

**Authority Meeting Minutes  
376<sup>th</sup> Meeting  
June 4, 2024 at 12:00 p.m.**

**Members Present:** Joseph J. Siemek  
Rhody Holthaus  
Guillermo (“Willie”) Wainer  
Phillip Harris  
Cliff Engle

**Other Participants:** Lee Zimmerman (Frederick County)  
Craig Jeter (Baltimore City)  
Anthony Russell (Baltimore County)  
Tim Ford (Maryland Environmental Service or “MES”)  
Andrew Kays (NMWDA)  
Kim Gordon (NMWDA)  
John Schott (NMWDA)  
Traci Baker (NMWDA)  
Jan Wilson (NMWDA)

**Public access via livestream at the following link:**

<https://youtube.com/live/xRD4GfJP1jc?feature=share>. *This stream was turned on at 12:06 p.m. local time.*

Board Chairman, Joseph Siemek opened the meeting at 12:07 p.m. local time after confirming the presence of a quorum. Mr. Siemek noted that the instructions for the public to view the meeting were provided in advance and that portions of this meeting will be held in closed session (in accordance with the General Provisions Article of the Maryland Annotated Code, Title 3 – Open Meetings Act. Authority for the closed session is Section 3-305(b)(1), to discuss (i) the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; or (ii) any other personnel matter that affects one or more specific individuals. Mr. Siemek requested that Members identify themselves when speaking.

Andrew Kays identified the non-Board Members present at the meeting as follows: Andrew Kays, Kim Gordon, Traci Baker, John Schott and Jan Wilson (Authority Staff), and guests (in no particular order) Lee Zimmerman (Frederick County), Craig Jeter (Baltimore City), Tim Ford (MES) and Anthony Russell (Baltimore County).

410.333.2730 / 410.333.2721 fax / [authority@nmwda.org](mailto:authority@nmwda.org)  
[nmwda.org](http://nmwda.org) / Business-to-Business Recycling: [mdrecycles.org](http://mdrecycles.org)  
Tower II – Suite 402, 100 S. Charles Street, Baltimore, MD 21201-2705

**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 / Clifford J. Engle, 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



Mr. Siemek noted consideration of the minutes of the previous Board Meeting on April 9, 2024 and that such minutes were approved and posted on the Authority website.

**ACTION ITEM NO. 2024-3-1 – CITY OF BALTIMORE NORTHWEST TRANSFER STATION EQUIPMENT PURCHASE**

A motion was made by Cliff Engle and seconded by Rhody Holthaus to approve this item.

Andrew Kays explained that the source of funding for this effort is the City of Baltimore Compliance MOU and/or other funding source as approved by the City.

The City of Baltimore has requested that the Authority purchase up to three waste transfer compactors to be used at the Northwest Transfer Station. Any such compactor purchased will replace an existing transfer compactor that is old and has had costly maintenance and downtime in recent years. The compactor(s) will be purchased from Big Stuff, Inc., the local authorized dealer of Marathon Equipment at an estimated purchase price of \$345,594.29 each (for a total of up to \$1,036,782.87 for three compactors).

The purchase price includes equipment fabrication, delivery, installation, testing and training, and demolition and removal of the old unit.

The purchase price and underlying contract (as provided to the Board and made publicly available on the Authority's website) have been established by Sourcewell, a service cooperative government agency, of which the Authority is a member. Marathon Equipment Company (and its authorized sales representatives, including Big Stuff, Inc.) has won a competitively bid contract with Sourcewell to sell this equipment to Sourcewell member institutions at the price established by the contract. The Authority may use Sourcewell purchasing contracts pursuant to COMAR 14.13.01.07.

Mr. Kays explained that the Board is being asked to authorize the Executive Director to enter into a contract, substantially in the form provided to the Board and made publicly available on the Authority website, for the purchase of up to three compactors at a cost of \$345,594.29 each (up to a total of \$1,036,782.87 for three compactors) as approved by Baltimore City.

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. 2024-3-2 – ON-CALL CONTRACT AMENDMENTS**

A motion was made by Rhody Holthaus and seconded by Willie Wainer to approve this item.

John Schott explained that amendments to the Authority's on-call contracts are needed as follows:

1. Pinnacle Communications Resource Company (Pinnacle) - An increase in the amount of \$120,000 is needed for the Pinnacle contract for work in connection with the communications efforts for Anne Arundel County and Baltimore County.
2. SCS Engineers (SCS) – An increase in the amount of \$750,000 is needed for the SCS contract for work in connection with the Montgomery County Transfer Station scale project.

Staff is requesting increases for the on-call contracts as set forth above.

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. 2024-3-3 – BUDGET AMENDMENTS**

A motion was made by Phil Harris and seconded by Rhody Holthaus to approve this item.

John Schott explained that an amendment to the Authority's budget is needed as follows:

1. Montgomery County General Account – A budget increase in the amount of \$475,000 is needed for the Montgomery County General Account to support Action Item 2024-3-2(2).
2. Authority's Administrative Budget Account – A budget increase in the amount of \$10,000 is needed for Regional Legislative/Regulatory Initiatives.

Staff is requesting budget increases as set forth above.

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. 2024-3-4 – AWARD OF MASTER SERVICE AGREEMENT FOR PLASTIC FILM COLLECTION AND RECYCLING SERVICES**

A motion was made by Willie Wainer and seconded by Cliff Engle to approve this item.

Andrew Kays explained that each participating Member Jurisdiction will create a purchase order related to the applicable confirmation under the Master Service Agreement, should the Member choose to participate.

The Authority issued a Request for Expressions of Interest ("REOI") to procure Plastic Film collection and recycling services on August 21, 2023, for its Member Jurisdictions. The REOI was

posted on the Authority's web page, advertised on eMaryland Marketplace Advantage and distributed to a list of known Vendors/potential Vendors in the Plastic Film recycling industry.

Mr. Kays noted that one Response to the REOI was received from the following vendor: TurboHaul, Inc. (DBA TurboHaul) ("TurboHaul"). Per the terms of the REOI, the Authority directly negotiated with TurboHaul in an effort to secure a Master Service Agreement for the services. The Authority requested one Clarification Response from TurboHaul and received the same. An Evaluation Committee (comprised of Authority Staff and Member Jurisdiction representatives) reviewed the initial Response and additional Clarification Responses. Currently, Montgomery County is the only Member Jurisdiction interested in participating under the Master Service Agreement. Accordingly, the Authority and Montgomery County members of the Evaluation Committee recommend awarding a Master Service Agreement to TurboHaul, for services available through a Confirmation to Montgomery County (with a piggyback option for other Members as desired), as the company was found to be qualified to provide the services outlined in the REOI, capable of providing the services and operation requirements needed by Montgomery County, and potentially other Member Jurisdictions (as well as in agreement to the terms of the draft Master Service Agreement), economically sound and stable, and has reputable downstream vendors. The Price Proposal for Plastic Film recycling services for the Member Jurisdiction is \$.25 per pound as set forth in the Action Item provided to the Board and made publicly available on the Authority website.

Mr. Kays further explained that per the Contractor's Proposal, the Member Jurisdiction guarantees a minimum monthly participation and collection of 1,500 pounds per service, and one service per month. If the Member Jurisdiction does not collect enough Acceptable Material to warrant a request for collection in a given month, the Member Jurisdiction will still be charged the minimum monthly amount, equaling a minimum charge of \$375 per month, to retain the Recycling Services and the related equipment, as well as the on-call availability of the Contractor to collect and recycle the Acceptable Material for the term of the Agreement. Each service of a collection container(s) will be subject to a 1,500 pound minimum.

The Collection Containers include, but are not limited to, sealed/enclosed, weatherproof non compacting containers, similar to plastic film containers onsite at existing grocery retailers, which are included in the per pound Price Proposal. If a Member Jurisdiction elects to purchase containers, the purchase price per non-compacting, customized, enclosed roll-off and/or C container with side-door is \$10,000/unit, and the price per heavy-duty, 72" downstroke (vertical) baler, compactor/receiver roll-off unit is \$20,000/unit.

The Authority is requesting approval for the Executive Director to execute a Master Service Agreement (substantially in the form provided to the Board and made publicly available on the Authority's website) with TurboHaul, for a term from the effective date per contract execution (anticipated to be in June 2024) through June 30, 2029.

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. 2024-3-5 – FISCAL YEAR 2025 BUDGET**

A motion was made by Cliff Engle and seconded by Rhody Holthaus to approve this item.

Andrew Kays thanked the Board Members and their staff for their help in preparing the Authority's budget for Fiscal Year 25, such that the Authority can continue to support its Members as the Members continue to provide services for their respective constituents. Mr. Kays reviewed and summarized certain aspects of the Fiscal Year 2025 budget package with the Board, noting that the detailed contents were provided to the Board and made publicly available on the Authority's website. Mr. Kays touched upon several of the highlights regarding the goals for Fiscal Year 2025 (Attachment A) for each of the Member Jurisdictions. Mr. Kays noted that the goals also include support for regional efforts and legislative initiatives.

Mr. Kays explained that the preliminary workplan (Attachment B) was developed in conjunction with staff from Member Jurisdictions and their input with respect to known projects for the upcoming fiscal year has been incorporated. Mr. Kays noted the possibility of changes to the plan, and corresponding budget items, as Members direct the Authority over the course of the coming Fiscal Year. Andrew Kays next discussed the proposed Fiscal Year 2025 budget (Attachment C), the Administrative "Other" Category (Attachment D) and the project detail budget (Attachment E). Mr. Kays further pointed out that the budget package includes the status of the on-call contracts (Attachment F), noting that the on-call engineering contracts are entering the last year of the base period for such contracts. Mr. Kays explained that Attachment F includes amendments to the not to exceed amounts for several consultants (including an increase in the amount of \$500,000 for Pinnacle, an increase in the amount of \$500,000 for ARM, an increase in the amount of \$750,000 for EA Engineering, an increase in the amount of \$500,000 for HDR, and an increase in the amount of \$1,000,000 for SCS) to meet the planned efforts in the coming term. Mr. Kays also mentioned that the budget includes the Authority's auditing services contract with Clifton Larson Allen ("CLA"), as approved by the Board, whereby the Authority piggybacked on a Carroll County auditing services contract with CLA; and the contract with Public Resources Advisory Group (PRAG) for financial advisory services.

Andrew Kays next provided an overview of the Accomplishments for Fiscal Year 2024 (Attachment G), noting that it has been a good year. Mr. Kays mentioned that the Members continue to tackle challenging items head-on, and that the Authority gladly provides resources and support for those efforts. To complete his presentation, Mr. Kays provided that the Salary Survey (Attachment H) was included for use by the Board during the closed session to discuss compensation and performance matters.

Joseph Siemek asked if there were any comments or questions for Mr. Kays related to the budget presentation. There being no questions, Mr. Siemek announced that the Board would next meet in a closed session regarding discussions with respect to the performance evaluation and compensation for the Executive Director and Authority employees for Fiscal Year 2025.

Mr. Siemek called for a motion to close the meeting at approximately 12:36 p.m. A motion was made by Rhody Holthaus and seconded by Willie Wainer. The Board Members voted unanimously

to close the session. Mr. Siemek noted that the meeting was being closed under Section 3-305(b)(1) of the General Provisions Article of the Maryland Annotated Code to discuss the performance of the Executive Director and to determine compensation for the Executive Director and employees for Fiscal Year 2025.

The closed session ended at approximately 1:05 p.m. Joseph Siemek reported that during the closed session the Board discussed (i) approval of a 3% Cost of Living Increase and a 2% merit for the employees and (ii) the performance of the Executive Director, which was favorable, warranting approval of a 3% Cost of Living Increase and a 2% merit for the Executive Director. Such increases become effective July 1, 2024.

Mr. Siemek called for a vote with respect to Action Item 2024-3-5, Fiscal Year 2025 budget, as discussed (including the Staff compensation increases), a vote was taken, and was approved unanimously.

Mr. Siemek asked if there were any additional items to discuss at this time. Joseph Siemek took the opportunity to mention that Phil Harris will be retiring, and this is his last meeting as a Member of the Board. Mr. Siemek thanked Mr. Harris for his service to the Board and to Frederick County and wished him well with his future endeavors. Phil Harris expressed his appreciation for the Authority Board, calling the Members the epitome of public service, as well as his appreciation for the Authority and its staff. The Board extended its thanks and congratulations to Mr. Harris on his retirement.

There being no additional comments or discussion items, the meeting adjourned at 1:07 p.m.

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Andrew Kays, Executive Director