeting adjourned at 11:17 a.m.

Frederic N. Smalkin

**HONORABLE FREDERIC SMALKIN
SECRETARY**

Shelley Heller

**SHELLEY HELLER
CHAIR**

BOARD OF DIRECTORS MEETING MINUTES

April 25, 2024

LOCATION: Headquarters/Video Call

TIME: 9:30 a.m.

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

**DIRECTORS
ABSENT:** Dereck Davis, State Treasurer

OTHERS PRESENT:	Sean L. Coleman, Esq. Ellen Frketic, Deputy Director Winsome Condra, Procurement Marni Dolinar, Env. Dredging & Restoration Tim Ford, Environmental Operations Matt Lapinski, Water/Wastewater Hament Patel, Finance Stephanie Patton, Human Resources	Melissa Slatnick, Technical & Environmental Services Jeff Tosi, Government Affairs Pamela Fuller, Board Clerk Jana Leech (video) Casey Powers, IT (video)
----------------------------	---	--

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

MINUTES

Ms. Heller requested a discussion or motion to approve the minutes from the Board meeting on March 28, 2024. No substantive corrections or objections were noted, and the minutes were unanimously approved.

EXECUTIVE DIRECTOR'S REPORT

The Executive Director and Deputy Director's expense reports for the last month were reviewed. Dr. Glass incurred no expenses. Deputy Frketic incurred parking and mileage expenses to attend the budget hearings in Annapolis.

Dr. Glass reported on external engagements with governmental and private entities over the last month. There are 22 college and career fairs this quarter. Internship positions continue to be filled. There were 12 positions last year. This year 15 positions have been filled, and five more will be filled shortly.

Board members and executive staff will be touring Masonville Cove later today for a birding tour with Tim Carney. Members are also invited to the SWANA Regional Road-E-O at Midshore II Landfill on May 10. A tour of Bowie State University's stormwater projects, and the Freedom District Wastewater Treatment plant are currently being planned.

Dr. Glass continues to review responses to the Employee Engagement Survey. He will be discussing responses at the All-Staff meeting scheduled for May.

Agency employees have been very busy lately as well. Ms. Stephanie Peters attended the Pennsylvania Brownfield Conference at Penn State University. Numerous sessions were held, including many on grant funding. Water/Wastewater operations staff at Woodstock wastewater treatment plant recently hosted a group of stationary engineering students from Woodstock Job Corps Center. The tour was led by Dorrance Jones, Lead Operator, and Ryan Thomas, Env. Systems Supervisor.

On March 26, MES staff discovered that one of the leachate storage tanks at Brown Station Landfill had developed a leak. The team immediately took preventative action to mitigate any potential impacts. The client was extremely grateful for the

tremendous team effort to fix the problem, continue operations, and prevent any serious environmental issues.

The Board held a moment of silence for staff member Scott Mister. Mr. Mister was a Lead Equipment Operator at Poplar Island for 23 years, before his passing on March 21.

Deputy Frketic announced the Retirement of two long-serving employees. Senior Operations Manager, James Scott retired after 35+ years, mostly with the Construction Inspection unit. Randy Broadwater, Environmental Systems Assistant Regional with the Water/Wastewater Group retired after 35+ years.

Earth Day events were held across the agency this week. Some of the special projects included: site gardening, litter pickup, birdhouse installations, tree plantings, and recycling and composting demonstrations. An unplanned Earth Day event was added when 9,000 honeybees attempted to take up residence in a tree in the front parking lot of the headquarters building. An experienced beekeeper was called in to relocate the swarm to one of the empty hive boxes in the solar field.

LEGISLATIVE UPDATE

Mr. Tosi presented a recap of the 2024 Legislative session. The MES governance bill (HB78) passed. It alters the definition of municipality to include Federal agencies and the District of Columbia. It also allows MES to provide a proposal, rather than a contract, when services are requested. It authorizes the Board Secretary to designate some responsibilities to an employee of MES. It also reconfigured the dates for completing the annual financial audit and annual report, making them both due on November 15 of each year.

Mr. Tosi also summarized a number of other bills that may have an impact on the agency, including:

- State Treasurer and Comptroller: Membership Responsibilities (HB918/SB777) which removed the State Treasurer from a number of boards, but not the MES Board.
- Baltimore Regional Water Governance Model Workgroup (HB1509/SB1174)
- State Contracts: Prohibited provisions (SB375/HB289)
- Family and Medical Leave Insurance Program modifications (SB828/HB988)
- Protecting State Waters from Per- and polyfluoroalkyl substances (PFAS) Pollution Act (HB1153/SB956)
- Clean Water Justice Act of 2024 (SB653/1101)

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 March 31, 2024. Financial performance remains strong. Billable labor is higher than FY23 across all operating groups. The budget was 4% higher than the previous year, and actual billable labor has been higher than budgeted. Actual Amounts from FY23 vs. FY24 are better than expected and budgeted in all categories. The budget vs. actual projections also all look good. Labor sales are expected to be higher than budgeted, and overhead expenses are lower than expected, due to several overhead vacancies.

Mr. Patel had several suggestions for how to utilize the net earnings. Major investments will be made in technology. Several expansions will be made to MES' Workday software, including the addition of training modules for employees. Tablets will be purchased for the water/wastewater treatment plants. Currently, operators enter data onto paper sheets and then transcribe that data into software once they return to an office. Having tablets will allow them to enter data directly into the software at the plants. There will be no charge to customers for these tablets. Other technological investments include a long-overdue upgrade to the main conference room AV system to accommodate hybrid meetings. Mr. Patel is also recommending adding an additional \$500k to the Retiree Medical Reimbursement Plan.

HUMAN RESOURCES REPORT

Ms. Patton presented the Human Resources (HR) report. As of May 11, 2024, the Agency vacancy rate was 4.18%. There are 11 new hires currently being brought on board. Fifteen interns have been hired so far, and another two have been offered positions.

PROCUREMENT ITEMS

Ms. Condra presented Item 1. The procurement is for monthly Verizon Wireless cellular service and equipment charges. The cost is estimated to be \$394,500 billed to various clients, projects, and overhead. There is a 0% MBE goal. Judge Smalkin made the motion to approve the item; Mr. Witt seconded. No members were opposed. The motion passed unanimously.

Ms. Condra presented Item 2. The procurement is for the development of Flood Risk Products for various counties for MDE's Water Science Administration

Stormwater, Dam Safety, and Floodplain Management (SDSFM) program. WSP USA Environmental & Infrastructure, Inc. will provide the service at a cost of \$213,019.54. There is a 19.7% Minority Business Enterprise (MBE) goal. Dr. Johnson made the motion to approve the item; Mr. Baatz seconded. No members were opposed. The motion passed unanimously.

Ms. Condra presented Item 3. The procurement is a pre-solicitation approval for \$1,300,000 for on-call emergency response and remediation services for Baltimore Washington International Thurgood Marshall Airport and Martin State Airports. There is a 30% MBE goal. Judge Smalkin made the motion to approve the item; Mr. Witt seconded. No members were opposed. The motion passed unanimously.

Ms. Condra presented Item 4. The procurement is to purchase a 2024 CAT 938 Wheel Loader for the Midshore II Regional Solid Waste Landfill. Carter Machinery Company will provide the equipment at a cost of \$297,462. There is a 0% 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. Heller who abstained from the discussion, consideration, and vote.

Ms. Condra presented Item 5. The procurement is to purchase recommended spare parts for Turbine 2 at the Eastern Correctional Institution Cogeneration Facility. Siemens Energy, Inc. will provide the parts at a cost of \$406,922.99. There is a 0% MBE goal. Ms. Jose made the motion to approve the item; Judge Smalkin seconded. No members were opposed. The motion passed unanimously, with the exception of Mr. Baatz who abstained from the discussion, consideration, and vote.

Ms. Condra presented Item 6. The procurement is for design and permitting engineering services for Garrett County Landfill Gas Collection & Control System. Geosyntec Consultants will provide the services at a cost of \$211,100. There is a 5% MBE goal. Dr. Johnson made the motion to approve the item; Judge Smalkin seconded. No members were opposed. The motion passed unanimously, with the exception of Mr. Witt who abstained from the discussion, consideration, and vote.

Ms. Condra presented Item 7. The procurement is for PFAS testing for various landfills. Enthalpy Analytical will provide the services at a cost of \$2,600,000. There is a 0% MBE goal. Judge Smalkin made the motion to approve the item; Ms. Jose seconded. No members were opposed.

The motion passed unanimously, with the exception of Ms. Heller who abstained from the discussion, consideration, and vote.

Ms. Condra presented Item 8. The procurement is to purchase aluminum sulfate for use at various wastewater plants throughout the State. Intercoastal Trading, Inc. will provide the goods at a cost of \$1,182,258. There is a 0% MBE goal. Mr. Baatz made the motion to approve the item; Dr. Johnson seconded. No members were opposed. The motion passed unanimously.

Ms. Condra presented Item 9. The procurement is for upgrades to the wastewater treatment plant at the Cheltenham Youth Facility. W.M. Schlosser Company, Inc. will provide the construction services at a cost of \$14,922,000. There is a 20.6% MBE goal. Mr. Witt made the motion to approve the item; Judge Smalkin seconded. No members were opposed. The motion passed unanimously.

Ms. Condra presented Item 10. The procurement is a change order with Stormwater Management Solutions, LLC for \$1,386,626.34. It is to repair the road surface as part of the Pt. Lookout State Park water and sewer system improvements. There is a 26% MBE goal. Contractor is currently achieving 20.5%. Mr. Witt made the motion to approve the item; Dr. Johnson 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 reminded Board members to file their Financial Disclosure Statements with the State and to send a copy to Ms. Fuller, Clerk of the Board, as required by the MES Conflicts of Interest Policy. Financial Disclosures are due by April 30, 2024.

The attorneys continue to participate in the Attorney General's Office Key Bridge response workgroups weekly meetings.

GROUP UPDATES

Ms. Slatnick discussed recent stormwater remediation work at the Parkville Readiness Center. The project stabilized erosion of a hillside to prevent flooding and repaired the center's parking lot to prevent further deterioration.

Ms. Sampson discussed the marketing of organics composting. Leafgro® is an organic soil conditioner made from yard trim, leaves, and grass. It is made at the Montgomery County facility and sold bagged or in bulk. Leafgro Gold® is made from yard trims with the addition of composted food scraps. It is made at the Prince George's County Facility and sold in bulk primarily to farms, landscapers, and garden centers.

Mr. Lapinski discussed the project update meetings held with DNR and DBM every month. These monthly meetings help address problems and plan for the future of State facilities. They have also led to a number of new projects.

Ms. Dolinar presented an overview of the Masonville Cove and Dredged Material Containment Facility.

OLD/NEW BUSINESS

The next meeting of the Board is Thursday, May 30, 2024, at 9:30 a.m. The Audit Committee will meet on Thursday, May 23, 2024, at 9:30 a.m. The Human Resources Committee has been moved to Thursday, June 13, 2024, at 9:30 a.m.

ADJOURNMENT

The meeting adjourned at 11:06 a.m.

Frederic N. Smalkin

**HONORABLE FREDERIC SMALKIN
SECRETARY**

Shelley Heller

**SHELLEY HELLER
CHAIR**

BOARD OF DIRECTORS AUDIT COMMITTEE MEETING MINUTES

May 23, 2024

LOCATION: Headquarters/Video Call

TIME: 9:30 a.m.

COMMITTEE MEMBERS PRESENT: Moalie Jose, P.E., Chair (video)
Brendon Baatz, Treasurer (video)
Dereck E. Davis, State Treasurer (video)
Shelley L. Heller, Board Chair (video)

COMMITTEE MEMBERS ABSENT: None

OTHERS PRESENT:

Charles Glass, Ph.D., P.E.	Jeff Tosi (video)
James Johnson, Jr., Ph.D., P.E.	Priscilla Carroll, Esq.
Sean Coleman, Esq. (video)	Casey Powers (video)
Ellen Frketic	Valerie Colimon, RSM (video)
Pamela Fuller	Jean Borno, RSM (video)
Hament Patel	
Winsome Condra (video)	

CALL TO ORDER

Ms. Jose 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. Jose requested a discussion or motion for the approval of the minutes of the October 19, 2023, Audit Committee meeting. No corrections or objections were noted and the minutes were unanimously approved.

HOUSE BILL 78 (2024 LEGISLATIVE SESSION)

Mr. Tosi reviewed the recently enacted MES Governance bill (House Bill 78, 2024 Session). Among other things, the bill changes the due dates of several audit reports. The annual financial audit and the annual report are now both due to the Governor's office, the General Assembly, and the Department of Budget and Management by November 15 of each year. The misallocated expenses audit, which was added as a one-time event, will now be included in the annual report. For the Board to have time to review the results, the audit should be completed and submitted to the MES Audit Committee in October.

RSM FY24 AUDIT PLAN

Ms. Colimon and Mr. Borno presented an overview of the FY24 Audit Strategy. The preliminary audit will begin on June 10, 2024, with a walkthrough of transaction cycles and preliminary analytical review procedures. The year-end fieldwork is scheduled for the week of July 29, 2024. Final wrap-up and report tie-outs will occur in early September. The final internal reviews, Audit Committee presentation, audit report issuance, and indirect costs report will be done in October 2024.

The audit planning process emphasizes understanding the entity, materiality, internal control, risk assessment, and discussion among the engagement team. RSM 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.

The Board asked when a preliminary report would be ready for their review, as they would like one to two weeks to review it before it is submitted to the Governor. RSM relayed that the report would be undergoing internal review in September, but a draft could be ready by October 10, 2024. There were no further questions from the Audit Committee.

RSM FY23 AUDIT

Ms. Colimon updated the Committee on the FY23 Financial Audit which was previously presented at the October 2023 meeting. They have issued an unmodified opinion. The only change made was to the Executive Summary page. The Financial Statements and Indirect Cost Schedules were completed December 22, 2023. The Compliance report was completed January 22, 2024. The Expenses Audit for the period July 1, 2022, to June 30, 2023, was completed March 14, 2024. There were no findings to report. They noted no significant deviations from accounting policies and no unusual transactions. There were no deficiencies in internal controls or uncorrected misstatements

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

INTERNAL AUDIT REPORT

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

FY24 Completed Audits Updates

Audit 23-2 was a review of the segregation of duties within 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 controls were rated ineffective. There were no misdeeds. All issues have been addressed and solutions continue to be implemented.

Audit 23-3 was a review of the closeout of the Eastern Shore Forest Products' time and materials contract. There were no discrepancies.

The Internal Audit staff assisted Maryland Department of Emergency Management (MDEM) with a COVID close-out review. Between November 2022 and April 2024, the IA staff billed 1,582 hours.

FY24 Planned Audits

The following audits are scheduled for 2024:

- 24-1 Review of management duplicate invoices within Workday
- 24-2 Review of procurement shortlist selection process
- 24-3 Review of training application policy and process
- 24-4 Review of strategic compensation benefit management

IA Staff Expansion

A new IA Chief will be starting soon. Additional support positions will be needed for the planned audits, investigations, special projects, unplanned audits, succession planning, and billable efforts.

Institute of Internal Auditors Standards Update

The Global Internal Audit Standards were recently revised by The Institute of Internal Auditors and updates will become effective January 9, 2025. Ms. Condra reviewed the required changes. Changes will be required to the MES IA Charter.

OLD/NEW BUSINESS

The next Audit Committee meeting is scheduled for Thursday, October 24, 2024, at 9:30 a.m.

ADJOURNMENT

The meeting adjourned at 10:35 a.m.



MOALIE JOSE
CHAIR, AUDIT COMMITTEE

BOARD OF DIRECTORS MEETING MINUTES

May 30, 2024

LOCATION: Headquarters/Video Call

TIME: 9:30 a.m.

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

**DIRECTORS
ABSENT:** None

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

CALL TO ORDER

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

MINUTES

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

INSPIRE AWARDS

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

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

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

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

RSM AUDIT PRESENTATION

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

AUDIT COMMITTEE REPORT

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

EXECUTIVE DIRECTOR'S REPORT

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

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

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

NEW BUSINESS REPORT

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

FINANCIAL REPORT

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

HUMAN RESOURCES REPORT

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

PROCUREMENT ITEMS

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

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

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

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

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

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

Ms. Condra presented Item 6. The procurement is for engineering services for the permit and construction bid phases for Cells 1 and 5 at Midshore II Landfill. Geosyntec Consultants will provide the services at a cost of \$379,004. There is a 10% MBE goal. Treasurer Davis made a motion to approve the item; Mr. Baatz seconded. No members were opposed. The motion passed unanimously with the exception of Ms. Heller, who abstained from the discussion, consideration, and vote.

Ms. Condra presented Item 7. The procurement is a change order with Siemens Energy, Inc. for \$2,033,429.92. It is for additional repairs to turbine generator #1 at the ECI Co-Generation Facility. There is a 0% MBE goal. Dr. Johnson made a motion to approve the item; Treasurer Davis seconded. No members were opposed. The motion passed unanimously with the exception of Mr. Baatz, who abstained from the discussion, consideration, and vote.

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

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

Ms. Condra presented Item 10. The procurement is a change order with Stormwater Management Solutions, LLC for \$1,446,930.88. It is to repair the road surfaces in the North Park of Point Lookout State Park after water and sewer systems improvements. There is a 26% MBE goal. The contractor is currently achieving 18.46%. Treasurer Davis made a motion to approve the item; Mr. Witt seconded. No members were opposed. The motion passed unanimously.

The Board notifications for contracts, purchase orders, amendments, and change orders between \$25,000 and \$200,000 were reviewed.

LEGAL REPORT

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

GROUP UPDATES

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

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

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

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

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

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

OLD/NEW BUSINESS

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

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

CLOSED SESSION

At 11:46 a.m., in accordance with MD. Code Ann., Gen. Prov. §3-305(b)(8), Ms. Heller stated that the Board intended to enter closed session to approve the minutes of a prior closed-meeting session and to receive a briefing from the Office of the Attorney General (OAG) on pending or potential litigation matters. Ms. Heller asked if anyone objected to the Board entering closed session; no objections were heard. She also stated that any member of the viewing public who objected could submit their objection via email to the Agency. Judge Smalkin then made a motion that the Board enter closed session for the reasons stated above. Mr. Witt seconded the motion; all members voted in favor of closing the meeting. Ms. Heller announced that the meeting of the Board of Directors would immediately adjourn following the closed session. The public meeting

ended at 11:46 a.m. Staff members who were not required for the closed session left the meeting room and Zoom session.

Ms. Heller called the meeting of the closed session of the Board to order at 11:50 a.m. Present during the closed session were Board members Heller, Smalkin, Witt, Baatz, Davis, Jose, Johnson, and Glass. They were joined by Ms. Carroll, Ms. Fisher, Mr. Lapinsky, and Ms. Fuller.

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

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

No action was taken during the closed session.

ADJOURNMENT

The meeting adjourned at 12:23 p.m.

Frederic N. Smalkin

Shelley Heller

**HONORABLE FREDERIC SMALKIN
SECRETARY**

**SHELLEY HELLER
CHAIR**

BOARD OF DIRECTORS HUMAN RESOURCES COMMITTEE MEETING MINUTES

June 13, 2024

LOCATION: Headquarters/Video Call

TIME: 9:30 a.m.

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

OTHERS PRESENT:	Moalie Jose, P.E. (video)	Kanishk Sharma
	Charles C. Glass, Ph.D., P.E.	Stephanie Patton
	Ellen Frketic	Priscilla Carroll, Esq.
	Sean Coleman, Esq.	Pamela Fuller
	Hament Patel	Casey Powers (IT) (video)

CALL TO ORDER

Mr. Witt called the meeting to order at 9:30 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

Mr. Witt requested a discussion or motion to approve the minutes from the Committee meeting on September 20, 2023. No corrections or objections were noted and the minutes were unanimously approved.

PERFORMANCE-BASED COMPENSATION (PBC)

Dr. Glass reviewed his recommendation for performance-based compensation (PBC) increases for Agency employees. Employee evaluations for the period of April 1, 2023, through March 31, 2024, 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%

It was reported that 85% of Agency employees' performance scores last year were in the 4.0 to 5.0 range across all career levels. Employees who have not completed their probationary period as of March 31, 2024, will not be eligible for the salary increase. This salary increase will not be applicable to the Executive Director, Deputy Director, the attorneys of the Office of the Attorney General, or the employees of the Chesapeake Bay Trust. These salary increases will be effective in the pay period beginning July 10, 2024.

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. Heller made a motion to recommend approval of the proposed Performance-Based Compensation and salary card adjustment; Judge Smalkin seconded. The motion passed unanimously.

401k CONTRIBUTION

Maryland Environmental Service's employees have done excellent work providing services to our clients and the citizens of Maryland. Based on the financial performance as of April 30, 2024, and year-end projections for FY 2024, the Agency is recommending that eligible MES employees receive a \$1,500 lump sum contribution to their 401k account. This 401k contribution will be awarded to all current MES employees except the employees who are participants in the State Retirement/Pension

System, Chesapeake Bay Trust employees, interns, and any MES employee who is not currently eligible for MES contribution to their 401k account. Part-time employees will receive a lump sum contribution prorated in proportion to the number of hours they are employed. MES will reduce the amount of the lump sum contribution if necessary to comply with applicable IRS regulations and the 401k Plan. The contributions would be awarded on June 28, 2024, to eligible employees who are current active employees as of June 28, 2024, and who were hired prior to May 28, 2024.

The Committee agreed with the recommendation to award the one-time lump sum payment of \$1,500 to employee 401k plans. Ms. Heller made a motion to approve the recommendation as outlined in the Agency Memo dated June 13, 2024; Judge Smalkin seconded. The motion passed unanimously.

HUMAN RESOURCES POLICIES

Several Human Resources (HR) policies were submitted for review and approval. Each policy contained minor updates, title changes, or clarifications. Two policies are new policies.

The policies reviewed were:

- HR 3.09 Bereavement Leave Policy – The policy is amended to reflect recently enacted legislation that expands leave for the death of an employee’s child. This statute applies to all State agencies with independent personnel systems. The policy will be effective October 1, 2024.
- HR 3.11 Family Medical Leave – Small changes were made to the reporting requirements to maintain medical confidentiality. Employees are required to notify Human Resources, not the Managing Directors.
- HR 6.02 Performance Improvement Plan (PIP) – This is a new policy for usage of PIPs to help employees improve performance and create proper documentation for disciplinary actions if needed.
- HR 7.01 Bullying – This is a new policy to cover inappropriate behavior not otherwise covered by the harassment policies.
- HR 8.01 Tuition Assistance Program – Clarifies “good standing” status for employees who leave within one year of tuition payment made by MES. They may not be rehired unless their tuition balance is repaid.
- HR 11.03 Whistleblower Complaint – Modifies a provision allowing a whistleblower to report complaints to either the Human Resources department or the EEO Office.

Judge Smalkin made a motion to recommend approval of the new policies and policy updates to the full Board; Dr. Johnson seconded. The motion passed unanimously.

CLOSED SESSION

At 9:52 a.m., in accordance with MD. Code Ann., Gen. Prov. §3-305(b)(1), Mr. Witt 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. Mr. Witt asked if anyone objected to the Committee 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. Heller made a motion that the Committee enter closed session for the reasons stated above. Dr. Johnson seconded the motion; all members voted in favor of closing the meeting.

Mr. Witt announced that the Committee meeting would immediately adjourn following the closed session. The public meeting ended at 9:52 a.m. The Board members were then transferred to a secure conference video line. Dr. Glass, Mr. Coleman, Ms. Carroll, and Ms. Fuller remained in the conference room. All other attendees left.

Mr. Witt called the meeting of the closed session of the Board to order at 9:53 a.m. Present during the closed session of the Board were Board members Witt, Smalkin, Johnson, Heller, Jose, and Glass; Assistant Attorneys General Coleman and Carroll; and Ms. Fuller.

Mr. Witt requested approval of the minutes of the closed session of the HR Committee from the meeting on June 15, 2023. The minutes were unanimously approved.

During the closed session the Committee discussed modifying the salary of the Deputy Director. On the recommendation of Dr. Glass, the Committee unanimously approved recommending to the full Board of Directors a salary increase of 6% for the Deputy Director, effective as of July 10, 2024.

Dr. Glass and Assistant Attorneys General Coleman and Carroll left the meeting. 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). The Committee had no concerns or comments. The Committee also confirmed the timeline for completing the Executive Director's evaluation.

ADJOURNMENT

Upon motion by Mr. Witt, the meeting adjourned at 10:05 a.m.

A handwritten signature in black ink, appearing to read "RLW II", is positioned above a horizontal line.

ROBERT L. WITT, II

HUMAN RESOURCES COMMITTEE CHAIR

BOARD OF DIRECTORS MEETING MINUTES

June 27, 2024

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. (video)
Charles Glass, Ph.D., P.E.

**DIRECTORS
ABSENT:** Dereck Davis, State Treasurer

OTHERS PRESENT:	Sean Coleman, Esq.	Stephanie Patton, Human Resources
	Ellen Frketic, Deputy Director	
	Winsome Condra, Procurement	Kanishk Sharma, Administration
	Marni Dolinar, Env. Dredging & Restoration	Melissa Slatnick, Technical & Environmental Services (TES)
	Tim Ford, Environmental Operations	Pamela Fuller, Board Clerk
	Matt Lapinsky, Water/Wastewater	Jana Leech (video)
	Hament Patel, Finance	Casey Powers, IT (video)

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

INSPIRE AWARDS

Mr. Sharma presented an Inspire Award to Procurement Administrator Qieon Graham. During the division's recent organizational change, Mr. Graham stepped up by training the new Procurement Administration even though it is not part of his job description. Mr. Graham consistently supports the team and shows he is a leader in the Procurement Administrator role. He does not complain and addresses all questions regardless of operating group assignment.

Mr. Ford presented an Inspire Award to the Brown Station Sanitary Landfill Leachate Pretreatment team of Xavier Alexander, Preston Fuller, Melissa Cheatham, William Eubanks, and Robert Hill. In March 2024, a tank at the landfill sprang a leak. It was quickly discovered by MES personnel, who immediately went into action to contain the spill, drain the tank, and make arrangements for repairs. The team worked around the clock to fix the problem at the tank farm, an area outside of MES' normal scope of work. Prince George's County was very pleased with the team's performance and initiative.

Ms. Slatnick presented an Inspire Award to Senior Maintenance Supervisor Casey Hanna. On May 10, 2024, Mr. Hanna received an emergency call on his scheduled day off to respond to the Grumman Water Treatment Plant, where he discovered the fire suppression system pump controls were malfunctioning and the 250,000-gallon fire suppression tank was empty. Recognizing safety concerns for the community related to the empty fire suppression tank, Mr. Hanna worked to identify and repair the malfunction, which included a climb up the 30-foot tank to ensure his repairs corrected the problem in the system. He remained on site all day to make certain the tank was in proper working order and filling adequately to restore the fire protection system.

MINUTES

Ms. Heller requested a discussion or motion to approve the minutes from the Board meeting on May 30, 2024. No corrections or objections were noted, and the minutes were unanimously approved.

EXECUTIVE DIRECTOR'S REPORT

The Executive Director and Deputy Director's expense reports for the last month were reviewed. Dr. Glass and Ms. Frketic incurred expenses for registration, membership, and travel arrangements to the Water Environment Federation Technical Exhibition and Conference (WEFTEC) in New Orleans in October.

Dr. Glass reported on external engagements with governmental and private entities over the last month. There were several site visits during the last month, including to Dundalk Marine Terminal and the Prince George's County Organics Composting Facility.

The inaugural year of the Grants program has been very successful. MES submitted \$163,426,701 in grant proposals. To date, MES has been awarded or helped its clients to be awarded \$63,241,873. A number of proposals are still pending.

After several years of revamping the Human Resources (HR) department and enhancing recruitment efforts, the Executive office is now passing the torch fully back to HR to continue the recruitment progress. MES' third Manager/Supervisor training class graduated on June 11, 2024.

MES has been awarded 2024 Top Workplace honors from *USA Today* and *The Washington Post*.

MES participated in the Maryland Municipal League (MML) summer conference in Ocean City, MD, from June 23-June 26. Staff were honored to meet Governor Moore and Maryland Attorney General Brown.

BEST FY25 GOALS

Ms. Frketic presented the proposed FY25 Building Excellence & Success Together (BEST) Goals. The goals continue to fall into six categories: 1) Safety; 2) Education; 3) Diversity, Equity, and Inclusion; 4) Customer and Community Service; 5) Environment; and 6) Administrative Enhancements.

Mr. Baatz recommended a change to one goal. As originally written, one of the "Environment" goals stated that MES would "ensure it is awarded at least one grant for environmental justice projects." Mr. Baatz suggested that the goal be modified to measure something more within the control of the Agency. It was suggested the goal should be, "In collaboration with our client partners, MES will ensure at least five grants for environmental justice projects are submitted." The Board and staff concurred that this would be a more appropriate goal. Mr. Baatz made a motion to approve the amended goals; Mr. Witt seconded. The motion passed unanimously.

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 May 2024, which remains strong. Labor sales have been steadily increasing across all groups. The budget was 5% higher than the previous year, and actual billable labor has been 5.5% higher than the budget. Actual amounts from FY23 vs. FY24 are better than expected and budgeted in all categories. The budget vs. actual projections also looks good. Revenues are \$12.2M greater than in the prior year, with much of this passing through to third party vendors. Labor sales are expected to be higher than budgeted and overhead expenses are lower than expected.

HUMAN RESOURCES REPORT

Ms. Patton presented the Human Resources (HR) report. As of June 13, 2024, the Agency vacancy rate was 4.13%. Staff attended about 100 recruitment events over the last year. The fall recruitment fair calendar is filling up. All of the summer interns have now started.

HUMAN RESOURCES COMMITTEE

Mr. Witt reported that the HR Committee met on June 20, 2024, to consider multiple matters.

Performance-Based Compensation

The Agency has recommended that performance-based compensation (PBC) be awarded based on annual employee evaluation scores as follows.

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 salary increases would be effective with the pay period beginning July 10, 2024. The MES salary card would also need to be increased by 5%. The HR Committee

recommended adoption of these increases to the full Board. Judge Smalkin made a motion to approve the increases as presented; Mr. Baatz seconded. The motion passed unanimously.

401k Contribution

Maryland Environmental Service's employees have done excellent work in providing services to our clients and the citizens of Maryland. Based on the financial performance as of April 30, 2024, and year-end projections for FY 2024, the Agency is recommending that eligible MES employees receive a \$1,500 lump-sum contribution to their 401k account.

This 401k contribution will be awarded to all current MES employees except those employees who are participants in the State Retirement/Pension System, Chesapeake Bay Trust employees, interns and any MES employee who is not currently eligible for MES contribution to their 401k account. Part-time employees will receive a lump-sum contribution prorated in proportion to the number of hours they are employed. MES will reduce the amount of the lump sum contribution if necessary to comply with applicable IRS regulations and the 401k Plan. The contributions would be awarded on June 28, 2024, to eligible employees who are current active employees as of June 28, 2024, and who were hired prior to May 28, 2024.

The HR Committee recommended adoption of this action. Dr. Johnson made a motion to approve the proposed 401k contribution; Judge Smalkin seconded. The motion passed unanimously.

HR Policies

Several Human Resources (HR) policies were submitted for review and approval. Four updated policies contained minor revisions, title changes, or clarifications. Two policies are new policies.

The new Policies reviewed were:

- HR 6.02 Performance Improvement Plan (PIP)
- HR 7.01 Bullying

The updated Policies were:

- HR 3.09 Bereavement Leave Policy (to be effective October 1, 2024)
- HR 3.11 Family Medical Leave
- HR 8.01 Tuition Assistance Program
- HR 11.03 Whistleblower Complaint

The HR Committee recommended approval of the new policies and updates to the existing policies. Dr. Johnson made a motion to approve the policies; Judge Smalkin seconded. The motion passed unanimously.

PROCUREMENT ITEMS

Procurement Item 1 was withdrawn prior to the meeting.

Ms. Condra presented Item 2. The procurement is for engineering design services for the dike raising at Masonville Dredged Material Containment Facility (DMCF) to +42ft. Gahagan & Bryant Associates, Inc. (GBA) will provide the services at a cost of \$748,840.10. There is a 13.8% Minority Business Enterprise (MBE) goal. Mr. Baatz made a motion to approve the item; Judge Smalkin seconded. No members were opposed. The motion passed unanimously.

Ms. Condra presented Item 3. The procurement is change order #6 with VLS Environmental Solutions LLC for \$665,000. It is for facilities cleaning and maintenance for Baltimore/Washington International (BWI) and Martin State Airports, and State Highway Administration (SHA), Maryland Transit Administration (MTA), and Maryland Transit Authority (MDTA) facilities. There is a 24% MBE goal. Participation to date is 7.67%. A corrective action plan is in place to address MBE participation. Judge Smalkin made a motion to approve the item; Dr. Johnson seconded. No members were opposed. The motion passed unanimously.

Ms. Condra presented Item 4. The procurement is for consent order assistance and compliance monitoring and reporting at the Sandy Hill Creative Disposal Project. Arcadis U.S., Inc. will provide the services at a cost of \$504,030. There is a 35% MBE goal. Mr. Witt made a motion to approve the item; Judge Smalkin seconded. No members were opposed. The motion passed unanimously.

Ms. Condra presented Item 5. The procurement is for landfill gas collection system maintenance at the Sandy Hill Creative Disposal Project. SCS Engineers, Inc. will provide the services at a cost of \$519,172. There is a 10% MBE goal. Judge Smalkin made a motion to approve the item; Mr. Baatz seconded. No members were opposed. The motion passed unanimously.

Ms. Condra presented Item 6. The procurement is for compliance monitoring and reporting at the Brown Station Road Sanitary Landfill. SCS Engineers, Inc. will provide the services at a cost of \$555,000. There is a 20% MBE goal. Mr. Witt made a motion to approve the item; Dr. Johnson seconded. No members were opposed. The motion passed unanimously.

Ms. Condra presented Item 7. The procurement is Renewal #2 with ACV Environmental Services, Inc. for \$677,491. It is to pack, haul, and dispose of household

hazardous waste collected at the Brown Station Road Sanitary Landfill. There is an 18% MBE goal; current participation is 13.7%. A corrective action plan is in place. Dr. Johnson made a motion to approve the item; Judge Smalkin seconded. No members were opposed. The motion passed unanimously.

Ms. Condra presented Item 8. The procurement is change order #1 with Allan Myers MD, Inc. for \$509,009. It is for material and labor escalation for construction of the C-1 landfill cell at the Brown Station Sanitary Landfill. There is a 29% MBE goal, with current participation of 20%. Mr. Witt made a motion to approve the item; Judge Smalkin seconded. No members were opposed. The motion passed unanimously.

Ms. Condra presented Item 9. The procurement is Renewal #2 with South Atlantic Marine Services, Inc. for \$672,792. It is for the purchase of bailing wire for the Prince George's and Montgomery County recycling centers. There is a 0% MBE goal. Mr. Baatz made a 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 introduced the updated Board Bylaws that were presented to the Board at the May meeting. The recently enacted MES statute allows the Board Secretary to authorize an employee of the Service to serve as the Deputy Secretary, much like the Board Treasurer who has designated a Deputy Treasurer. The updates would be effective July 1, 2024. Judge Smalkin made a motion to approve the updated Bylaws; Dr. Johnson seconded. The motion passed unanimously.

GROUP UPDATES

Mr. Lapinsky discussed the Freedom District Water Reclamation Facility. The facility is the largest owned by MES and was MES' first non-state contract. The plant, located in Carrol County, treats wastewater from the Springfield Hospital, Maryland State Police Training Center, Central Maryland Correctional Facility, and the communities of Sykesville and Eldersburg. Several members of the Board and Agency staff will tour the facility after the meeting.

OLD/NEW BUSINESS

The next meeting of the Board is Thursday, July 25, 2024, at 9:30 a.m. The required annual Board training will occur after the meeting.

CLOSED SESSION

At 10:53 a.m., in accordance with MD. Code Ann., Gen. Prov. §3-305(b)(1), Ms. Heller stated that the Board intended to enter closed session to approve the minutes of a prior closed-meeting session and to discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom the public body has jurisdiction; any other personnel matter that affects one or more specific individuals. Ms. Heller asked if anyone objected to the Board entering closed session; no objections were heard. She also stated that any member of the viewing public who objected could submit their objection via email to the Agency. Judge Smalkin then made a motion that the Board enter closed session for the reasons stated above. Ms. Jose 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 10:54 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 10:57 a.m. Present during the closed session were Board members Heller, Smalkin, Witt, Baatz, Jose, Johnson, and Glass. They were joined by Mr. Coleman and Ms. Fuller.

Ms. Heller requested approval of the minutes of the closed session from the May 30, 2024, meeting. There were no corrections or comments. The minutes were unanimously approved.

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 10, 2024. The Board approved that recommendation.

Dr. Glass and Mr. Coleman left the closed session at 11:15 a.m. The Board then performed an administrative function. Mr. Witt reported that the HR Committee had reviewed the financial disclosure statements for the Board members. There were no concerns about any of the disclosures.

ADJOURNMENT

The meeting adjourned at 11:19 a.m.

Frederic N. Smalkin

HONORABLE FREDERIC SMALKIN
SECRETARY

Shelley Heller

SHELLEY HELLER
CHAIR

BOARD OF DIRECTORS MEETING MINUTES

July 25, 2024

LOCATION: Headquarters/Video Call

TIME: 9:30 a.m.

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

**DIRECTORS
ABSENT:**

OTHERS PRESENT:	Sean Coleman, Esq. Ellen Frketic, Deputy Director Winsome Condra, Procurement Marni Dolinar, Env. Dredging & Restoration Tim Ford, Environmental Operations Matt Lapinsky, Water/Wastewater Hament Patel, Finance Stephanie Patton, Human Resources	Kanishk Sharma, Administration Melissa Slatnick, Technical & Environmental Services (TES) Pamela Fuller, Board Clerk Jana Leech (video) Casey Powers, IT (video) Pam McGee, Equal Employment Opportunity Officer Christy Fisher, Esq. (Closed session only)
----------------------------	--	--

CALL TO ORDER

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

INSPIRE AWARDS

Ms. Slatnick presented an Inspire Award to Senior Maintenance Supervisor Ryan Zacherl for his efforts to provide the City of Cambridge with a five-year capital improvement plan for every sewage pumping station within the city. The project required him to conduct confined space entry of twenty pumping stations to assess the electrical, mechanical, and structural integrity of system assets.

Mr. Ford presented an Inspire Award to the ECI Co-Generation Plant team of Chad Payne, Charles Coiro, Donald Thomas, Brandon Lowe, Michael Watson, Gerald Taylor, Troy Thomas, and Glenn Webster. They successfully demolished two induced draft fans as part of the ECI Natural Gas Conversion Project, providing expert results at a fraction of the cost and time quoted by a vendor.

ORGANIZATIONAL MEETING

In accordance with the Board Bylaws, the first Board meeting of the fiscal year shall be designated as the Organizational Meeting to consider several matters of business.

After individual consultation with each Board member, Dr. Glass reported that all Board members expressed interest and acceptance in continuing in their current positions and roles, with Ms. Heller as the Board Chair, Judge Smalkin as the Board Secretary, and Mr. Baatz as the Board Treasurer. Mr. Witt made a motion for the officers to remain in their current positions; Ms. Jose seconded the motion. The motion passed unanimously.

The MES enabling statute now allows the Board Secretary to appoint a Deputy Secretary with Board approval. Dr. Glass and Judge Smalkin recommended Ms. Fuller for this role. Ms. Heller made a motion to appoint Ms. Fuller as the Board Deputy Secretary; Mr. Witt seconded. The motion passed unanimously.

All members wished to remain on their current committees, and the committee Chairs have consented to remain in their positions for another year. The Human Resources (HR) Committee consists of Mr. Witt (Chair), Judge Smalkin, Dr. Johnson, Dr. Glass, and Ms. Heller. The Audit Committee consists of Ms. Jose (Chair), Mr. Baatz,

Treasurer Davis, Dr. Glass, and Ms. Heller. Judge Smalkin made a motion to approve the committee assignments; Mr. Baatz seconded. The motion passed unanimously.

The draft 2025 Board meeting schedule was reviewed. There were no questions. Mr. Witt suggested a second HR Committee meeting be scheduled for the fall or winter of 2024-2025. A meeting date will be selected in the near future. Mr. Baatz made a motion to approve the proposed meeting schedule; Judge Smalkin seconded. The motion passed unanimously.

Ms. Heller indicated that the annual required training for the Board will occur after this meeting.

MINUTES

Ms. Heller requested a discussion or motion to approve the minutes from the Board meeting on June 27, 2024. No corrections or objections were noted, and the minutes were unanimously approved.

EXECUTIVE DIRECTOR'S REPORT

The Executive Director and Deputy Director's expense reports for the last month were reviewed. Dr. Glass incurred lodging expenses for the Maryland Municipal League (MML) conference in Ocean City, MD. Ms. Frketic incurred expenses from the MML conference and the Water Environment Federation Member Association Exchange Conference (WEFMAX) in Florida.

Dr. Glass reported on external engagements with governmental and private entities over the last month. There were several site visits last month, including to the Freedom District Wastewater Treatment Facility on June 27 and Dorsey Run Advanced Wastewater Treatment Facility on June 16. The Executive Director or Deputy Director will visit every major site during the next year and will talk to every employee.

Dr. Glass announced that Angie Webb, the Chief of Recycled Products and Marketing, has been appointed as the Co-Chair of the Extended Producer Advisory Council by Secretary McIlwain of the Maryland Department of the Environment.

On July 12, 2024, the MES leadership team held its eighth Strategic Advance meeting. The meeting started with an icebreaker event where four teams attempted to build water towers. Several initiatives will be rolled out to address the "Driver Improvement Training" key performance indicator (KPI). All current employees who operate an MES vehicle will take the "Backing and Parking Lot Strategies Course." All new employees will take the "Driving Passenger Vehicles Course" and complete a ride-around with their supervisor prior to driving any work vehicles.

The MES interns recently completed the safe driver training and cyber-security training.

MES is sad to announce the passing of staff member Sean Ryan after a long illness. Mr. Ryan was the Operations Manager for the Prince George's County Materials Recycling Facility. He will be greatly missed. The Board held a moment of silence.

NEW BUSINESS REPORT

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

MES SERVICES FOR NON-GOVERNMENTAL ENTITIES

The MES statute requires that contracts exceeding \$200,000 with non-governmental entities obtain Board of Public Works (BPW) approval. MES policy requires that those items receive approval from the Board of Directors before being submitted to the BPW. This item is a continuation of services provided by MES to Amazon for the midfield cargo deicing program support and maintenance program for the sewer ejector pit, oil water separator, deicing system, and backflow preventer. This modification is \$211,473. Mr. Witt made a motion to approve the item; Judge Smalkin seconded. The motion passed unanimously.

HUMAN RESOURCES REPORT

Ms. Patton presented the Human Resources (HR) report. As of July 11, 2024, the Agency vacancy rate was 4.13%.

PROCUREMENT ITEMS

Ms. Condra presented Item 1. The procurement is for the purchase of a CAT 930M Wheel Loader for the Midshore I Transfer Station. Carter Machinery Company will provide the equipment at a cost of \$237,953. There is a 0% minority business enterprise (MBE) goal. Mr. Baatz made a motion to approve the item; Dr. Johnson seconded. No members were opposed. The motion passed unanimously with the exception of Ms. Heller, who abstained from the discussion, consideration, and vote.

Ms. Condra presented Item 2. The procurement is a change order with Agri-Services Corp. for \$500,000. It is for leachate hauling and disposal provided to Brown Station Road Sanitary Landfill. There is a 30% MBE goal, and the contractor is currently achieving 63%. Judge Smalkin made a motion to approve the item; Mr. Baatz seconded. No members were opposed. The motion passed unanimously.

Ms. Condra presented Item 3. The procurement is a change order with SCS Engineers for \$671,457.25. It is for Area C infill and infrastructure improvements at the Brown Station Road Sanitary Landfill. There is a 20% MBE goal, and the contractor is currently achieving 12.5%. Once construction activities begin, the MBE work will increase. Dr. Johnson made a motion to approve the item; Mr. Witt seconded. No members were opposed. The motion passed unanimously.

Ms. Condra presented Item 4. The procurement is for underground storage tank removal and above-ground storage tank replacement at the Maryland Military Department Cheltenham Armory. Kalyani Environmental Solutions, LLC will provide the services at a cost of \$238,865.75. There is a 29% MBE goal. Mr. Witt made a motion to approve the item; Judge Smalkin seconded. No members were opposed. The motion passed unanimously.

Ms. Condra presented Item 5. The procurement is a change order with Consolidated Commercial Service, LLC for \$735,000. It is for yard trim and leaf hauling from the Montgomery County Grinding operation to the Yard Trim Composting Facility. There is a 30% MBE goal, and the contractor is currently achieving 25.8%. Dr. Johnson made a 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.

OLD/NEW BUSINESS

Midshore Regional Landfill Amended & Restated Memorandum of Understanding (MOU)

Mr. Coleman and Mr. Ford summarized the agreement's history and terms. The original agreement provided for each county to host a landfill for 20 years. Improvements in solid waste handling have increased the capacity of Midshore II. The Midshore counties have each agreed to allow the Midshore II landfill in Caroline County to remain open for approximately 12 years beyond the original closure date. In exchange, Caroline County will receive a host fee for the extended period. This will be done without raising the tipping fees. All four counties have approved the Amended and Restated MOU. Dr. Johnson moved to approve the MOU; Judge Smalkin seconded. The motion passed unanimously.

The next meeting of the Board is Thursday, August 22, 2024, at 9:30 a.m.

CLOSED SESSION

At 10:23 a.m., in accordance with MD. Code Ann., Gen. Prov. §3-305(b)(1), Ms. Heller stated that the Board intended to enter closed session to approve the minutes of a prior closed-meeting session and to discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom the public body has jurisdiction; and to consult with staff, consultants, or other individuals about pending or potential litigation. Ms. Heller asked if anyone objected to the Board entering closed session; no objections were heard. She also stated that any member of the viewing public who objected could submit their objection via email to the Agency. Judge Smalkin then made a motion that the Board enter closed session for the reasons stated above. Ms. Jose 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 10:24 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 10:27 a.m. Present during the closed session were Board members Heller, Smalkin, Witt, Baatz, Jose, Johnson, and Kille. They were joined by Mr. Coleman, Ms. Fisher, and Ms. Fuller.

Ms. Heller requested approval of the minutes of the closed session from the June 27, 2024, meeting. There were no corrections or comments noted. The minutes were unanimously approved.

Mr. Witt, on behalf of the HR Committee, advised the Board that the Committee had reviewed the performance evaluations prepared for the Executive Director. The Committee recommends to the full Board of Directors a salary increase of 6% for the Executive Director, effective as of July 25, 2024. The Board approved the recommendation.

LEGAL REPORT

Ms. Dolinar joined the meeting at 10:31 a.m. at Mr. Coleman's request.

Ms. Fisher updated the Board on a legal matter concerning the former MES Executive Director.

Mr. Coleman and Ms. Dolinar advised the Board of the recent settlement of a contract dispute.

ADJOURNMENT

The meeting adjourned at 10:39 a.m. Following adjournment, the Board members participated in the annual training required by Section 3-103.4(e) of the Natural Resources Article of the Annotated Code.

Frederic N. Smalkin

HONORABLE FREDERIC SMALKIN
SECRETARY

Shelley Heller

SHELLEY HELLER
CHAIR

BOARD OF DIRECTORS MEETING MINUTES

August 22, 2024

LOCATION: Headquarters/Video Call

TIME: 9:30 a.m.

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

**DIRECTORS
ABSENT:**

OTHERS PRESENT:	Sean Coleman, Esq.	Hament Patel, Finance (video)
	Ellen Frketic, Deputy Director	Stephanie Patton, Human
	Winsome Condra, Procurement	Resources
	Marni Dolinar, Env. Dredging & Restoration	Melissa Slatnick, Technical & Environmental Services (TES)
	Tim Ford, Environmental Operations	Pamela Fuller, Board Clerk
	Matt Lapinsky, Water/Wastewater	Jana Leech (video)
		Casey Powers, IT (video)

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

INSPIRE AWARDS

Ms. Condra presented the Extraordinary Service Inspire award to Parick Moran. Mr. Moran stepped up to monitor and secure the Cox Creek dredged material containment facility to prevent unauthorized access in the spring of 2024. At the same time, he continued overseeing and managing the HVAC systems and building temperatures at the MES headquarters office and providing other building support services.

MINUTES

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

EXECUTIVE DIRECTOR'S REPORT

The Executive Director and Deputy Director's expense reports for the last month were reviewed. Dr. Glass incurred expenses for the Maryland Municipal League (MML) and the Maryland Association of Counties (MACo) conferences in Ocean City, MD. Ms. Frketic incurred expenses from the MML conference and the Chesapeake Tricon.

Dr. Glass reported on external engagements with governmental and private entities over the last month, including a meeting with the one-year-old Department of Service and Civic Innovation. About 57 percent of all FY24 revenues were from State partners. The FY26 Capital budgets are currently being prepared with an enhanced amount of detail being provided.

There were several site visits last month, including to the Friendsville Water Treatment Plant (WTP) and Wastewater Treatment Plant (WWTP), the Frostburg WTP and the Deep Creek WWTP on July 30.

The MACo Summer Conference was last week. The MES booth was positively received. Many business contacts are being followed up on. The Midshore II Landfill Amended and Restated Memorandum of Understanding was approved by all four Midshore Counties. The new

agreement will extend MES' operations at the Midshore II Landfill in Ridgely by 12 years and provides continuous municipal solid waste services to the four counties until 2083.

The 2024 summer internship program has wrapped up for the year. A fellowship program is being developed to sponsor two candidates in the future.

Dr. Glass reviewed the legal framework of the agency. The agency is in the third year of the FY23-FY27 Strategic Plan. The leadership team meets quarterly to review the key performance indicators.

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 June 2024, which remains strong. Labor sales have been steadily increasing across all groups. The goal was 4 percent growth, and actual billable labor increased 9.04 percent. Actual amounts from FY24 vs. FY23 are better than expected and budgeted in all categories. The budget vs. actuals also looks good. Revenues are greater than in the prior year, with much of this passing through to third party vendors. Labor sales are higher than budgeted and overhead expenses are lower than budgeted. Excess funds will be used for BEST payout pool and contingency fund.

Mr. Patel advised that the Targeting Excellence gift card program will be put on hold. Internal Revenue Service (IRS) rules consider gift cards to be cash gifts, and as such are taxable. This would put a burden on the employee and the agency. Alternative reward programs are being investigated.

HUMAN RESOURCES REPORT

Ms. Patton presented the Human Resources (HR) report. As of August 22, 2024, the agency vacancy rate was 3.05 percent. Fall recruitment events are gearing up with the agency scheduled to participate in 10 career fairs in September.

PROCUREMENT ITEMS

Ms. Condra presented Item 1. The procurement is a change order with Voya/Reliastar Life Insurance Company for \$100,000. It is for a two-month extension for the contract for short & long disability and life insurance. There is a 0 percent MBE

goal. Judge Smalkin made the motion to approve the item; Dr. Johnson seconded. No members were opposed. The motion passed unanimously.

Ms. Condra presented Item 2. The procurement is a renewal with Beechfield Landscaping, Inc. for \$65,000. It is for landscaping, mowing and snow removal at MES headquarters. There is a 4 percent MBE goal, and the contractor is currently achieving 9.6percent. Dr. Johnson made the motion to approve the item; Mr. Baatz seconded. No members were opposed. The motion passed unanimously.

Ms. Condra presented Item 3. The procurement is a renewal with Maryland Chemical Co. for \$46,900. It is for the fourth and final year of the contract to provide chemicals to the Freedom District WWTP. There is a 0 percent MBE goal. Mr. Witt made the motion to approve the item; Judge Smalkin seconded. No members were opposed. The motion passed unanimously.

Ms. Condra presented Item 4. The procurement is a renewal with Recyc Systems Inc. for \$89,038. It is for the second renewal year of the contract for trucking and land application service for Maryland Correctional Institution WWTP biosolids. There is a 0 percent MBE goal, however the contract is women owned minority business. Dr. Johnson made the motion to approve the item; Mr. Baatz seconded. No members were opposed. The motion passed unanimously.

Ms. Condra presented Item 5. The procurement is for field data collection and condition assessment of stormwater infrastructure within Drainage Area C East of the Historic Parkville neighborhood in Baltimore County. Rummel, Klepper & Kahl, LLP (RK&K) will provide the services at a cost of \$282,786.94. There is a 29 percent MBE goal. Dr. Johnson made the motion to approve the item; Ms. Jose seconded. No members were opposed. The motion passed unanimously.

Ms. Condra presented Item 6. The procurement is for field data collection and condition assessment of stormwater infrastructure within Drainage Area C West of the Historic Parkville neighborhood in Baltimore County. Rummel, Klepper & Kahl, LLP (RK&K) will provide the services at a cost of \$282,786.94. There is a 29 percent MBE goal. Mr. Witt made the motion to approve the item; Mr. Baatz seconded. No members were opposed. The motion passed unanimously.

Ms. Condra presented Item 7. The procurement is for field data collection and condition assessment of stormwater infrastructure within Drainage Area A West of the Historic Parkville neighborhood in Baltimore County. iDesign Engineering, Inc. will provide the services at a cost of \$348,331.53. There is an 8 percent MBE goal. Judge

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

Ms. Condra presented Item 8. The procurement is for field data collection and condition assessment of stormwater infrastructure within Drainage Area A East of the Historic Parkville neighborhood in Baltimore County. iDesign Engineering, Inc. will provide the services at a cost of \$337,193.80. There is an 16 percent MBE goal. Dr. Johnson made the motion to approve the item; Judge Smalkin seconded. No members were opposed. The motion passed unanimously.

Ms. Condra presented Item 9. The procurement is for operations and maintenance of the Brown Station Road Sanitary Landfill and County Correction Center landfill gas-fueled power plants. Curtis Power Solutions, LLC will provide the services at a cost of \$2,741,740.00. There is a 10 percent MBE goal. Dr. Johnson made the motion to approve the item; Mr. Witt seconded. No members were opposed. The motion passed unanimously.

Ms. Condra presented Item 10. The procurement is for supply and delivery of GreenClean Liquid 5.0 algaecide for control of harmful algal blooms at the Masonville and Cox Creek Dredged Material Containment Facilities. BioSafe Systems will provide the goods at a cost of \$396,000. There is a 0 percent MBE goal. Judge Smalkin made the motion to approve the item; Mr. Baatz seconded. No members were opposed. The motion passed unanimously.

Ms. Condra presented Item 11. The procurement is for the purchase of a 2024 CAT 352-Excavator for the Midshore II Landfill. Carter Machinery Company will provide the equipment at a cost of \$493,136. The old excavator will be traded in. There is a 0 percent 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. Heller who abstained from the discussion, consideration, and vote.

The Board notifications for contracts, purchase orders, amendments, and change orders between \$25,000 and \$200,000 were reviewed.

LEGAL REPORT

Mr. Coleman reported that the agency is beginning the regulatory review process, as required by State law. The agency will review all current regulations for compliance with other current laws and regulations. Any recommended changes to the MES regulations will be presented to the Board for approval at the conclusion of the process.

GROUP UPDATES

Ms. Dolinar presented the recently completed Deep Creek Lake Arrowhead Cove Dredging project. Approximately 11,000 cubic yards of materials was removed from the Cove at a cost of \$1.628 million. This increased the depth of the Cove one to four feet. The material was then used at the Garrett County landfill for landfill cover material. Mr. Witt indicated this was a pilot project, and more cove dredging projects are being explored.

Ms. Slatnick highlighted MES' support of the State Highway Administration's public involvement section. MES employee Jessica Pilarski serves as the Senior Public Involvement Coordinator at SHA. She helps the team develop public involvement plans, identify stakeholders, and conduct public meetings, among other tasks. She also served on two award winning projects.

Mr. Ford discussed the integrated Harford County solid waste services. MES has operated the Harford Waste Disposal Center for the county since 2015. MES also oversees environmental monitoring and reporting at six closed landfills and one active site. MES also monitors landfill gas controls and per- and polyfluoroalkyl substances, to ensure compliance with new Maryland Department of Environment (MDE) regulations.

Mr. Lapinsky reviewed the Maryland Coast Smart Council which was enacted in 2014. The Council examines the impacts of sea level rise. MDE requested MES participate in the workgroup. The purpose is to provide guidance for the application of the Coast Smart application and design guidelines to wastewater improvement projects. The draft report was issued in May 2024.

OLD/NEW BUSINESS

The next meeting of the Board is Thursday, September 26, 2024, at 9:30 a.m.

CLOSED SESSION

At 11:04 a.m., in accordance with MD. Code Ann., Gen. Prov. §3-305(b)(1) and (7), Ms. Heller stated that the Board intended to enter closed session to approve the minutes of a prior closed-meeting session and to discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom the public body has jurisdiction; and to consult with counsel to obtain legal advice. Ms. Heller asked if anyone objected to the Board entering closed session; no objections were heard. She also stated that any member of the viewing public who objected could submit their objection via email to the Agency. Judge Smalkin then made a motion that the Board

enter closed session for the reasons stated above. Mr. Baatz seconded the motion; all members voted in favor of closing the meeting.

Ms. Heller announced that the meeting of the Board of Directors would immediately adjourn following the closed session. The public meeting ended at 11:05 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 were Board members Glass, Heller, Smalkin, Witt, Baatz, Jose, Johnson, and Kille. They were joined by Mr. Coleman, Ms. Frketic, and Ms. Fuller.

Ms. Heller requested approval of the minutes of the closed session from the July 25, 2024, meeting. There were no corrections or comments noted. The minutes were unanimously approved.

The Board consulted with Mr. Coleman regarding correspondence it had recently received from a former employee.

ADJOURNMENT

The meeting adjourned at 11:25 a.m.



HONORABLE FREDERIC SMALKIN
SECRETARY



SHELLEY HELLER
CHAIR

BOARD OF DIRECTORS MEETING MINUTES

September 26, 2024

LOCATION: Headquarters/Video Call

TIME: 9:30 a.m.

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

**DIRECTORS
ABSENT:**

OTHERS PRESENT:	Sean Coleman, Esq. Ellen Frketic, Deputy Director Winsome Condra, Procurement Marni Dolinar, Env. Dredging & Restoration Melissa Filiaggi, Environmental Operations Matt Lapinsky, Water/Wastewater Hament Patel, Finance Stephanie Patton, Human Resources	Melissa Slatnick, Technical & Environmental Services (TES) Kanishk Sharma, Administration Pamela Fuller, Board Clerk Jana Leech (video) Casey Powers, IT (video) Sean Kelley, TES
----------------------------	---	---

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

INSPIRE AWARDS

Mr. Patel presented the Extraordinary Service Inspire Award to Donita Strand, Jennifer Helmick, and Katherine Tessier for their exceptional performance and dedication during an extended critical period in the Accounts Payable department when there were multiple vacancies lasting several months.

MINUTES

Ms. Heller requested a discussion or motion to approve the minutes from the Board meeting on August 22, 2024. No corrections or objections were noted, and the minutes were unanimously approved.

EXECUTIVE DIRECTOR'S REPORT

The Executive Director and Deputy Director's expense reports for the last month were reviewed. Dr. Glass incurred expenses for the Maryland Association of Counties (MACo) Conference in Ocean City, MD, the Chesapeake Tri-Association Conference (TriCon) in Ocean City, MD, and airfare for the Water Environment Federation's (WEF) upcoming Technical Exhibition and Conference (WEFTEC) in October. Ms. Frketic incurred expenses from Chesapeake TriCon.

Dr. Glass reported on external engagements with governmental and private entities over the last month, including meetings with Harford County and Anne Arundel County.

There were several site visits last month, including to the Masonville Cove Dredged Material Containment Facility (DMCF), Scarboro Road Landfill in Harford County, the Paul S. Sarbanes Ecosystem Restoration Project at Poplar Island, Cheltenham Wastewater Treatment Plant (WWTP), and ECI Co-Generation Facility and WWTP. Dr. Glass also toured the Cheltenham WWTP with students from the Howard University chapter of the American Society of Civil Engineers.

Ms. Jose arrived at 9:49 a.m.

Dr. Glass advised that the agency use caution as economic conditions change. With the reduction in interest rates by the Federal Reserve and State budget cuts, the agency's current rate of growth is not sustainable. Much of MES' work is mandated by legislation and regulation, but

capital projects and ancillary environmental projects may be canceled or delayed. Nothing has happened yet, but everyone should remain vigilant and start preparing for potential budget cuts from some agency clients.

Dr. Glass reviewed his list of long-term projects that he will be focusing on in the coming months. This includes completion of the Northeast Waste Disposal Authority (NWDA) report, completion of agreements with State partners for water and wastewater operations, and an asset management program for the Water and Wastewater group.

Dr. Glass reported that Ms. Condra will serve in a dual role as the Chief of Procurement and the Chief of Internal Audits (IA) for the foreseeable future. She has presented an independence and objectivity action plan to maintain a separation of duties.

The Chesapeake Tri-Association Conference was held earlier this month in Ocean City, MD. Mark Kaiser, MES's Regional Supervisor of the western region, won the WEF's Hatfield Award for outstanding performance and professionalism in the operation of a wastewater treatment plant. MES headquarters won second place in the Chesapeake American Water Works Association's Water Taste Test Content. The Deep Creek WWTP won the Chesapeake Water Environment Association's Residuals and Biosolids Beauty Content (Class B). The MES Operations Challenge team, Motley Poo, placed second among the competing regional teams and will go on to compete nationally in Division III at WEFTEC in New Orleans this October.

Dr. Glass was named a Most Admired CEO by *The Daily Record*. He thanked the Board for their nomination and relayed that this award is shared by all of MES.

Dr. Glass announced the upcoming retirement of Mr. Coleman and thanked him for his years of service and extraordinary contributions to the agency. Mr. Coleman was presented with a Governor's Citation and the MES appreciation award. The MES headquarters walking path next to the solar array will be dedicated in his honor with a tree and plaque. A time capsule containing a pair of his used walking shoes will be embedded in an appropriate monument along the trail. Mr. Coleman thanked Chair Heller, Dr. Glass, the other members of the Board, and the staff at MES for the awards. He announced that this was the 433rd meeting of the Board he had attended as its counsel, and he complimented the Board members on the great work they have done since the MES Reform Act was adopted. Mr. Coleman also praised the exceptional work and support of Pam Fuller, Priscilla Carroll, Eric Hartlaub, and Christy Fisher.

NEW BUSINESS REPORT

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

RESOLUTION 2024-09-1R

Mr. Patel presented Resolution 2024-09-1R authorizing the agency to close certain offices and facilities of the service on Friday, November 20, 2024. By law, most State offices

and agencies are closed on this day. This extra holiday has been extended to MES employees by resolution for the last 18 years. Ms. Kille asked if the Board could make this a permanent holiday. Mr. Coleman indicated that the Board could make it ongoing by Resolution or a change to its regulations. It has traditionally been approved year-to-year in case current financial conditions do not allow for the extra paid day off. Ms. Jose made a motion to approve the resolution; Dr. Johnson seconded. The motion passed unanimously. Employees required to work that day due to site requirements will be granted eight hours of holiday leave to use on a future date.

PROCUREMENT ITEMS

Ms. Condra presented Item 1. The procurement is for electric vehicle charging infrastructure at MES headquarters. Blue Whale EV, LLC will provide the services at a cost of \$532,757.35. There is a 14% minority business enterprise (MBE) goal. Several questions were addressed. Though not the lowest bidder, Blue Whale had the better technical score. It is unclear what accounts for the large variance between prices. There is a wide delta in pricing across the State. Mr. Baatz made a motion to approve the item; Ms. Kille seconded. No members were opposed. The motion passed unanimously.

Ms. Condra presented Item 2. The procurement is for flare and gas collection and control system upgrade design at the Brown Station Road Landfill. Stearns, Conrad & Schmidt Consulting Engineers, Inc. (aka SCS Engineers) will provide the services at a cost of \$420,000. There is a 20% MBE goal. Ms. Jose made a motion to approve the item; Judge Smalkin seconded. No members were opposed. The motion passed unanimously.

Ms. Condra presented Item 3. The procurement is for water treatment plant upgrades and water tower replacement at Sandy Point State Park. CPP Construction, Inc. will provide the work at a cost of \$6,434,000. There is a 12% MBE goal. Mr. Witt made a motion to approve the item; Ms. Kille seconded. No members were opposed. The motion passed unanimously.

Ms. Condra presented Item 4. The procurement is for the purchase of a John Deere 200 G Excavator for the Prince George's County Organics Composting Facility. Jesco will provide the equipment at a cost of \$281,015. There is a 0% MBE goal. Mr. Baatz made a motion to approve the item; Dr. Johnson seconded. No members were opposed. The motion passed unanimously.

Ms. Condra presented Item 5. The procurement is a pre-solicitation approval for \$318,000 for brush grinding services at the Midshore I and II Landfills. There is a 0% MBE goal. Mr. Witt made a motion to approve the item; Judge Smalkin seconded. No members were opposed. The motion passed unanimously with the exception of Ms. Heller, who abstained from the discussion, consideration, and vote.

Ms. Condra presented Item 6. The procurement is to purchase six Ford F-450 stake body trucks for Montgomery County operations. Apple Ford will provide the trucks at a total cost of \$510,053.40. There is a 0% MBE goal. Dr. Johnson made the motion to approve the item; Judge Smalkin seconded. No members were opposed. The motion passed unanimously.

Ms. Condra presented Item 7. The procurement is a change order with W.M. Schlosser Co., Inc. for \$472,500. It is for installation of equipment and extension of utility equipment rental for the ECI Cogeneration Plant boiler fuel conversion. There is a 17% MBE goal, and the contractor is currently achieving 19.35%. Several questions were addressed regarding change order negotiations. It is hoped that no further time extensions will be necessary. Mr. Baatz made a motion to approve the item; Ms. Kille seconded. No members were opposed. The motion passed unanimously.

Ms. Condra presented Item 8. The procurement is a change order with Colossal Contractors, Inc. for \$1,651,431.98. It is for labor services provided to the Montgomery County Recycling Center. There is a 30% MBE goal, and the contractor is currently achieving 43.5%. Judge Smalkin made a motion to approve the item; Dr. Johnson seconded. No members were opposed. The motion passed unanimously.

Ms. Condra presented Item 9. The procurement is a contract renewal with Helicopter Applicators, Inc. for \$258,354. It is for aerial application of herbicide at Hart Miller Island and Poplar Island. There is a 0% MBE goal. Mr. Baatz made a motion to approve the item; Mr. Witt seconded. No members were opposed. The motion passed unanimously.

Ms. Condra presented Item 10. The procurement is a contract renewal with Mobile Dredging and Video Pipe, Inc. for \$275,000. It is for rental equipment and services for storm draining cleaning, inspection and repair, and laser profile scanning at Dundalk Marine Terminal and Hawkins Point Landfill. There is a 6% MBE goal, and the contractor is currently achieving 4.88%. Dr. Johnson made the motion to approve the item; Ms. Jose 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.

BEST FY24 UPDATE – FINAL

Ms. Frketic presented the FY24 Building Excellence and Success Together (BEST) Goals final report. All six goals were fully completed.

FINANCIAL REPORT

Mr. Patel reported on the agency's preliminary financial performance as of August 2024. Two months into the new fiscal year, the labor sales are not meeting budgeted projections across all groups. The goal was 4% growth. Billable labor will need to increase. At this point last

year, there were a large number of unfilled overhead positions. Those positions have now been filled. Interest income is also going back down. Labor sales are expected to increase over time and balance out over the course of the next few months.

Ms. Heller and Mr. Baatz both left the meeting at 11:00 a.m.

Dr. Glass pointed out that the agency met its five-year growth goal within two years. This rapid growth coming out of the Covid era is not sustainable. Many MES clients are under financial pressures.

HUMAN RESOURCES REPORT

Ms. Patton presented the Human Resources (HR) report. As of September 12, 2024, the agency vacancy rate was 2.55%. Fall recruitment events are gearing up, with the agency participating in 10 career fairs in September and scheduled to participate in 16 in October. MES is also working on an agreement with Anne Arundel County to sponsor high school students in mechanical or electrician apprenticeships.

Ms. Patton also presented the 2024 Bolton Classification and Compensation Study. The study made recommendations in five areas:

- Job analysis and documentation
- Compensation philosophy
- Base pay structures
- Actual pay alignment
- Base pay delivery

Most of these recommendations are already being considered or completed. Ms. Jose suggested the Board HR Committee review the study more thoroughly and come back to the Board with action items.

LEGAL REPORT

Mr. Coleman reported that this will be his last MES Board meeting as Principal Counsel. The process for selecting a new Principal Counsel is being conducted by the Attorney General's office. They are currently conducting second round interviews, and the Attorney General should be deciding soon on Mr. Coleman's successor. Mr. Coleman assured the Board he will work closely with his successor to ensure a smooth transition.

GROUP UPDATES

Sean Kelley, Associate Engineer in TES, discussed the Solar Landfill Study being conducted in partnership with Maryland Energy Administration. The study identifies landfills throughout the State that might be suitable for solar installations.

Ms. Filiaggi, Division Chief in Environmental Operations, discussed the Durable Medical Equipment Re-Use program operated by MES for the Maryland Department of Aging. So far, the program has restored and recycled 421,328 cubic feet of equipment.

Mr. Lapinsky discussed the agency's implementation of an Asset Management program for water and wastewater projects. The Maintenance Connection platform is being studied to assess its capabilities in managing all assets at every water and wastewater project.

Ms. Dolinar discussed the Long-Range Dredged Material Capacity Planning Report prepared by MES for the Maryland Port Administration. The 2024 report is scheduled to be completed in October.

OLD/NEW BUSINESS

The next meeting of the Board is Thursday, October 31, 2024, at 9:30 a.m. The Audit Committee will meet on Thursday, October 24, 2024, at 9:30 a.m.

ADJOURNMENT

The meeting adjourned at 11:35 a.m.



HONORABLE FREDERIC SMALKIN
SECRETARY



SHELLEY HELLER
CHAIR



Wes Moore GOVERNOR

Aruna Miller LT. GOVERNOR

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

BOARD OF DIRECTORS AUDIT COMMITTEE MEETING MINUTES

October 24, 2024

LOCATION: Video Call

TIME: 3:00 p.m.

COMMITTEE

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

COMMITTEE

MEMBERS ABSENT: Dereck E. Davis, State Treasurer (video)

OTHERS PRESENT: James Johnson, Jr., Ph.D., P.E. Winsome Condra
Priscilla Carroll, Esq. Casey Powers (video)
Ellen Frketic Valerie Colimon, RSM (video)
Pamela Fuller Madison Palin, RSM (video)
Hament Patel

CALL TO ORDER

Ms. Jose called the meeting to order at 9:47 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. Jose requested discussion or a motion for the approval of the minutes of the Audit Committee meeting of May 23, 2024. No corrections or objections were noted, and the minutes were unanimously approved.

RSM FY24 AUDIT

Ms. Colimon and Ms. Palin presented the FY24 Financial Audit to the Audit Committee. RSM will be issuing a clean, unmodified opinion by the end of the month. There were no significant changes to the planned audit strategy presented in May 2024. They noted no significant deviations from accounting policies and no unusual transactions.

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. The audit was conducted in accordance with standard government auditing standards. The final report will be done by October 31, 2024.

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

Questions were addressed regarding the OPEB figures. Mr. Patel indicated the OPEB amounts are dependent on the number of retirees and their years of service. Also the market contributes to yearly fluctuations.

Ms. Colimon and Ms. Palin left the meeting at approximately 10:11 a.m.

Mr. Patel indicated that MES utilizes PNC, an outside investment advisor. They handle the investment allocations, based on how much MES has available to invest. Last year was a good year for returns.

OLD/NEW BUSINESS

The next Audit Committee meeting is scheduled for Thursday, May 22, 2025, at 9:30 a.m.

ADJOURNMENT

The meeting adjourned at 10:13 am.



**MOALIE JOSE
CHAIR, AUDIT COMMITTEE**

BOARD OF DIRECTORS MEETING MINUTES

October 31, 2024

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. (video)
James Johnson Jr., Ph.D., P.E. (video)
Joanna Kille for Dereck Davis (video)
Charles Glass, Ph.D., P.E.

**DIRECTORS
ABSENT:**

OTHERS PRESENT:	Priscilla N. Carroll, Esq. Ellen Frketic, Deputy Director Winsome Condra, Procurement Marni Dolinar, Env. Dredging & Restoration (EDR) Tim Ford, Environmental Operations (EO) Ramona Jones, Human Resources Matt Lapinsky, Water/Wastewater Hament Patel, Finance Kanishk Sharma, Administration Melissa Slatnick, Technical & Environmental Services (TES)	Pamela Fuller, Board Clerk Jana Leech (video) Casey Powers, IT (video) Matias Orrego, EDR Eric Frase, Env. Ops Donald Ireland, EO Chelsie Bateman, EDR Valerie Colimon, RSM
----------------------------	--	--

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

INSPIRE AWARDS

Ms. Dolinar presented the Extraordinary Service Inspire Award to Chelsie Bateman, Environmental Specialist at Cox Creek Dredged Material Containment Facility, for her outstanding efforts to rescue geese stuck in mud at the site.

Mr. Ford presented the Extraordinary Service Inspire Award to Donald Ireland, Operations Manager for the Statewide Used Oil Program, for his exceptional customer service in going out of his way to help a visiting boat owner properly dispose of their used antifreeze.

RSM FY24 AUDIT REPORT

Ms. Colimon presented an executive summary of RSM's FY24 Financial Audit to the Board. A full briefing was delivered to the Audit Committee on October 24, 2024. RSM has issued a clean, unmodified opinion. There were no significant changes to the planned audit strategy presented in August 2024. 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. The audit was completed before the October 31, 2024, due date.

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

MINUTES

Ms. Heller requested a discussion or motion to approve the minutes from the Board meeting on September 26, 2024. No corrections or objections were noted, and the minutes were unanimously approved.

EXECUTIVE DIRECTOR'S REPORT

The Executive Director and Deputy Director's expense reports for the last month were reviewed. Dr. Glass incurred minimal travel expenses for a field visit to Masonville Cove. Ms. Frketic incurred several expenses related to her trip to the Chesapeake Tri-Association Conference (TriCon) in Ocean City, MD. They will both have expenses related to their trip to the Water Environment Federation's Technical Exhibition and Conference (WEFTEC) in October.

Dr. Glass reported on external engagements with governmental and private entities over the last month, including meetings with Bowie State University and the University of Maryland Center for Environmental Justice and Health. A draft proposal for water probe technology has been submitted to SAS.

There were several site visits in the last month, including to the Montgomery County Yard Trim and Composting Facility and the Materials Recovery Facility and grinding lot, where Dr. Glass visited with drivers who pick up trash from Montgomery Bus stops and food waste from commercial facilities. Dr. Glass also attended the Swan Creek Nature Trail groundbreaking ceremony at the Cox Creek Dredged Material Containment Facility.

The quarterly Strategic Advance meeting was held on October 11, 2024.

Ms. Kille temporarily left the meeting at 10:00 a.m.

Dr. Glass, Deputy Frketic, and the MES operations team “Motley Poo” were in New Orleans for the WEFTEC conference earlier this month. There were long lines for all of the sessions related to per- and polyfluoroalkyl substances (PFAS), demonstrating the large challenge and interest across the country in managing PFAS. Motley Poo competed and scored well at the conference for it being their first time back at the operations challenge international level.

A “Lunch and Learn” event was held on October 17 on the topic of emotional intelligence.

Dr. Glass reviewed the list of long-term projects he will focus on in the coming months. This includes completing agreements with State partners for water and wastewater operations, water/wastewater operator in training (OIT) recruitment, launching a mentoring program, and organizing the internship program and a new fellowship program.

Dr. Glass congratulated Priscilla Carroll on her appointment as the Principal Counsel for MES. She will replace Sean Coleman, who recently retired.

Ms. Jose asked Dr. Glass to update the Board at a future date on the Maryland Department of the Environment’s (MDE) draft plan for PFAS, which mentioned the Darlington Water plant owned by MES.

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 September 2024. Revenue labor is higher than last year. However, the revenue labor was aggressively

budgeted to be 5% higher, so the overall numbers are lower than budgeted. Normal growth would have been a 4% increase. This fiscal year's labor sales are 3.13% higher than FY24. Billable hours are higher, but so are overhead expenses.

BEST FY24 – FINAL

Last month, Ms. Frketic presented the FY24 Building Excellence and Success Together (BEST) Goals final report. All six goals were fully completed.

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 FY24 is \$6,710,602. MES is proposing to allocate \$674,000 of the pool to contingency funds, and the remaining \$6,710,602 of the pool to the BEST payout. The agency proposes to allocate 60.28% (\$3,613,500) of this pool to the BEST payout, which would result in a \$5,500 payment to every eligible employee. The agency is further proposing to allocate 35.97% (\$2,156,500) of the pool to the BEST Plus incentive, and 3.75% (\$224,821) to the Executive Incentive. BEST payments would be made on November 25. BEST Plus and Executive Incentive payments would be made November 26.

Ms. Jose inquired if the BEST and BEST Plus caps (maximum of 15% of salary) would negatively impact any employees. Mr. Patel and Dr. Glass explained they did not think that would be the case but would review individual cases and adjust if necessary, especially for staff on the lower end of the salary scales.

Ms. Heller asked for a motion to approve the FY24 BEST proposal as presented. Mr. Baatz made a motion to approve the proposal; Dr. Johnson seconded. The motion passed unanimously.

HUMAN RESOURCES REPORT

Ms. Jones presented the Human Resources (HR) report. As of October 17, 2024, the agency vacancy rate was 3.9%. Fall recruitment events are ongoing, with the agency participating in 10 career fairs in October and scheduled to attend four in November.

Ms. Jones also reported that HR is conducting an in-depth comparison of mid-grade management positions with mid-level market rates and conducting a comprehensive fiscal impact analysis. They are also working to ensure that job descriptions are current and up to date.

A fellowship program is being developed for environmental specialist and engineering positions. This full-time program would allow participants to rotate through the various departments at the agency, with the intent of hiring them in some capacity by the conclusion of the fellowship.

INSPIRE AWARDS PROGRAM GUIDELINES

Ms. Frketic introduced updated guidelines for the Inspire Award program. These updates are designed to provide clear guidance on the program, expand the categories for awards, and provide a clear process and scale for awards.

Ms. Kille rejoined the meeting at 10:33 a.m.

Ms. Jose asked if budgetary concerns were the reason for reducing the maximum award amount from \$2,500 to \$1,500. Ms. Frketic explained it was so they could provide awards to more people per year. There is also a cap on the number of times an employee can receive an award within a given year, absent exceptional circumstances. Ms. Heller asked if there was a motion to accept the guidelines. Ms. Jose would like to see the cap increased to \$2,000, as an amendment. Ms. Jose made a motion to approve the guidelines, as amended, to provide a cap of \$2,000 per award rather than \$1,500. Mr. Witt seconded the motion. The motion passed unanimously.

PROCUREMENT ITEMS

Ms. Condra presented Item 1. The procurement is for 12 new trucks for the fleet. Apple Ford or Sport Chevrolet will provide the vehicles at a cost of \$600,000. There is a 0% minority business enterprise (MBE) goal. Mr. Witt made a motion to approve the item; Ms. Jose seconded. No members were opposed. The motion passed unanimously.

Ms. Condra presented Item 2. The procurement is to purchase two 12-inch dewatering pumps for the Cox Creek Dredged Material Containment Facility. Xylem Dewater Solutions, Inc. will provide the pumps at a cost of \$215,180.20. There is a 0% MBE goal. Dr. Johnson made a motion to approve the item; Judge Smalkin seconded. No members were opposed. The motion passed unanimously.

Ms. Condra presented Item 3. The procurement is to purchase a John Deere wheel loader for the Prince George's County Organics Composting Facility. Jesco will provide the equipment at a cost of \$473,385. There is a 0% MBE goal. Mr. Witt made a motion to approve the item; Mr. Baatz seconded. No members were opposed. The motion passed unanimously.

Ms. Condra presented Item 4. The procurement is to purchase a 2024 Peterbilt front loader. Maryland Industrial Truck will provide the truck at a cost of \$415,540.09. There is a 0% MBE goal. Ms. Kille made a 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 and vote.

Ms. Condra presented Item 5. The procurement is for purchase of replacement screens for the Prince George's County Materials Recycling Facility. Van Dyk Baler Corp will provide the parts at a cost of \$2,475,597.23. There is a 0% MBE goal. Mr. Baatz made a 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.

LEGAL REPORT

Ms. Carroll will present her first legal report in closed session. She reported the process of selecting a new Assistant Attorney General to backfill her prior position has begun.

GROUP UPDATES

Mr. Ford introduced Mr. Frase, manager of the Midshore landfills, to discuss the Solid Waste Association of North America (SWANA) Road-E-O competitions. The Mid-Atlantic competition was held at the Midshore II Landfill this spring. Several MES employees placed high enough to compete at the International Road-E-O in Georgia in October. MES operators performed very well in these final competitions. Bruce Carroll placed first in the Articulated Truck division, Dakota Towers placed second in Articulated Loader, Anthony Roe placed second in Landfill Compactor, Logan Milby placed third in Landfill Compactor, and Kerry Davis placed in the top 16 in Roll-Off. While in Georgia, MES operators also donated their time and skills before the competition to help with hurricane cleanup efforts in the area.

Mr. Lapinsky discussed the Rocky Gap Wastewater Treatment Facility membrane upgrades. The plant was upgraded to a membrane bioreactor (MBR) system in 2018. In 2023, the polymeric membranes still under warranty with Ovivo were upgraded to a new type of silicon carbide (SiC) ceramic membrane. Performance at the plant has drastically improved.

Mr. Orrego, Senior Environmental Specialist, discussed the Environmental Education and Outreach Program run by MES for the Maryland Port Administration (MPA) at Masonville Cove in Baltimore. The program aims to support community connection and cultivate stewardship and community science. Initiatives such as Youth Birding Week, Black Birders Week, Latino/a/e Conservation Day, and Urban Wildlife Restoration Day draw hundreds of community participants.

Ms. Slatnick discussed recently installed solar projects at Maryland State Parks. MES used an \$880,000 grant from the Maryland Energy Administration (MEA) Public Facility Solar Grant Program to research and install solar arrays at 15 sites/buildings across five Maryland parks. The solar projects are sized to supply energy for each park.

OLD/NEW BUSINESS

The next meeting of the Board is Thursday, November 21, 2024, at 9:30 a.m.

CLOSED SESSION

At 11:21 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 consult with staff, consultants, or other individuals about pending or potential litigation. Ms. Heller asked if anyone objected to the Board entering closed session; no objections were heard. She also stated that any member of the viewing public who objected could submit their objection via email to the agency. Dr. Johnson then made a motion that the Board enter closed session for the reasons stated above. Ms. Kille seconded the motion; all members voted in favor of closing the meeting.

Ms. Heller announced that the meeting of the Board of Directors would immediately adjourn following the closed session. The public meeting ended at 11:22 a.m. Staff not required for the closed session left the meeting room and Zoom session.

Ms. Heller called the meeting of the closed session of the Board to order at 11:25 a.m. Present during the closed session were Board members Glass, Heller, Smalkin, Witt, Baatz, Jose, Johnson, and Kille. They were joined by Ms. Carroll, Ms. Frketic, Mr. Hartlaub, Mr. Lapinsky, and Ms. Fuller.

Ms. Heller requested approval of the minutes of the closed session from the August 22, 2024, meeting. There were no corrections or comments noted. The minutes were unanimously approved.

Ms. Carroll and Mr. Hartlaub briefed the Board on several matters of pending and potential litigation. The Board voted unanimously to grant the agency settlement authority in one matter.

ADJOURNMENT

The meeting adjourned at 12:08 p.m.

Frederic N. Smalkin

HONORABLE FREDERIC SMALKIN
SECRETARY

Shelley Heller

SHELLEY HELLER
CHAIR

BOARD OF DIRECTORS MEETING MINUTES

November 21, 2024

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. (video)
James H. Johnson Jr., Ph.D., P.E. (video)
Joanna Kille for Dereck Davis (video)
Charles Glass, Ph.D., P.E.

**DIRECTORS
ABSENT:**

OTHERS PRESENT:	Priscilla N. Carroll, Esq. Ellen Frketic, Deputy Director Winsome Condra, Procurement Marni Dolinar, Env. Dredging & Restoration (EDR) Tim Ford, Environmental Operations (EO) Ramona Jones, Human Resources Matt Lapinsky, Water/Wastewater Hament Patel, Finance Kanishk Sharma, Administration Melissa Slatnick, Technical & Environmental Services (TES)	Pamela Fuller, Board Clerk Jana Leech (video) Casey Powers, IT (video) Sam Grimard (TES) Todd Boulden (WWW)
----------------------------	--	---

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

INSPIRE AWARDS

Ms. Dolinar presented the Extraordinary Service Inspire Award to Mackenzie Miller, Claire Spears, Dallas Henson, Tim Carney, Clara Liddell, and Ginny Jeppi for their efforts in planning and executing the Cox Creek Open House on October 19, 2024.

MINUTES

Ms. Heller requested a discussion or motion to approve the minutes from the Board meeting on October 31, 2024. No corrections or objections were noted, and the minutes were unanimously approved.

EXECUTIVE DIRECTOR'S REPORT

The Executive Director and Deputy Director's expense reports for the last month were reviewed. They both incurred travel expenses for the Water Environment Federation's Technical Exhibition and Conference (WEFTEC) in New Orleans. Part of Ms. Frketic's hotel cost was reimbursed by the Chesapeake Water Environment Association (CWEA). They also both had expenses related to lunches with Division Chief candidates.

Dr. Glass reported on external engagements with governmental and private entities over the last month, including meetings with Blink and the Latin American Youth Center.

Another 50 managers and supervisors graduated from the Manager & Supervisor Training Course on November 12. Ms. Heller was the keynote speaker at the graduation. MES will hold classes for a new cohort in the spring.

The new MES Employee Assistance Program (EAP) launched this month. The EAP provides free, confidential aid to help staff with personal or professional issues that may affect their daily responsibilities.

The internal Mentoring Program also launched this month. Inspired by an employee's suggestion, the program is designed to create structured learning relationships to support employee growth, enhance workplace culture, and build leadership skills.

MES supported Veterans Day by participating in Project Green Light, lighting the Headquarters building green. In addition, the agency presented challenge coins to military veterans on staff and continued outreach at Fort Meade.

Regional Supervisor Todd Boulden led a “lunch and learn” on the daily tasks of water/wastewater operators on November 18. Dr. Glass led a stretching and mobility wellness event on November 19.

Dr. Glass reviewed the long-term projects he will focus on in the coming months. These include completing agreements with State partners for water and wastewater operations, enhanced recruiting for Operators in Training at regional Vo-Tech schools, and creating a comprehensive services document for potential new clients.

An update on per- and polyfluoroalkyl substances (PFAS) is being prepared for the January Board meeting.

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 2024. Billable labor is higher than last year. The billable labor was aggressively budgeted to be 5% higher, so the overall amounts are lower than budgeted. Normal growth would have been a 4% increase. This fiscal year’s labor sales are 2.52% higher than FY24. Billable hours are higher, but so are overhead expenses. Revenue is higher, with much of it passing through to third-party vendors. The biggest savings are being seen in budgeted overhead expenses.

HUMAN RESOURCES REPORT

Ms. Jones presented the Human Resources (HR) report. As of November 7, 2024, the agency vacancy rate was 3.9%. Fall recruitment events are ongoing, with the agency participating in 12 career fairs in November and scheduled to attend one in December.

PROCUREMENT ITEMS

Ms. Condra presented Item 1. The procurement is a change order with South Atlantic Marine Services Inc. for \$34,300. It is for additional hydrated lime for various facilities in Anne Arundel, Carroll, and Washington Counties. There is a 0% minority business enterprise (MBE) goal. Ms. Kille made a motion to approve the item; Dr. Johnson seconded. No members were opposed. The motion passed unanimously.

Ms. Condra presented Item 2. The procurement is a change order with United Rental (North America), Inc. for \$65,000. It is for equipment rental for hazardous material management at Dundalk Marine Terminal and Hawkins Point Landfill. There is a 0% MBE goal. Mr. Baatz made a motion to approve the item; Mr. Witt seconded. No members were opposed. The motion passed unanimously.

Ms. Condra presented Item 3. The procurement is a contract renewal with Gahagan & Bryant Associates, Inc. for \$2,000,000. It is for the option year 1 renewal for engineering and environmental services in support of the Maryland Port Administration's (MPA) Dredged Material Management Program (DMMP). There is a 29% MBE goal, and participation to date is 27%. This is a task-based contract. Renewal is being requested now as tasks are being added to commit funds for work that will happen in the next few years. Mr. Witt made a motion to approve the item; Judge Smalkin seconded. No members were opposed. The motion passed unanimously.

Ms. Condra presented Item 4. The procurement is a change order with Allen Myers MD, Inc. for \$243,029.88. It is for additional time and materials associated with added work to relocate a well prior to the construction of Cell C-1 at the Brown Station Landfill. There is a 29% MBE goal. The contractor is currently achieving 12%, but MBE participation is expected to increase once the actual construction phase begins. Mr. Witt made a motion to approve the item; Mr. Baatz seconded. No members were opposed. The motion passed unanimously.

Ms. Condra presented Item 5. The procurement is the third contract renewal with Colossal Contractors, Inc. for \$3,303,162.22. It is for continued general and skilled labor provided to the Montgomery County Recycling Center. There is a 30% MBE goal, and the contractor is currently achieving 42.6%. Mr. Baatz made a motion to approve the item; Dr. Johnson seconded. No members were opposed. The motion passed unanimously.

Ms. Condra presented Item 6. The procurement is a contract renewal with Maryland Chemical Company for \$113,960 for the purchase of Delpac 2000 for the Brown Station Landfill Pretreatment Facility. There is a 0% MBE goal. Mr. Witt made a motion to approve the item; Judge Smalkin seconded. No members were opposed. The motion passed unanimously.

Ms. Condra presented Item 7. The procurement is a pre-solicitation approval for \$4,000,000 for as-needed stormwater management and remediation services for State Highway Administration (SHA) metropolitan districts. The contract has an initial three-year term for \$2,000,000, with two possible optional renewal years at 1,000,000 each for a total of \$4,000,000. Up to two contractors may be awarded, resulting in two separate \$4,000,000 contracts. There is a 29% MBE goal. Dr. Johnson made a 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

Ms. Carroll reported on the process of selecting a new Assistant Attorney General to backfill her prior position.

GROUP UPDATES

Mr. Boulden presented an overview of the day in the life of a water/wastewater operator. An operator needs technical, analytical, communication, and time management skills. Mr. Boulden will deliver this presentation at a local school later today, November 21.

Ms. Dolinar discussed the Cox Creek Dredged Material Containment Facility (DMCF) Open House, which was held October 19, 2024. Many partnering agencies took part. Over 210 participants visited the numerous educational stations, including “touch a truck” and fishing. The Swan Creek Nature Trail groundbreaking ceremony was also held during the Open House.

Mr. Grimard discussed the recycling assistance provided by MES at the Baltimore Washington International (BWI) Thurgood Marshall Airport. Services include food residual collection, recycling coordination, grease management, and regulatory tracking.

Mr. Ford presented on the Baltimore County Food Waste Composting Pilot Project. The one-year pilot will conclude at the end of 2024. It has gone very well, and the county has requested a further one-year project extension.

OLD/NEW BUSINESS

The next meeting of the Board is Thursday, December 19, 2024, at 9:30 a.m.

ADJOURNMENT

The meeting adjourned at 10:40 a.m.



HONORABLE FREDERIC SMALKIN
SECRETARY



SHELLEY HELLER
CHAIR

BOARD OF DIRECTORS MEETING MINUTES

December 19, 2024

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 H. Johnson Jr., Ph.D., P.E.
Joanna Kille for Dereck Davis (video)
Charles Glass, Ph.D., P.E.

**DIRECTORS
ABSENT:** None

OTHERS PRESENT:	Priscilla N. Carroll, Esq.	Hament Patel, Finance
	Ellen Frketic, Deputy Director	Kanishk Sharma, Administration
	Winsome Condra, Procurement	Melissa Slatnick, Technical &
	Marni Dolinar, Env. Dredging & Restoration (EDR)	Environmental Services (TES)
	Tim Ford, Environmental Operations (EO)	Pamela Fuller, Board Clerk
	Ramona Jones, Human Resources	Casey Powers, IT (video)
	Matt Lapinsky, Water/Wastewater	Wendy Doring
		Dave Gostomski

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

MINUTES

Ms. Heller requested a discussion or motion to approve the minutes from the Board meeting on November 21, 2024. Dr. Johnson noted one change to his name on page 1. No other corrections or objections were noted. Dr. Johnson made a motion to approve the amended minutes; Judge Smalkin seconded. The minutes passed unanimously.

EXECUTIVE DIRECTOR'S REPORT

The Executive Director's and Deputy Director's expense reports for the last month were reviewed. They both incurred parking expenses for various meetings.

Dr. Glass reported on external engagements with governmental and private entities over the last month, including a meeting at the Latin American Youth Center. The agency has submitted its report on the Northeast Maryland Waste Disposal Authority to the General Assembly, as required.

There were numerous agency events held during the last month. MES celebrated Native American Heritage Month with a showing of *The Electric Indian*, a movie about hockey player Henry Boucha. On December 5, employees volunteered at the Anne Arundel County Food Bank. MES engineer Jeffrey Landis gave a "Lunch & Learn" presentation on December 10 to discuss creating project cost estimates. The agency reached 96% of its contribution goal for the Maryland Charity Campaign. Staff donated to holiday drives benefiting the U.S. Marine Corps Reserve Toys for Tots program and Frisky's Wildlife & Primate Sanctuary.

The agency is sad to announce the passing of long-time employee Lance Fierro. Mr. Fierro was a Senior Operator at the Freedom District Water & Wastewater Facility. He will be greatly missed. The Board held a moment of silence in his honor.

The summer internship program launched last week, and MES has begun receiving applications for this summer's program. The agency also advertised two two-year rotational fellowship positions in the Environmental Sciences and Engineering divisions.

The Baltimore Sun named MES a "Top Workplace to Work" for the third consecutive year. Selection to the list is based on employee surveys.

Dr. Glass reviewed the long-term projects he will focus on in the coming months. This includes completing agreements with State partners for water and wastewater operations as required by the Legislative Audit and the House Committee. Comments on the Compensation Study have been addressed and will be forwarded to the Board.

Dr. Glass commended Board Chair Ms. Heller, who received the LaMonte Cooke County Service Award at the Maryland Association of Counties (MACo) Winter Conference for her work as the Kent County Administrator and Chair of the MACo Administrators' affiliate group.

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 November 2024. Billable labor was aggressively budgeted to be about 5% higher, so the overall amounts are lower than budgeted. Normal growth would have been a 4% increase; this fiscal year's labor sales are 3.9% higher than in FY24. Billable hours are higher, but so are overhead expenses. Overhead recovery is 2.04% greater.

RSM completed its Indirect Cost Rate Audit, which was distributed to the Board. The overhead rate has been reduced by 1.5% for FY26. The biggest beneficiary of this decrease will be the State, as the State makes up 62% of MES' clients. RSM also completed the Single Audit. There were no findings, and as a result, MES qualifies as a low-risk auditee.

Mr. Patel introduced the revised Targeting Excellence Program guidelines. The Board originally approved this program on March 31, 2022. It allowed the agency to hand out Target gift cards to employees doing a good job, incentivizing commendable actions that did not meet the standards required for an Inspire Award. The IRS has since determined that gift cards are considered cash or salary and must be taxed. The revised guidelines propose replacing the gift cards with direct payments to employees' paychecks. The awards will increase from \$25 to \$35 and \$50 to \$70, with MES withholding the taxes. Employees may receive a maximum of \$140 per year. Under the new guidelines, employees will receive the same amount of money, and the agency will incur a minimal increase in costs. Ms. Jose made a motion to approve the revised program; Dr. Johnson seconded. The motion passed unanimously.

HUMAN RESOURCES REPORT

Ms. Jones presented the Human Resources report. As of December 12, 2024, the agency vacancy rate was 4.65%, with 37 open positions. Winter recruitment events are currently being scheduled. MES has been receiving many applications for the summer internship and fellowship positions.

PROCUREMENT ITEMS

Ms. Condra presented Item 1. The procurement is change order # 2 with Mott MacDonald for \$206,616. It is for bidding and construction services for Point Lookout State Park Water and Wastewater System improvements. There is a 17% minority business enterprise (MBE) goal, and the contractor is currently achieving 3.7%. The contractor is currently working under an approved corrective action plan and should be able to achieve the 17% goal. Judge Smalkin made a motion to approve the item; Mr. Baatz seconded. No members were opposed. The motion passed unanimously with the exception of Ms. Jose, who abstained from the discussion, consideration, and vote.

Ms. Condra presented Item 2. The procurement is for maintenance paving at several Prince George's County facilities. Finley Asphalt & Sealing, LLC will provide the services at a cost not to exceed \$1,822,458. There is a 14% MBE goal. Ms. Jose made a motion to approve the item; Judge Smalkin seconded. No members were opposed. The motion passed unanimously.

Ms. Condra presented Item 3. The procurement is for trash compactor preventive maintenance, repair, and replacement at the BWI Airport. Proware Systems, LLC will provide the services at a cost of \$886,500. There is a 3% MBE goal. Mr. Baatz made a motion to approve the item; Dr. Johnson seconded. No members were opposed. The motion passed unanimously.

Ms. Condra presented Item 4. The procurement is for bulkhead repairs at the Poplar Island Environmental Restoration Project. Murtech, Inc. will provide the services at a cost of \$436,353. There is a 13.2% MBE goal. Judge Smalkin made a motion to approve the item; Ms. Jose seconded. No members were opposed. The motion passed unanimously.

Ms. Condra presented Item 5. The procurement is for change order #7 with Clearwater Mills, LLC for \$80,880. It is for continued maintenance and repair services on the Masonville Cove Trash Wheel. There is a 0% MBE goal. Ms. Jose made a motion to approve the item; Dr. Johnson seconded. No members were opposed. The motion passed unanimously.

Ms. Condra presented Item 6. The procurement is for natural gas commodity purchase for the ECI Cogeneration Facility. GWL Energy Services, Inc. will provide the gas at a cost of \$6,526,735. There is a 0% MBE goal. Mr. Witt made a motion to approve the item; Judge Smalkin seconded. No members were opposed. The motion passed unanimously.

Ms. Condra presented Item 7. The procurement is change order #7 with W.M. Schlosser Co., Inc. for \$334,277. It is for the extension of utility equipment rentals provided to the ECI Cogeneration plant boiler fuel conversion project. There is a 17% MBE goal and the contractor is currently achieving 19.35%. Ms. Kille asked for clarification on the project, and Mr. Ford summarized the long project to convert the boilers at ECI to natural gas. This final invoice is for boiler and backup generator rentals for the final commissioning phase. The funds are coming

from the facility's operating funds. Dr. Glass offered to send a copy of a General Assembly briefing on the project to the Board. Mr. Baatz made a motion to approve the item; Mr. Witt seconded. No members were opposed. The motion passed unanimously.

Ms. Condra presented Item 8. The procurement is a change order with Allan Myers MD Inc. for \$568,235. It is for additional work provided to the Brown Station Landfill, Area C Cell C-1 construction. There is a 29% MBE goal, and the contractor is currently achieving 11.6%. Their MBE plan has been updated to capture work already done, and additional MBE work will be conducted in future phases of the project. Mr. Witt made a motion to approve the item; Judge Smalkin seconded. No members were opposed. The motion passed unanimously.

Ms. Condra presented Item 9. The procurement is change order #5 with Stearns, Conrad, and Schmidt Consulting Engineers, Inc. for \$279,655.60. It is for construction services provided to the Brown Station Landfill, Area C Cell C-1 construction. There is a 20% MBE goal and the contractor is currently achieving 18.38%. Mr. Baatz made a motion to approve the item; Dr. Johnson seconded. No members were opposed. The motion passed unanimously.

Ms. Condra presented Item 10. The procurement is for the purchase of a 2025 Tana H555 Eco Landfill Compactor for the Midshore II Landfill. GT Mid Atlantic will provide the compactor at a cost of \$1,319,250. There is a 0% MBE goal. Judge Smalkin made a 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. Condra presented Item 11. The procurement is for Phase I and II reports for Garrett County Landfill expansion's solid waste permit application. Geosyntec Consultants will provide the services at a cost of \$644,020.40. There is a 20% MBE goal. Ms. Jose made a motion to approve the item; Mr. Baatz seconded. No members were opposed. The motion passed unanimously with the exception of Mr. Witt, who abstained from the discussion, consideration, and vote.

Ms. Condra presented Item 12. The procurement is for pier repairs at Hart-Miller Island. Dissen & Juhn, LLC will provide the services at a cost of \$450,615. There is a 15% MBE goal. Judge Smalkin made the motion to approve the item; Mr. Baatz seconded. No members were opposed. The motion passed unanimously.

Ms. Condra presented Item 13. The procurement is to purchase the solar energy system at the MES headquarters building. MES will purchase the system from Luminace Solar Maryland, LLC for a cost of \$350,000. 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.

The Board notifications for contracts, purchase orders, amendments, and change orders between \$25,000 and \$200,000 were reviewed.

LEGAL REPORT

Ms. Carroll reported on the process of selecting a new Assistant Attorney General to backfill her prior position. The vacancy will be re-advertised soon.

GROUP UPDATES

Ms. Dolinar presented an overview of MES contracting efficiencies. She summarized the procurement and contracting options that allow MES to act in the best interest of its clients, vendors, and the public.

Ms. Slatnick presented an overview of the Technical & Environmental Services group. This group handles myriad project types and consists of the following sections: Geographic Information System (GIS), Engineering, National Environmental Policy Act (NEPA) Permits & Cultural Resources, Environmental & Energy, Laboratory Services, and BWI & Maintenance.

Ms. Doring discussed the Harford County Office of Recycling. MES oversees the following recycling activities on behalf of the County: management of data including Maryland Recycling Act reporting, collaboration with the Maryland Green Registry, educational outreach, community outreach, and special marketing programs such as the agricultural plastic recycling program and pumpkin collection.

Mr. Lapinsky updated the Board on several capital construction projects undertaken by MES on behalf of various State clients. These projects include the sewer collection and water distribution systems upgrade at Point Lookout State Park, the wastewater treatment plant (WWTP) upgrades at Cheltenham, WWTP enhanced nutrient removal (ENR) upgrades at Elk Neck State Park, and water systems improvements at Swallow Falls State Park.

OLD/NEW BUSINESS

Dr. Glass mentioned that there will be a presentation on per- and polyfluoroalkyl substances (PFAS) next month. A grant or loan is being sought from Maryland Department of the Environment (MDE) for improvements to the water treatment system at the Town of Darlington.

The next meeting of the Board is Thursday, January 23, 2025, at 9:30 a.m.

CLOSED SESSION

At 11:32 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 consult with staff, consultants, or other individuals about pending or potential litigation. Ms. Heller asked if anyone objected to the Board entering closed session; no objections were heard. She also stated that any member of the viewing public who objected could submit their objection via email to the agency. Dr. Johnson then made a motion that the Board enter closed session for the reasons stated above. Ms. Jose seconded the motion; all members voted in favor of closing the meeting.

Ms. Heller announced that the meeting of the Board of Directors would immediately adjourn following the closed session. The public meeting ended at 11:32 a.m. Staff 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 11:41 a.m. Present during the closed session were Board members Glass, Heller, Smalkin, Witt, Baatz, Jose, Johnson, and Kille. They were joined by Ms. Carroll, Ms. Frketic, Mr. Lapinsky, Ms. Fuller and Mr. Eric Hartlaub who joined the meeting for the closed session.

Ms. Heller requested approval of the minutes of the closed session from the October 31, 2024, meeting. There were no corrections or comments noted. The minutes were unanimously approved.

Ms. Carroll and Mr. Hartlaub briefed the Board on several matters of pending and potential litigation.

ADJOURNMENT

The meeting adjourned at 12:58 p.m.



HONORABLE FREDERIC SMALKIN
SECRETARY



SHELLEY HELLER
CHAIR