

MARYLAND TRANSPORTATION AUTHORITY  
BOARD MEETING  
THURSDAY, JANUARY 28, 2016  
2310 BROENING HIGHWAY, BALTIMORE, MD 21224

OPEN SESSION

Pete Rahn, Chairman

MEMBERS ATTENDING:

Rev. Dr. William C. Calhoun, Sr. (via Telephone)  
William Ensor  
W. Lee Gaines, Jr.  
William K. Hellmann  
Michael Leahy, Esquire  
Randall Nixon, Esquire  
Michael Whitson

STAFF ATTENDING:

Milt Chaffee  
David Chapin  
Percy Dangerfield  
Donna DiCerbo  
Trudy Edwards  
David Goldsborough  
Michele Gross  
Valencia Hainesworth  
Jim Harkness  
Jaclyn Hartman  
Colonel Jerry Jones  
Jillian Lord  
Kelly Melhem  
Kimberly Millender, Esquire  
Tonya Morant  
Roxane Mukai  
John O'Neill  
William Pines  
Deb Sharpless  
Cheryl Sparks  
Paul Truntich  
Dan Williams  
Eric Willison

OTHERS ATTENDING:

Ed McDonald, TSO	Judy Slater, TSO
Everett (Russ) Hines	Denise Watters
Leroy Kellam, Sr.	Joe Watters
Annette Kennedy	
Betty Lugay	
Mary Mack	
Eric Morris	
Connie Ringgold	

At 9:08 a.m. Chairman Pete Rahn called the meeting of the Maryland Transportation Authority (“MDTA”) Board to order. The Chairman thanked all of the MDTA staff for their diligent efforts to keep the roads clear and traffic moving during the recent snow event. He expressed what a phenomenal job the MDTA staff did clearing our roadways.

**APPROVAL – CLOSED AND OPEN SESSION MINUTES OF DECEMBER 17, 2015**

Upon motion by Member Michael Whitson and seconded by Member W. Lee Gaines, Jr., the closed and open meeting minutes of the MDTA Board meeting held on December 17, 2015 were unanimously approved.

**RESOLUTIONS – YEARS OF SERVICE RECOGNITION**

Ms. Deborah Sharpless read the resolutions for the following employees who have retired from their State service: Senior Officer Vincent W. Edwards; Lieutenant Everett R. Hines; Senior Officer Leroy S. Kellam, Sr.; Annette Kennedy; Colonel Michael Kundrat; Corporal Betty Lugay; Mary F. Mack; Patrick H. Mullen; Captain Richard Perry; Bruce Quinn; Theresa Salsbery; Nathaniel Thomas; Joseph H. Watters; Russell A. Wielepski and Robert Ziemski. On the occasion of their retirement from their distinguished careers of exemplary service, the Chairman and Members of the Maryland Transportation Authority hereby express their most sincere appreciation for their excellence and commitment.

**APPROVAL – PREPARATION OF FINANCIAL FORECAST POLICY**

Mr. David Chapin requested approval of “housekeeping” changes to the Board Policy on Preparation of the Financial Forecast. This item was presented to the Finance Committee and recommended for approval.

The changes proposed to the policy statement related to preparation of the Financial Forecast include: removing (from the forecast’s summary sheet) the figures indicating cash on hand as a percentage of annual toll revenue, as this ratio is not an officially adopted standard of the MDTA; insertion of language indicating that the Financial Forecast will comply with the requirements of the Budget Reconciliation and Financing Act of 2015 (BRFA of 2015), as well as Transportation Article, §4-210. (Forecasts have been in compliance, the policy statement only needs to be updated.); and minor adjustments to language. None of the changes affect the actual manner in which the forecast is prepared, nor its results. MDTA has complied with BRFA 2015 related provisions since its enactment.

Upon motion by Member William Hellmann and seconded by Member Michael Leahy, the Board unanimously approved the changes to the Board Policy as outlined.

**APPROVAL – INVESTMENT POLICY**

Ms. Jaclyn Hartman requested approval to complete the annual review of the Investment Policy. This item was presented to the Finance Committee and recommended for approval.

Following the review by the Investment Committee in November, including input from the two financial advisory firms, no changes to the Investment Policy are recommended.

Upon motion by Member Gaines and seconded by Member Reverend Doctor William C. Calhoun, Sr., the Board unanimously approved the Investment Policy as it stands with no changes.

### **APPROVAL – FISCAL YEAR (FY) 2017 COLLECTIVE BARGAINING AGREEMENT**

Ms. Hartman requested approval for an agreement reached between the State and the MDTA Police Lodge #34, Fraternal Order of Police (FOP). This item was reviewed by the Finance Committee and recommended for approval.

On December 31, 2015, the State and the FOP concluded the negotiations for fiscal 2017 and beyond. The final agreed upon package is a three year agreement, effective July 1, 2017 through June 30, 2019. In total, the cost of the proposal increases the operating budget by \$1.5 million in fiscal 2017, \$3.5 million in fiscal 2018 and \$3.9 million in fiscal 2019 as compared to the current budget.

Upon motion by Member Michael Whitson and seconded by Member Gaines, the Board unanimously approved the Collective Bargaining Agreement for FOP 34.

### **APPROVAL – CONTRACT AWARD**

Ms. Donna DiCerbo requested approval for Contract No. MT 3035-0000 – Sweeper Dirt Disposal Authority Wide. This item was reviewed by the Finance Committee and recommended for approval and requires Board of Public Works approval.

This is a Fixed-Price Contract for the disposal of the waste materials generated through routine road sweeping operations at and around various MDTA facilities.

One (1) Bid was received from Clean Venture, Inc., in the Bid Amount of \$662,200.00

This solicitation was advertised as a Small Business Preference Competitive Sealed Bid, pursuant to the Code of Maryland Regulation (COMAR) 21.06.03.02 B (1)5.01.02 with no Minority Business Enterprise (MBE) participation goal, no Veteran Small Business Enterprise (VSBE) participation goal, and no Small Business Reserve (SBR) designation.

Approximately, Twelve Hundred Fifty-Seven (1,257) firms received notification of the solicitation directly from eMaryland Marketplace (eMM). In addition, Twelve (12) firms were directly solicited via email.

The MDTA emailed firms who opened the solicitation on eMaryland Marketplace, those directly solicited, and those who attended both Pre-Bid Meetings on December 11, 2015 and December 14, 2015, to inquire as to why they chose not to bid and the MDTA received twenty-three (23) responses.

The following reasons were given as to why the firms did not submit a Bid: they did not have the required disposal size boxes; they were inexperienced in the work and the scope was beyond their capabilities; they could not be competitive; the subject work was not in their business line; other commitments precluded their participation at that time; and one had an issue with eMM. The Procurement Officer also followed up by telephone with 10 (ten) firms after receipt of No Bid forms in order to receive additional feedback as to why they did not bid. Only six (6) firms responded; however, no additional explanations were received other than what had previously been provided.

In an effort to increase competition, the Bid Due date was extended, but no additional bids were received. The Procurement Officer reviewed the questions and answers received for this solicitation, and determined that no questions were received during the solicitation process raising any concerns or questions about the solicitation or specifications prior to the time of Bid, and that prospective bidders had reasonable opportunity to respond, sufficient efforts were made to solicit bids, and that there is only one responsive and responsible bidder.

Clean Venture Inc.'s bid submission was the lowest responsive and responsible bidder and the Contract has a base term of three (3) years valued at \$360,000, with one (1) 2-year Renewal option valued at \$240,000, for a total Contract term of five (5) years, and Total Not-to-Exceed Contract value of \$600,000.

Upon motion by Member Michael Leahy and seconded by Member William Ensor, the Board unanimously approved Contract No. MT 3035-0000 Sweeper Dirt Disposal Authority Wide awarded to Clean Venture Inc. for a base term of three (3) years in the amount of \$360,000, with one (1) 2-year renewal option valued at \$240,000, for a total Contract term of five (5) years, and Total Not-to-Exceed Contract value of \$600,000.

#### **UPDATE – LEGISLATIVE SESSION**

Ms. Michele Gross reviewed legislation that impacts MDTA: Senate Bill (SB) 56 – Transportation Chesapeake Bay Bridge Crossing, Environmental Impact Study Cost Estimate and Payment; SB 196 Vehicle Miles Traveled Tax and Associated Mandated Devices – Prohibition; House Bill (HB) 35 Maryland Transportation Authority Chesapeake Bay Bridge Toll Collection; HB 73 Intercounty Connector Public School Bus Exemption from Toll; HB 240 Maryland Transportation Authority Toll Rates; and HB 296 Maryland Transportation Authority Vehicle Not Using Bridge Toll Prohibited.

#### **UPDATE – EXECUTIVE DIRECTOR'S REPORT**

Mr. Milt Chaffee reported on the Toll Citation Program indicating that approximately 7,200 letters were mailed for non-renewal of registrations. Mr. Chaffee also expressed appreciation to the MDTA staff that worked so diligently during the recent snow event.

At 9:58 a.m. upon motion by Member Randall Nixon and seconded by Member Calhoun, the Board unanimously voted to move into Closed Session pursuant to § 3-305(b)(1)(i) and (ii) of the General Provisions Article of the Annotated Code of Maryland, to discuss matters related to the compensation and benefits packages for certain individual MDTA Police command staff.

The following persons were present during the closed session: Pete Rahn, Reverend Dr. William C. Calhoun, Sr. (via telephone), William Ensor III, W. Lee Gaines, Jr., William Hellmann, Michael Leahy, Randall Nixon, Michael Whitson, Milton Chaffee, Percy Dangerfield, Trudy Edwards, Jaclyn Hartman, Kimberly Millender, Esquire, Tonya Morant, Ed McDonald and Judy Slater.

At 10:03 a.m., upon a motion by Member Michael Whitson and seconded by Member Nixon, the Members unanimously voted to return to Open Session.

**RATIFICATION OF ACTION TAKEN DURING CLOSED SESSION**

Upon motion by Member Michael Leahy and seconded by Member Nixon, the Members ratified the vote from Closed Session to approve extending the same benefits to the MDTA Police Command Staff that were approved for the bargaining unit members of Fraternal Order of Police Lodge 34 in the collective bargaining agreement.

There being no further business, the meeting of the MDTA Board was adjourned by general consensus at 10:04 a.m.

The next MDTA Board Meeting will be held on February 25, 2016 at 9:00 a.m. at the Point Breeze Headquarters, 2310 Broening Highway, Baltimore, Maryland 21224.

APPROVED AND CONCURRED IN:

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Jim Ports, Acting Chairman



MARYLAND TRANSPORTATION AUTHORITY

STATEMENT FOR CLOSING A MEETING

LOCATION: Maryland Transportation Authority
Point Breeze Headquarters Building
2310 Broening Highway.
Baltimore, Maryland 21224

DATE: January 28, 20156

TIME: 9:00 a.m.

MOTION BY: W Hellman

SECONDED BY: M. Whitson

VOTE TO CLOSE SESSION:

Table with 5 columns: Name, AYE, NAY, ABSTAIN, ABSENT. Includes handwritten notes like '-via telephone' and checkmarks in the AYE and ABSENT columns.

STATUTORY AUTHORITY TO CLOSE SESSION
GENERAL PROVISIONS ARTICLE, §3-305(b)

- (1) [X] 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 1 or more specific individuals.
(2) [ ] To protect the privacy or reputation of individuals with respect to a matter that is not related to public business.
(3) [ ] To consider the acquisition of real property for a public purpose and matters directly related thereto.
(4) [ ] To consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State.

**STATEMENT FOR CLOSING A MEETING**

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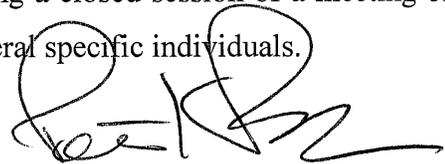
- (5)  To consider the investment of public funds.
- (6)  To consider the marketing of public securities.
- (7)  To consult with counsel to obtain legal advice.
- (8)  To consult with staff, consultants, or other individuals about pending or potential litigation.
- (9)  To conduct collective bargaining negotiations or consider matters that relate to the negotiations.
- (10)  To discuss public security, if the public body determines that public discussion would constitute a risk to the public or to public security, including:
  - (i) the deployment of fire and police services and staff; and
  - (ii) the development and implementation of emergency plans.
- (11)  To prepare, administer, or grade a scholastic, licensing, or qualifying examination.
- (12)  To conduct or discuss an investigative proceeding on actual or possible criminal conduct.
- (13)  To comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter.
- (14)  Before a contract is awarded or bids are opened, discuss a matter directly related to a negotiating strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process.

**TOPICS TO BE DISCUSSED:**

The Meeting will be closed under § 3-305(b)(1)(i) and (ii) of the General Provisions Article of the Annotated Code of Maryland, to discuss matters related to the compensation and benefits packages for certain individual MDTA Police command staff.

**REASON FOR CLOSING:**

To discuss matters permitted by statute to be discussed during a closed session of a meeting of a public body that relate to confidential personnel information for several specific individuals.



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**PRESIDING OFFICER**