

MARYLAND TRANSPORTATION AUTHORITY
BOARD MEETING
THURSDAY, NOVEMBER 19, 2015
2310 BROENING HIGHWAY, BALTIMORE, MD 21224

OPEN SESSION

Dennis Schrader, Acting Chairman

MEMBERS ATTENDING:

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

STAFF ATTENDING:

Milt Chaffee
David Chapin
Percy Dangerfield
Donna DiCerbo
Trudy Edwards
Gordon Garrettson
Benjamin Gilmore
Jim Harkness
Jaclyn Hartman
Meshelle Howard
Heather Koeberle
Jeanne Marriott
Kimberly Millender, Esquire
Tonya Morant
1st Sergeant Robert Olschewske
John O'Neill
William Pines
Charles Raycob
Mike Rice
Major Joseph Ruff
Deb Sharpless
Dennis Simpson
Cheryl Sparks
Christina Thompson

OTHERS ATTENDING:

Judy Slater, TSO

At 9:00 a.m. Acting Chairman Dennis Schrader called the meeting of the Maryland Transportation Authority (“MDTA”) Board to order.

APPROVAL – CLOSED AND OPEN SESSION MINUTES OF OCTOBER 22, 2015

Upon motion by Member Randall Nixon and seconded by Member P. Jack Basso, the closed and open meeting minutes of the MDTA Board meeting held on October 29, 2015 were unanimously approved.

APPROVAL – RESOLUTIONS

Ms. Deborah Sharpless read into the minutes the resolutions for four (4) retired employees: Senior Officer Rovera Moultrie, Carol A. Polomski, James T. Sank, Sr., and Randy Timms. Recognizing them all for their distinguished careers of exemplary service, the Chairman and Members of the Maryland Transportation Authority expressed their most sincere appreciation for their excellence and commitment.

Ms. Sharpless read and presented to Mr. Benjamin Gilmore, Administrator for the Governor Harry W. Nice Memorial Bridge, a resolution recognizing the 75th Anniversary of the Opening of the Gov. Harry W. Nice Memorial Bridge (US 301). Present were former Nice Bridge Administrators Gary Jackson and Charles Raycob.

APPROVAL – FISCAL YEAR (FY) 2017 PRELIMINARY OPERATING BUDGET

Ms. Jaclyn Hartman and Ms. Christina Thompson requested approval of the Fiscal Year 2017 Preliminary Operating Budget. The Preliminary Budget is submitted to the Maryland legislature in January of each year. The Trust Agreement requires the approval of the final budget on or before July 1 of each year. This item was reviewed by the Finance Committee and recommended for approval.

The FY 2017 Preliminary Operating Budget totals \$279,367,353. This represents an increase of \$2,978,210 or 1.1%, compared to MDTA’s FY 2016 budget of \$276,389,143. Reimbursable expenses for law enforcement services provided at the Port of Baltimore and the Baltimore/Washington International Thurgood Marshall Airport total \$24,422,138 (8.7%) of the budget. These costs are paid by the Maryland Port Administration and the Maryland Aviation Administration. It was noted that minor changes may occur to the budget to account for the recently completed collective bargaining agreement and due to rate changes from the Department of Budget and Management.

Upon motion by Member P. Jack Basso and seconded by Member W. Lee Gaines, Jr., the Board unanimously approved the Fiscal Year 2017 Preliminary Operating Budget of \$279,367,353 and permitted minor changes to be made as noted above.

APPROVAL – FINAL FISCAL YEAR (FY) 2016-2021 CONSOLIDATED TRANSPORTATION PROGRAM

Mr. Dennis Simpson and Ms. Jeanne Marriott requested approval for the Final FY 2016-2021 Consolidated Transportation Program (CTP). This item was reviewed by the Capital Committee and Finance Committee and recommended for approval.

The Final CTP increased by \$46.0 million from the Draft CTP, which includes the rollover of the FY 2015 unspent funds of \$38.6 million. This increase is comprised of a \$186.9 million increase in projects offset by a \$140.9 million decrease in reserves. The six-year FY 2016-2021 budget is \$1.9 billion. The proposed CTP reflects an increase in the six-year FY 2016-2021 budget of \$46.0 million. The net FY 2016-2021 budget increase is the result of the following changes: increase in the six-year CTP budget by \$156.0 million for all projects except ICC, ETL and reserves; decrease in the system preservation allocated and unallocated reserves by \$140.9 million; and shift of ICC budget by \$2.1 million and ETL budget by \$28.7 million from FY 2015 to the FY 2016-2021 time period.

Upon motion by Member Michael Leahy and seconded by Member William Ensor, the Board unanimously approved the Final Fiscal Year 2016-2021 Consolidated Transportation Program for the amount of \$1.9 billion dollars.

APPROVAL – FINANCIAL FORECAST

Ms. Jaclyn Hartman and Mr. David Chapin requested approval for the Financial Forecast. The forecast reflects the proposed Final Fiscal Year (FY) 2016-2021 Consolidated Transportation Program (CTP) and Preliminary FY 2017 Operating Budget. The forecast (with any subsequent adjustments) will be submitted to the Legislature in January 2016. This item was reviewed by the Finance Committee and recommended for approval.

Per legislation passed in the 2008 session of the General Assembly, MDTA submits financial forecasts to the legislature twice per year: concurrent with the submission of the budget bill (in early January) reflecting the Final Consolidated Transportation Program and the Preliminary Operating Budget, and on or before July 1 (reflecting Draft CTP and Final Operating Budget).

Throughout the six year period (FY 2016-2021), MDTA remains above its financial goals and remains above its Trust Agreement rate covenant. The forecast adheres to the Budget Reconciliation and Financing Act of 2015. No system wide toll increases or bond issuances are required in the six year forecast period. Outstanding indebtedness in FY 2021 is reduced slightly from the July 2015 forecast. Maximum outstanding indebtedness within the period is unchanged and debt service to be paid over the six year period is reduced slightly.

Upon motion by Member Reverend Doctor William C. Calhoun, Sr. and seconded by Member Basso, the Board unanimously approved the Financial Forecast for submittal with any subsequent adjustments to the legislature in January 2016.

Member William Hellmann recused himself from the next item and left the meeting.

APPROVAL – CONTRACT AWARDS

- **CONTRACT NO. MDTA 2014-01: AE 3013-0000 & AE 3014-0000 COMPREHENSIVE BUILDING AND FACILITY ENGINEERING AND ARCHITECTURAL DESIGN CONSULTING SERVICES FOR THE MDTA**

Ms. DiCerbo requested approval for Contract No. MDTA 2014-01: AE 3013-0000 and AE 3014-0000 Comprehensive Building and Facility Engineering and Architectural Design Consulting Services for the MDTA. This item was reviewed by the Capital Committee and recommended for approval. Approval of this contract is contingent upon the approval of the Transportation Professional Services Selection Board (TPSSB) and the Board of Public Works (BPW).

MDTA proposes to utilize consultant services to perform design, investigation, miscellaneous studies, and other consultation services listed in this scope of services for an undetermined number of projects at any of the various facilities maintained by the MDTA, which include but are not limited to: John F. Kennedy Memorial Highway (JFK); Thomas J. Hatem Memorial Bridge (TJH); Baltimore Harbor Tunnel (BHT); Fort McHenry Tunnel (FMT); Francis Scott Key Memorial Bridge (FSK); Governor Harry W. Nice Memorial Bridge (HWN); William Preston Lane, Jr. Memorial Bridge (WPL, Bay Bridge); Point Breeze (PB) and the Intercounty Connector (ICC), on an as needed basis.

The Consultant shall provide the resources and expertise needed to perform architectural and engineering design and analysis for buildings and facilities, development of complete contract bid documents, facility condition inspections, asset management, and miscellaneous consulting services including but not limited to, space planning, facility master plan studies, emergency inspections, building envelope evaluations, specialized building systems analysis and design including security, life safety, data, communications, audio/video, electrical, mechanical and plumbing engineering design services.

These final two (2) of four (4) task based contracts will be cost plus fixed fee contracts, valued at \$3.0 million each with a total Not-to-Exceed cost of \$6.0 million. The project was initially approved by former Secretary of Transportation, James T. Smith, on November 7, 2013. The MDTA requested an extension, which was approved by Secretary Smith on July 15, 2014.

The Minority Business Enterprise (MBE) participation goal for each contract is 35% with sub-goals of 6% African American-owned firms, 2% Hispanic American-owned firms and 9% Women-owned firms; and a 1% Veteran-Owned Small Business Small Business Enterprise (VSBE) participation goal. The prime contractors have submitted MBE and VSBE plans that meet these goals.

The firm selected for award of Contract No. AE 3013-0000 in the amount of \$3.0 million is URS Corporation. Its sub-consultants are: CTA Consulting Engineers, Inc. – MBE; Daniel Consultants, Inc. – MBE; M2H Protection, LLC – VSBE; The INTEC Companies, Inc. – MBE; J.A. Rice, Inc. – MBE; RJM Engineering, Inc. – MBE; Soil and Land Use Technology, Inc. – MBE and; Integrated Control Systems, Inc.

The firm selected for award of Contract No. AE 3014-0000 in the amount of \$3.0 million is Parsons Brinkerhoff, Inc. Its sub-consultants are: Puente Consultants, LLC – MBE; Columbia Telecommunications Corp. – MBE; Navarro & Wright Consulting Engineers, Inc. – MBE; KES Engineering, Inc. – MBE; RJM Engineering, Inc. – MBE; Mimar Architects – MBE and; Environmental Research Group, LLC – VSBE.

Upon motion by Member Randall Nixon and seconded by Member William Ensor, the Board unanimously approved Contract Nos. MDTA 2014-01 AE 3013-0000 in the amount of \$3.0 million to URS Corporation and AE 3014-0000 in the amount of \$3.0 million to Parsons Brinkerhoff, Inc.

Member Hellmann returned to the meeting.

• **CONTRACT NO. HT 2752-000-006R BALTIMORE HARBOR TUNNEL VENT BUILDING SWITCHGEAR REPAINTING**

Ms. Donna DiCerbo requested approval for Contract No. HT 2752-000-006R Baltimore Harbor Tunnel (BHT) Switchgear Repainting. This item was reviewed by the Capital Committee and recommended for approval.

The project, located in Baltimore City, is for the provision of all labor, materials, equipment, and supervision for the repainting of electrical switch gear in the Baltimore Harbor Tunnel Fairfield and Canton Vent Buildings. There is an allowance of \$30,000 for Industrial Hygienist Services included in the Invitation for Bids (IFB) that will only be used if necessary and with prior approval of the Engineer.

Three (3) bids were received ranging from 22.50% to 31.26% below the Engineers Estimate of \$321,946.

EASE Painting and Construction, Inc. is the lowest responsive and responsible bidder. As its bid was Thirty-One Point Twenty-six Percent (31.26%) lower than the Engineer's Estimate of \$321,946, a Bid justification was conducted and the bid was determined to be fair and reasonable. The company has performed work on prior MDTA projects. A protest was received and denied with the concurrence of Legal Counsel.

This IFB was advertised as a Small Business Reserve (SBR), with no Minority Business Enterprise (MBE) goals. EASE Painting and Construction, Inc. is certified as a Small Business through the SBR program.

Upon motion by Member W. Lee Gaines, Jr. and seconded by Member Michael Leahy, the Board unanimously approved Contract No. HT 2752-000-006R Baltimore Harbor Tunnel Building Switchgear Repainting to EASE Painting and Construction, Inc. in the amount of \$221,310.

- **CONTRACT NO. KH 2842-000-006 REHABILITATION OF JOHN F. KENNEDY ADMINISTRATION PARKING LOTS AND ACCESS ROADS**

Ms. DiCerbo requested approval for Contract No. KH 2842-000-006 Rehabilitation of the John F. Kennedy Administration Parking Lots and Access Roads. This item was presented to the Capital Committee and recommended for full approval.

The work to be performed under this contract is located at the John F. Kennedy Administration facility located in Cecil County. The scope of work includes but is not limited to: Variable depth milling; Variable depth pavement patching; Paving using Superpave Asphalt mix; Miscellaneous repairs to curb and gutter; ADA compliant sidewalk and ramp upgrades; Miscellaneous drainage repairs; New pavement construction for widening of the Northbound slip ramp and the Southbound access road; Pavement markings; and Turf establishment.

An allowance of \$100,000 has been included in the Invitation for Bids (IFB) for miscellaneous repairs that will only be used if necessary with prior approval of the Engineer.

Two bids were received ranging from 9.16% to 24.87% below the Engineers Estimate of \$2,156,163.50. Allen Myers MD, Inc. is the lowest responsive and responsible bidder. As its bid was Twenty-Four Point Eighty-Seven Percent (24.87%) lower than the Engineer's Estimate, a bid justification was conducted and the bid was determined to be fair and reasonable. This company has performed work on prior MDTA projects.

The Minority Business Enterprise (MBE) participation goal is Thirty-one Percent (31%) with sub-goals of Seven Percent (7%) for African American-owned and Four Percent (4%) for Asian American-owned; with a One Percent (1%) Veteran-Owned Small Business Small Business Enterprise (VSBE) participation goal. Allen Myers MD, Inc. has submitted MBE and VSBE plan that meet these goals.

Upon motion by Member Calhoun and seconded by Member Leahy, the Board unanimously approved Contract No. KH 2842-000-006 Rehabilitation of the John F. Kennedy Parking Lots and Access Roads to Allen Myers MD, Inc. in the amount of \$1,620,000.

APPROVAL – INTERMODAL CONTAINER TRANSFER FACILITY (ICTF)

Ms. Jaclyn Hartman and Mr. Dennis Simpson requested approval to declare the Intermodal Container Transfer Facility as excess land and transfer it to the Maryland Port Administration (MPA) for \$14.2 million. This item was reviewed by the Capital and Finance Committees and recommended for approval.

Following a public-private partnership (P3) for the Seagirt Marine Terminal in 2010, MDTA retained ownership of the ICTF, a 66 acre facility used for port-related operations. In recent months, MDTA and MPA have been in negotiations regarding the disposition of the facility. The proposed agreement provides for the transfer of the ICTF from MDTA to MPA for a one-time payment of \$14.2 million. The transfer allows MDTA to receive a return on its investment in the facility and to

focus on its core mission, resolves a current issue with revenue from the facility, aligns MPA's core port-related competencies with ownership of the ICTF, and promotes growth at the Port of Baltimore.

Approval from the MDTA Board is required to begin the State Clearinghouse process. With a declaration of the ICTF as excess land, the modal clearance process begins. MPA would then express its interest in acquiring the facility as an exclusionary disposition item. From there, a legislative review period and approval by the Board of Public Works is required. MDTA, MPA, and Maryland Department of Transportation Office of Real Estate are working together with the State Clearinghouse and Board of Public Works process. It is expressed that the transfer of land would not take place until January 2016 following all necessary approvals.

Upon motion by Member Basso and seconded by Member Gaines, the Board unanimously approved to declare the Intermodal Container Transfer Facility as excess land and transfer it to the Maryland Port Administration for \$14.2 million, with the proper approvals as designated above.

APPROVAL – COLLECTIVE BARGAINING AGREEMENT – FRATERNAL ORDER OF POLICE LODGE 34

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.

The State and the FOP have been in negotiations on and off since October 2014. The final agreed upon package is a one year agreement that includes: A "disparity pay fix" for seventy-nine (79) employees who have a perceived disparity in pay resulting from a recent change in pay scales effective November 1, 2015; A one-step increase for all members effective April 1, 2016; A shift differential increase from \$1.50 to \$2.00 per hour; Reinstitution of a fitness bonus of \$1,000 per year; Reinstitution of an education bonus to provide annual compensation of \$125 to \$500 depending on degree attainment; and Expansion of the Take Home Vehicle program to include members of the Crisis Negotiations Team and Marine Unit, as well as Detachment Officers of the Year.

Upon motion by Member Calhoun and seconded by William Ensor, the Board unanimously approved the Collective Bargaining Agreement with the MDTA Police Lodge #34, Fraternal Order of Police. The cost of the package in FY 2016 is \$989,464, for bargaining unit members. The fully annualized cost in FY 2017 is \$2,203,967.

UPDATE – HUMAN RESOURCES COMMITTEE

Member Calhoun asked Ms. Tonya Morant to provide a summary of the items discussed at the November 17, 2015 Human Resources Meeting. Ms. Morant stated the following items were discussed: Lean Six Sigma; an update on the College Fair; and Recruitment updates.

UPDATE – EXECUTIVE DIRECTOR'S REPORT

Mr. Chaffee reported on the Citation Waiver Program that ended on Monday, November 16, 2015.

At 10:04 a.m. upon motion by Member Nixon and seconded by Member Leahy, the Board unanimously voted to move into Closed Session pursuant to Section 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; to discuss the appointment and qualifications of one or more individuals to serve as the Chief Information Officer and the Chief of Police; and to discuss the proposed reorganization of the Executive Staff that impacts one or more individual employees including impacts to individual duties and compensation. The following persons were present during the closed session: Dennis Schrader, Reverend Dr. William C. Calhoun, Sr., P. Jack Basso, William Ensor III, W. Lee Gaines, Jr., William Hellmann, Michael Leahy, Randall Nixon, Michael Whitson (via telephone), Milton Chaffee, Percy Dangerfield, Jaclyn Hartman, Kimberly Millender, Esquire, Tonya Morant and Judy Slater from MDOT.

At 10:25 a.m., upon a motion by Member Leahy and seconded by Member Nixon, the Members unanimously voted to return to Open Session.

RATIFICATION OF ACTIONS TAKEN DURING CLOSED SESSION

Upon motion by Member Calhoun and seconded by Member Leahy, the Members ratified the following votes from Closed Session: to approve the collective bargaining package with the FOP with one change for command staff; to approve Mr. Woodrow White Jones as Chief of Police; and to approve Mr. David Goldsborough as IT Director.

There being no further business, the meeting of the MDTA Board was adjourned by general consensus at 10:28 a.m.

The next MDTA Board Meeting will be held on December 17, 2015 at 9:00 a.m. at the Point Breeze Headquarters, 2310 Broening Highway, Baltimore, Maryland 21224.

APPROVED AND CONCURRED IN:

Jim F. 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: November 19, 2015

TIME:

MOTION BY: Nixon

SECONDED BY: Leahy

VOTE TO CLOSE SESSION:

Table with 5 columns: Name, AYE, NAY, ABSTAIN, ABSENT. Rows include Rev. Dr. William C. Calhoun, Sr., Michael J. Whitson, Peter J. Basso, William K. Hellmann, P.E., W. Lee Gaines, Jr., William E. Ensor, III, Michael G. Leahy, Randall Nixon, and Chair.

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, *to discuss the qualifications of one or more individuals to serve as the Chief Information Officer and the*

REASON FOR CLOSING: *Chief of Police; and* →

To discuss matters permitted by statute to be discussed during a closed session of a meeting of a public body.


PRESIDING OFFICER

to discuss a proposed reorganization of Executive staff
that impacts one or more individual
employees including impacts to
individual duties and compensation.