

**Authority Meeting Minutes
359th Meeting (via Conference Call)
September 9, 2021 at 12:00 p.m.**

Members Present: Joseph J. Siemek
Jeffrey D. Castonguay
Rhody Holthaus
Phil Harris
Mark DeLuca
Dr. Charles Glass
D'Andrea Walker

Other Participants: Andrew Kays (NMWDA), Kim Gordon (NMWDA), and Jason Mitchell (Baltimore City DPW)

Public access via livestream at the following link: <https://youtu.be/gTO5tzvXUs4>. This stream was turned on at 12:07 p.m. local time.

Board Chairman, Joseph Siemek opened the meeting at 12:07 p.m. local time. Mr. Siemek noted that the instructions for the public to view the meeting were provided in advance and that there are no plans to go into a closed session. Mr. Siemek requested that Members identify themselves when speaking and confirmed the presence of a quorum.

ACTION ITEM NO. 2021-5-1 – On-Call Consultant Contract Amendments

A motion was made by Jeff Castonguay and seconded by D'Andrea Walker to approve this item.

Andrew Kays explained that an increase in the amount of \$1,500,000 is needed for the SCS Engineers contract for additional work in connection with the fire detection and suppression system assessment and upgrade project for Montgomery County. The County has already included this amount in a Direct Purchase Order (DPO) for this effort.

Mr. Kays further explained that an increase in the amount of \$65,000 is needed for the Gordon Feinblatt on-call legal contract. Such amount includes \$15,000 for the Covanta litigation matter, with the balance of \$50,000 applied toward the general on-call legal contract for use in the event of an additional legal matter.

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Comprehensive Waste Management Through Recycling, Reuse, Resource Recovery and Landfill

MEMBERS:

Rhody R. Holthaus, Anne Arundel County / Vacant, Baltimore City / D'Andrea L. Walker, Baltimore County / Jeffrey D. Castonguay, Carroll County
Phillip S. Harris, Frederick County / Joseph J. Siemek, Harford County / Mark A. DeLuca, Howard County / Guillermo Wainer, Montgomery County
Charles Glass, Maryland Environmental Service / Andrew Kays, Executive Director



Joseph Siemek asked if there were any questions or matters for discussion. There being none, a vote was taken, and the item was unanimously approved.

ACTION ITEM NO. 2021-5-2– Montgomery County Resource Recovery Facility/Transfer Station Equipment Purchase

A motion was made by Jeff Castonguay and seconded by Rhody Holthaus to approve this item.

Mr. Kays explained that Montgomery County has requested that the Authority purchase a replacement Caterpillar 950M frontend loader from Carter Machinery Co. Inc. (the Caterpillar dealer for the area) for use at the Montgomery County Transfer Station. Specifically, two redundant older loaders at the DOT pad and the upper lot recycling area will be retired. Approval of a sole source purchase of this frontend loader at a cost not to exceed \$385,000 is requested because Schedule 1B to the Service Agreement between the Authority and Covanta stipulates that this model loader be utilized at the transfer station by Covanta. The CAT frontend loaders are the primary loaders at the transfer station and allow common spare parts and mechanic repair knowledge. Mr. Kays noted that CAT has proved to be a reliable brand machine with the durability necessary for the harsh environment at the transfer station. The equipment and options on this loader are available through Caterpillar's Government discount.

Mr. Kays further explained that in accordance with COMAR Section 14.13.01.03 A(4), the Board is being asked to adopt the sole source procurement and to authorize the Executive Director to execute the purchase of this piece of equipment at a cost of \$385,000. The estimate for the purchase as provided by Carter Machinery Co. Inc. was provided to the Board. Mr. Kays noted that this purchase is subject to final approval of the Montgomery County Representative and the Authority will be reimbursed by Montgomery County under the Waste Disposal Contract.

Joseph Siemek asked if there were any questions or matters for discussion. There being none, a vote was taken, and the item was unanimously approved.

ACTION ITEM NO. 2021-5-3 – Budget Amendments

A motion was made by Jeff Castonguay and seconded by Dr. Charles Glass to approve this item.

Mr. Kays explained that a total increase in the amount of \$400,000 is needed for the Montgomery County RRF budget, of which \$15,000 is needed to support the work effort in connection with the Covanta litigation matter as set forth in Action Item 2021-5-1 and \$385,000 is needed to support Action Item 2021-5-2 for the purchase of equipment at the Transfer Station.

Mr. Kays further explained that an increase in the amount of \$164,823.35 is needed for the Authority's Montgomery County Landfill-Gas-To-Energy budget for SCS to conduct an expanded effort for the former Gude Landfill Gas-to-Energy Site, including remediation preparation by providing work such as trailer placement and utility reconnection for Montgomery County. Mr. Kays noted that the County has provided a DPO to provide for the necessary funds for the work.

Joseph Siemek asked if there were any questions or matters for discussion. There being none, a vote was taken, and the item was unanimously approved.

ACTION ITEM NO. 2021-5-4 – Update Banking Documents

A motion was made by Dr. Charles Glass and seconded by Mark DeLuca to approve this item.

Mr. Siemek confirmed that Mr. Mitchell is allowed to participate in discussions regarding Authority matters but is unable to make motions or vote until approved as a Board Member by the Governor.

Ms. Gordon explained that the Authority needs to update the banking documents, as needed, with Bank of America, PNC Bank and M&T Bank to reflect Andrew Kays as Executive Director, to remove Christopher Skaggs (retired), to add Jeffrey Castonguay (Treasurer), and remove Michael Marschner (former Treasurer).

Ms. Gordon noted that the new banking documents will supersede previous filings.

Joseph Siemek asked if there were any questions or matters for discussion. There being none, a vote was taken, and the item was unanimously approved.

ACTION ITEM NO. 2021-5-5 – Recognition of Juneteenth National Independence Day Holiday

A motion was made by Jeff Castonguay and seconded by Rhody Holthaus to approve this item.

Ms. Gordon explained that Juneteenth National Independence Day (June 19th) has been officially recognized as a new federal and State of Maryland holiday. Juneteenth commemorates the end of slavery in the United States. The Authority would like to recognize Juneteenth as an official Authority holiday, to be observed accordingly.

Ms. Gordon further explained that in an effort to maintain the current number of Authority holidays, the Authority is requesting to recognize Juneteenth as an official Authority holiday and to remove Good Friday as an official Authority holiday. Ms. Gordon noted that any staff wishing to take time off to observe Good Friday may continue to do so in accordance with the Authority's vacation policy, and that if approved, the personnel policy will be updated to reflect the holiday schedule change.

Joseph Siemek asked if there were any questions or matters for discussion. Rhody Holthaus asked if the Authority followed the State's holiday schedule. Ms. Gordon explained that the Authority's current holiday schedule was not strictly aligned with the State's holiday schedule. Mr. Siemek asked if there were any additional questions. There being none, a vote was taken, and the item was unanimously approved.

ACTION ITEM NO. 2021-5-6 – Office Equipment Lease

A motion was made by Dr. Charles Glass and seconded by D’Andrea Walker to approve this item.

Ms. Gordon explained that the copier lease for the office expires November 15, 2021. The Authority obtained a proposal for a new copier of the same brand (Canon) and provided same to the Board for review. Ms. Gordon noted that if approved, the copier will be leased utilizing the State of MD, BPO # 001B0600225 contract at a base monthly lease estimated at \$223.00, plus cost for color copies as set forth in the proposal. Ms. Gordon also noted that the cost is only a few dollars more per month than the current lease and the Authority has been very satisfied with the brand and the service for the copier.

Joseph Siemek asked if there were any questions or matters for discussion. There being none, a vote was taken, and the item was unanimously approved.

Mr. Siemek asked if there were any additional items to discuss at this time.

There being no additional comments or discussion items, Mr. Siemek welcomed Andrew Kays as the new Executive Director. Noting that Mr. Kays had been approved by the Governor as the Executive Director as of September 1, 2021. Mr. Siemek expressed that the Board was looking forward to working with Mr. Kays and his team on behalf of the Authority.

The meeting adjourned at 12:21 p.m.

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Andrew Kays, Executive Director