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PROCEEDINGS

GOVERNOR HOGAN: Good morning, everyone. Welcome to the Board of Public Works. We have been really focused on this pandemic in general and particularly on vaccines. And this morning, we hit an incredible milestone of four million vaccines administered in the State of Maryland. We have now vaccinated more than 82 percent of all the Marylanders over 65 and more than 55 percent of all Marylanders 18 years and older.

This afternoon, I'm going to be providing a detailed update on a number of additional initiatives that we're going to be announcing to get more shots into the arms of the rest of the people in Maryland so that we can keep people safe and bring this pandemic to an end. With that, I'll turn it over to my colleagues for opening remarks, maybe starting with Madam Treasurer.

TREASURER KOPP: Thank you, Governor. I congratulate you. I congratulate the State of Maryland. We really have made progress and it's very encouraging, as somebody who finally did get two shots in her old arm. It does, it's empowering. And we want to get everybody vaccinated as soon as possible so the whole community is safe. So thank you.

I also want to associate myself with your remarks about the murder verdict yesterday. It's one good step, I think, towards a world that's, a country

that's more just and equitable. And we all can breathe a little sigh of relief that that particular episode is over, but there's a long, long ways to go.

And I didn't want this moment to pass, after all this is the first meeting since the General Assembly adjourned, to congratulate the General Assembly and you on a really outstanding historical session. So much was done that was really important to the State in a, at a time and under conditions that nobody thought would be workable at all. And really, really outstanding.

And finally, just a note of -- two, one of sadness in the passing of a great American, Fritz Mondale, Senator, Vice President Mondale, who at least some of us worked very hard to have, but very unsuccessfully, to see elected President of the United States. But a good man who contributed significantly to this nation.

And finally, in terms of commendations, the University of Maryland Baltimore County mock trial group, they just beat Yale Law School. When we -- UMBC, the Retrievers are so great. First chess, then basketball, and now the mock courtroom. It is just amazing and we are so proud to have such a great university carrying the name of Maryland. And with that, Comptroller?

COMPTROLLER FRANCHOT: Thank you very much, Madam Treasurer, and thank you, Governor. And first and foremost, Governor, I'd like to join the Treasurer in congratulating you and the General Assembly on what was a

very challenging and highly consequential, in a positive way, legislative session. In the midst of an unprecedented public health and economic crisis, there were a lot of strong pieces of legislation passed to address the challenges brought about by the COVID crisis and to address police misconduct and government accountability, among many others. So kudos to Governor Hogan, Speaker Jones, President Ferguson on the great work this session. And Governor, one of the many actions taken by the Legislature, I didn't really learn about it until after the session, was to put in budget language to charge my agency with oversight of the distribution and expenditure of the billions of dollars that have flowed through Maryland, both into the private sector and the public sector, in response to the COVID-19 pandemic.

As my colleagues on this Board are well aware, I've consistently called for increased transparency on the matter of federal and State relief and we have received an unprecedented level of funds, which all of us welcome, both State and federal relief. But to that end, I'm forming and announcing today a work group comprised of myself and members of my agency to complete a thorough top to bottom review of the more than \$50 billion in federal assistance that has flowed through Maryland, and the billions that State government has expended through grant and loan programs. All of us as stewards of the taxpayers' hard-earned money have a responsibility to ensure that these funds are being utilized appropriately. So

I look forward to working to produce the mandated reports and provide oversight and accountability that the residents of Maryland obviously expect and deserve.

And finally, I'd like to join both the Governor and the Treasurer in recognizing last night's guilty verdict of Derek Chauvin. Last summer, communities in every corner of our State and across the nation came together across racial, social, and economic lines to demand an end to institutional racism in our country and speak up for Black lives. The brutal murder of George Floyd, which was captured on video showed in painful, undeniable clarity how generations of people of color, generations, hundreds of years, have been denied equal rights, protection, and treatment under the law. As a nation, we must continue the hard work not just of creating trust between law enforcement and communities of color, but also addressing what causes a lot of that mistrust, such as housing and education inequities. We must not settle for anything less than equal justice under the law. And I'm very proud to associate myself with the comments of both you, Governor Hogan, and Treasurer Kopp. Thank you.

GOVERNOR HOGAN: Thank you.

COMPTROLLER FRANCHOT: Good to see you again, Governor.

How are you doing? Everything good?

GOVERNOR HOGAN: Everything is good. It's good to see you both.

COMPTROLLER FRANCHOT: Yeah.

GOVERNOR HOGAN: Let's go ahead and get started with the Secretary's Agenda, what do you say?

COMPTROLLER FRANCHOT: Sure.

SECRETARY GONTRUM: Governor, Madam Treasurer, Mr. Comptroller, there are 19 items on the Secretary's Agenda this morning and ten reports of emergency procurements. Items 5 and 11 have been revised. Item A10 is being withdrawn because the department wishes to add information to the report regarding an additional emergency procurement action on the contract, specifically an emergency contract extension modification. I'm happy to assist with answering any questions.

GOVERNOR HOGAN: Thank you very much. Are there any questions on the Secretary's Agenda?

COMPTROLLER FRANCHOT: Yes. I have -- Madam Treasurer, I didn't mean to jump --

TREASURER KOPP: No --

COMPTROLLER FRANCHOT: -- if you have something, go ahead. But I wanted to comment on Item 6. I don't have any problem with the request from Secretary Brinkley, who I had a nice conversation with this morning on something else. But I did want to take advantage of this being a DBM item to

comment about, if I could, the hazard pay that we're providing frontline State employees.

I'm obviously delighted that the Governor in partnership with the Legislature provided bonuses and restored hazard pay for some State employees. But I'm disappointed to learn that apparently there are thousands of State employees for whom, that should have received the hazard pay rates, they weren't restored. And I happen to think that every State employee, including many in this building where I am sitting right now, who reported to work in person during the pandemic, obviously the people in, at the front desk doing security put themselves at risk and their families are frankly at risk of contracting a deadly virus by coming in and having, you know, they were ordered by us, the agencies, to come in because we had to have, you know, skeleton staffs. So every State employee, in my opinion, who reported to work in person, obviously they had to take additional precautions to protect themselves, their loved ones, and the public from the spread of the virus, like wearing masks and face shields for 36-hour double shifts.

These employees were ordered to work in person by folks like me because they perform mission critical work that keeps the State functioning and in many ways helped slow and prevent the spread of the virus. An emergency medical response pilot, for example, deserves hazardous pay and got it. But so does the (indiscernible) who must clean up the blood after the injured person they are serving

is treated. The same is true of toll collectors who were taken off the roads and given the job of screening, testing their fellow employees for the virus. Everyone in our State colleges and universities apparently was excluded from hazard pay. Hopefully someone can correct me if I'm wrong on that. That includes housekeepers, mechanics who not only showed up to work throughout the pandemic, but were made to work in the quarantine and isolation buildings where sick students were housed.

The service performed by these workers was absolutely essential. Otherwise, why would State government order them from their homes in the pandemic's darkest days to perform that service? If we acknowledge their work is both essential and hazardous, I suggest that we should not exclude them from the hazard pay rates provided to their coworkers. Restoring hazard pay rates for those workers is the right thing to do. I hope we can do it. I notice Secretary Brinkley is on the line. He doesn't have to respond right now, but I certainly hope he will look at folks like the person that I passed coming into the Treasury Building today who, you know, has to make sure everybody is appropriate who is walking in, appropriately masked, etcetera. I mean, that person should get hazard pay and perhaps it has been an oversight and maybe something can be done with all of the new money that's coming in. But thank you for letting --

GOVERNOR HOGAN: I think maybe Secretary Brinkley can address that and maybe talk about the hazard pay along with the pay increases that all State employees got and the bonuses.

MR. BRINKLEY: Thank you, Governor. We, yeah, we did have to institute something early on. There was the emergency pay, which went into effect right away, where employees received double their compensation for I think one pay period. That was as we were learning from the CDC on some of the guidelines that we had to implement. Then we created what was called response pay, which I think is what the Comptroller is referencing. The primary ignition behind that was to ensure that we had adequate staffing at some of the facilities where we had, you know, the correctional facilities, some of the hospital facilities, where we need to make sure we had personnel in and on site. They had to go through testing protocols and all that at that point in time. Keep in mind, elsewhere in the State government, people were sent home, told to keep their distancing. We were getting partitions up at that point in time. And we also had additional pay which we are still continuing to this day known as quarantine pay, for those who showed up in a facility, let's say a prison, and there were sick, you know, people involved in there and they had to go into those areas, which we are still doing those. These are areas where there was absolutely no opportunity for social distancing.

Keep in mind also the fiscal challenges we were facing or the unknowns that we had back in the fall. So we were trying to ensure that we had adequate staffing, yet making sure that we also had the resources so we didn't have to lay people off. As the numbers became rosier, then, you know, we did move forward with some pay increases and, then just this time last week, the full time employees received a thousand dollar bonus that was included within the budget. And now what we are faced with is with the Biden administration saying retroactively that we want this type of response pay to continue, we have made the decision not to expand the pool of people but those individuals that we still have. And now we are certainly getting petitions and there is a major movement among one of the unions for us to not just certainly make sure that it is forwarded, but now to expand the pool of individuals, which essentially would make it retroactive to this time last year.

We do feel that a lot of people did have opportunities, since we also cut back on the volume of people showing up. Your offices were closed. Our offices were shut down. So therefore, people weren't in our State buildings. But this is an ongoing conversation that we will be having. And we did, once we saw that we had some resources, we did reward some of those with this – well, all full time people with a thousand dollar bonus. Which honestly, the Governor made that

decision recognizing that the lower paid State employees received a larger percentage of their basic compensation along those lines.

COMPTROLLER FRANCHOT: Well, thank you for that response. And I'm not suggesting that you and the administration did not do exactly what you said. I think that's terrific. But if you could keep these other folks in mind. I'm thinking of the security guard who, ever since I've been walking into this building, to the extent I could during the pandemic, has been sitting there in a, you know, very exposed position. So I hope that people like her would get some retroactive at least support or a look see, and depending on what resources you have. So thank you for that response. I appreciate the fact that you are going to keep it in mind.

GOVERNOR HOGAN: Thank you, Mr. Comptroller, Mr. Secretary. Any other questions on the Secretary's Agenda?

TREASURER KOPP: Governor, as you go by Item 3, the PAARs report, the report of procurements under \$200,000, I would just like to point out and thank Secretary Gontrum for making sure that they are posted and will continue to be posted on the Board website. I hope you will also work with the agencies -- a couple of these are about three years old, they are really way overdue -- work with the agencies to make sure they are up to date as soon as possible. If there is anything we can do to assist or encourage, it's supposed to be 45 days. Three years is really significantly longer than that. But thank you for putting them up.

SECRETARY GONTRUM: You're very welcome, Madam Treasurer. I think it was an excellent idea to make the PAAR reports public. The State's Procurement Advisor Gabe Gnall has been very active in working with the agencies to inform them about the requirement that they submit last month's delegated procurement actions in the form of a report to the Board in a timely fashion. I know he is up to speed on each agency that is required to submit a PAAR report on their plans for getting current. And it does appear that progress has been made since I would say just this time last month, that Mr. Gnall's importuning the agencies to become current is starting to show, is starting to bear fruit, that we are starting to get more and more of these PAAR reports. And I just was reviewing in an email an hour ago that Gabe was working hand in hand with one of the agencies to submit a PAAR report that was lacking information. So he is very much on top of the situation. And thank you, Madam Treasurer, for raising the issue at the Board so that we can continue to make sure the agencies are fulfilling this procurement law requirement in COMAR.

TREASURER KOPP: Well, and I think we realize, it takes time. It takes people to catch up. I'm not questioning that. But as soon as possible to be up to date, I think, will help relieve some of that strain.

Governor, the other thing I would just like to say in general about many of these items is how impressed I am, and I think all of us are, that they are

now including environmental impact, and I hope, and energy saving impact, and I hope to some extent climate change impact in a lot of these projects which are being reported to us. This is a change and a good one, too. Because it allows people, citizens, to see what the State is doing, what the agencies are doing, and how concerned about the environment, energy, and climate change is being worked in now to these plans and to the projects as we go ahead.

I would point out that while a lot of them mention environmental impact and energy savings, it's not yet clear exactly how that is integrated into our State's climate change mitigation and adaptation goals. And I think maybe folks have to go back and look at that a little more succinctly. A couple of them mention things like NEPA, the National Environmental Protection Act, which was enacted in 1970, as I recall, and the State of Maryland version in the early seventies. We're talking now about 2021 and climate change and that has got to be part of it, too. But it's a big step forward. And I thank you and the agencies.

GOVERNOR HOGAN: Thank you. Any other questions on the Secretary's Agenda?

COMPTROLLER FRANCHOT: Yeah, I wanted to just bring up Item 15, speaking of climate change, Madam Treasurer, and I salute you for your leadership.

SECRETARY GONTRUM: Item 15 is the Department of the Environment. We have Dr. Suzette Dorsey from the department able to answer any questions about the item.

COMPTROLLER FRANCHOT: Great. This is an item that it's a request from the Maryland Department of the Environment to loan up to \$6.3 million and grant an additional \$2 million to Queen Anne's County for much needed improvements to failing septic systems to install a public sewer system on Southern Kent Island. And you may recall, Governor, that -- well, I'm not going to oppose the item this time. But I did have some real concerns last time this project came with phase one. I expressed grave concerns about overdevelopment, how this project directly or indirectly would contribute to additional development projects on Southern Kent Island, speaking of sea level rise and climate change, etcetera.

So time and again we have seen unfortunately detrimental environmental impacts from small developments in communities on Kent Island, on Chesapeake Bay, and on the tributaries. I'm very mindful of the fact, however, that this is a critical public infrastructure project that needs to move forward. I understand that we have significant sewage issues over there on that particular part of Kent Island. And but I would urge my friends and colleagues in Queen Anne's County, and have spoken to the Commissioners about this, that don't take this as a license to be very liberal with permits for more development projects. I understand

some of the 25 lots that are there that could be developed have been turned over to the county. I think that is an excellent move as we're taking care of existing homes that have a problem. But I would hate to see this as a rush to small developments in a very, very delicate area. Thank you, Governor.

GOVERNOR HOGAN: Thank you.

COMPTROLLER FRANCHOT: Madam Treasurer, thank you for your advocacy. Because, you know, this issue would not be as front and center as it is without you.

TREASURER KOPP: Well, I'm not sure about that. But I think it is important to all of us.

GOVERNOR HOGAN: Thank you, both. Is there a motion to approve the Secretary's Agenda?

COMPTROLLER FRANCHOT: Yes, in just a minute. But I did want to comment on Item 18, which is awarding \$1.6 million to Mr. Melvin Thomas for his erroneous conviction and subsequent incarceration for 19 years.

This compensation obviously cannot make up for the years that Mr. Thomas spent behind bars separated from family, friends, and loved ones -- incorrectly apparently, because he wasn't the person that committed the crime. So for all Marylanders who have been imprisoned wrongfully, Mr. Thomas is a victim of our broken criminal justice system that continues to plague the country.

Although no dollar amount can restore what was taken from him, I assume that today's action will bring some solace and a sense of vindication to Mr. Thomas. And obviously it would not happen without, Governor, yourself and the Treasurer and myself moving this through. I think the Legislature has created some other vehicle based on what we are doing, that we've already done, and that we kind of articulated as a good model. So that's, I just wanted to comment on that.

GOVERNOR HOGAN: Yes, thank you.

COMPTROLLER FRANCHOT: And the last item I have is Item A7, which is the report of an emergency procurement for consulting services provided to the Maryland Department of Health in response to the COVID-19 pandemic. I have some significant concerns with this and if I could, I just direct people's attention to A7.

This item along with two others was deferred during our March 24th Board of Public Works meeting. And this particular item is returning to the Board transformed, I would describe it. This is not the item that was pulled on March 24th that was asking for our approval. This is the same thing that was pulled back, but it has come back with a significant alteration. And I just want to ask some questions about this because it's pretty troubling to me. And I don't know whether the, who is here representing the Maryland Department of Health --

GOVERNOR HOGAN: We have Secretary Schrader.

COMPTROLLER FRANCHOT: Oh, great. Well, good. Thank you. And congratulations on your confirmation.

MR. SCHRADER: I thank you, Mr. Comptroller. I appreciate that and look forward to your questions.

COMPTROLLER FRANCHOT: Okay. So this is an emergency procurement contract, Item A7, awarded to Ernst and Young for various consulting services provided by the department for the vaccine distribution effort, which the Governor noted in his opening statement. Last week, I met with Ernst and Young virtually and learned more about the work that they are doing here in Maryland, so I did get some clarity as to some of the roles and functions they are performing. But my question is, when I suggest that this comes back with a different flavor to it, March 24th it was a \$3.79 million request, and all of a sudden we now have an increase from \$3.8 million up to \$25 million. So my first question is, did the department not return this item for presentation at our April 7th meeting so that it could modify and increase the contract amount by \$21.2 million? What happened in the interim?

MR. SCHRADER: So if I could go back to how this evolved, Mr. Comptroller. Back in November, December, when the vaccines were first pushed out by the federal government, we did an analysis of -- because we wanted to make sure that we could address the scope and scale of being able to vaccinate 4.8 million

adults initially, which would have been almost 9.6 million doses. We have already had, and I think you have some information where we have over 10,000 people mobilized, which is literally equivalent to an Army division, and they have been working on testing, tracing, and surge, and PPE for almost a year. And half the National Guard has been engaged in that effort.

What I wanted to make sure of and we went about in the first couple of weeks in January, we got a couple of bids, I wanted to make sure that we had a company that had a national perspective that was going to assure me that we could deliver all those shots in arms logistically and with a supply chain that was very complex based on the way the federal government had organized it. The federal government had disclosed to us that General Perna -- they actually put the Army in charge of this because this is the largest peacetime mobilization in our history. And being a former military officer myself, with a logistics background, I wanted to make sure that there were no surprises.

The good news is that we brought EY in, I gave them an initial contract that the report came back on February 20th with all of the things that they felt we still needed to do to expand the scope and scale of our response to be able to deliver the vaccines. That was on February 20th. When we originally did this, I wasn't quite sure and I didn't want to put forward a very large amount of money, which is why we did a small, relatively small, \$3.9 million in three options, with

two additional options. And once we got the February 20th report back, it became very clear that we needed much more capability. And we have in the charts, it gives you an idea of the 90 people that were needed to support this effort.

So this has been a work in progress and we wanted to come back with the full scope. I didn't want to come back and ask for the original today without disclosing that this is a much bigger effort that is going to take us into October, sir.

COMPTROLLER FRANCHOT: Sure. But the problem from a procurement perspective is that we're, what I don't want to have -- and I hope, I'm sure my colleagues share this. We don't want to have the normal procurement process of competitive bids, etcetera, replaced by this emergency procurement situation. Because then we run into some real issues. I mean, Ernst and Young initially won this contract, they were the lowest of two bidders so we knew what we were getting. But all of a sudden, it is significantly expanded and I just want to make sure that the department and other departments in the State are not skirting procurement rules and increasing contract amounts like this, where we went from \$3 million or \$4 million, adding in \$21 million. And then saying, oh, it's because it's an emergency. Well, this is a year after the start of the pandemic and back then we had a real crisis. I understand that and I understand the necessity for emergency procurement contracts. I think that era has perhaps served its purpose and --

GOVERNOR HOGAN: Mr. Comptroller, I would just totally disagree with that. The era has not passed. We're in the worst and most important part of the emergency. As the Secretary said, it is the largest peacetime undertaking in American history. We had to get 11,400 people that were not working on this, have never done this before, it has never happened since 1918, and we're doing millions of doses. That costs a lot of money and it is an emergency. We are in a state of emergency, and we can't follow normal procurement processes. It's absolutely, patently absurd.

COMPTROLLER FRANCHOT: Well, then I think we have in our opinion an honest disagreement. Because I think that we have had a year of this pandemic. We had an opportunity previously to get competitive bids and I --

GOVERNOR HOGAN: Would you suggest that we hold up the effort or stop the effort with the four million vaccines --

COMPTROLLER FRANCHOT: (Indiscernible).

GOVERNOR HOGAN: (Indiscernible). I mean, you know, half a million Marylanders have been infected and 40,000 have been hospitalized and nearly 9,000 have died. It is an emergency. And we don't have normal processes that are set up for this.

COMPTROLLER FRANCHOT: (Indiscernible).

GOVERNOR HOGAN: That's why the law allows us to declare a state of emergency so --

COMPTROLLER FRANCHOT: -- I understand your argument, Governor. I just happen to disagree with you because what we're just doing by this, justifying and voting for this particular contract, we're adding \$21.2 million to an emergency contract we have not even signed off on, especially when Ernst and Young had already overspent on the initial \$3.79 million face amount. I'm not talking about the situation that presented us a year ago in March and April and May.

GOVERNOR HOGAN: I'm not talking about a year ago either. I'm talking about the vaccine effort that started at the end of December and that is now at its peak, that they are helping us in so many different ways and we're adding more to the contract because they are doing such a good job and because the undertaking is so massive.

COMPTROLLER FRANCHOT: Well, I think obviously I met with Ernst and Young, and I have more clarity as far as the work and the contributions that they are doing. They are providing strategic guidance and consulting services that are resulting in some improvements in efficacy in our vaccine distribution effort, just as you are commenting. What I am objecting to is the continued metastasizing of the emergency contract situation and I'm concerned that we get into a situation where the department, and other departments, are sidestepping the

Board of Public Works with its normal procurement process. I keep hearing exactly what you are saying, Governor, from the agencies. We're in an emergency. We're in an emergency. I get that. I really do. I agree with you, that it continues to be a crisis. But we're been in it for more than a year now and you simply can't have that be the default response on every questionable procurement activity that comes --

GOVERNOR HOGAN: First of all, they are not questionable procurements. And I just beg to differ. We are in a state of emergency and as long as we continue to, we're going to continue to take actions that save lives and we're not going to wait and go through a long, drawn out procurement process. (Indiscernible).

COMPTROLLER FRANCHOT: (Indiscernible) appreciate the comments of Dana Dembrow, former Delegate, someone I have a lot of respect for. He was the former procurement officer at the department. He's considered and I consider him to be one of the leading authorities on procurement. And he commented on this specific procurement. This was an emergency in March of last year, in April or May. But the December --

GOVERNOR HOGAN: -- continue to be an emergency until we finish the vaccines and until the hospitals stop overflowing and we don't have people dying every day.

COMPTROLLER FRANCHOT: But in December --

GOVERNOR HOGAN: -- state of emergency, then we can go back to a long, drawn out procurement process.

COMPTROLLER FRANCHOT: Okay --

GOVERNOR HOGAN: -- not going to.

COMPTROLLER FRANCHOT: -- let me just quote Dana Dembrow, before I was interrupted. "By December, you can no longer claim that this is something that is sudden 'and unexpected.'" So I'm going to vote for the item, because the fact is that the Governor and I think Ernst and Young made the case as to why they are critical. But you know, we don't have a choice. Quite frankly, EY has done a good job. But let me be crystal clear. I just view this as a form of a misuse and abuse of emergency procurement regulations. I think it's completely unacceptable to see this arise again and again and again. It raises the question are we doing intentional bypassing of the Board's critical authority to provide oversight of the State's procurement system.

If you could, you know, just give me your response, Secretary Schrader, I can see what the Governor is saying. But at some point, this has to stop and you have to get back into the normal --

GOVERNOR HOGAN: There is nobody that wants this to stop more than we do, Mr. Comptroller. That's why we're doing all of this, so we can bring it to an end.

COMPTROLLER FRANCHOT: Well, this would be a good one to start with. But I'll give you the benefit of the doubt on it and but I have shared my concern and I think it's a legitimate one. And I hope that, you know, well, I hope that we return to the regular order as far as procurement activities sooner rather than later.

GOVERNOR HOGAN: Me too. I agree.

COMPTROLLER FRANCHOT: While I've got the Secretary here, what about your view of the vaccine distribution effort? What is --?

MR. SCHRADER: So I think if you look at the --

COMPTROLLER FRANCHOT: -- what's going on with the --

GOVERNOR HOGAN: I think you have a sound problem there, Dennis. Maybe if you backed away from that microphone it won't be --

MR. SCHRADER: Okay. Yes, sir. Go ahead, Mr. Comptroller.

COMPTROLLER FRANCHOT: -- what about the Johnson and Johnson vaccine and the whole Emergent Bio, Bio -- whatever that company is named up in our State. But what is going on with the tabling or the temporary halt

of the Johnson and Johnson vaccine? And has that affected the State's critical vaccine distribution plan so far?

MR. SCHRADER: Well, two points. One is that this Friday --

COMPTROLLER FRANCHOT: -- what is the name of that company --?

MR. SCHRADER: Yes, Bio Emergent, yes. This Friday, the CDC will be meeting again and hopefully giving us some guidance on how to proceed. I don't want to speculate on what they are going to say. Obviously, if they are able to target uses for the Johnson and Johnson, that would be terrific. With the Governor's help, we built a machine that can deliver 100,000 doses a day and we were planning to use all those doses to get through this as fast as possible. Not having those 100,000 doses a week from Johnson and Johnson is going to slow us down. But with the other, with the other two we're getting about 160,000 doses a week and our machine is running very efficiently with those doses. So we're going to have to wait and see until Friday evening what the CDC and the federal government decide.

COMPTROLLER FRANCHOT: So the machine is keeping the vaccine separate, right? Because it's --

MR. SCHRADER: Yes. Yes. We are not, we have paused the use. We are not using J & J, Johnson and Johnson, as we speak. But the machine is cranking with the other 160,000 and we're getting shots in arms all across the State.

COMPTROLLER FRANCHOT: Good. Because obviously I agree with the Governor, that that is an important priority. Thank you.

MR. SCHRADER: Thank you, sir.

GOVERNOR HOGAN: Thank you. Any other questions on the Secretary's Agenda?

COMPTROLLER FRANCHOT: Move approval if that's appropriate.

GOVERNOR HOGAN: Great. Is there a second?

TREASURER KOPP: Second.

GOVERNOR HOGAN: The vote is three-nothing. We'll move on to the DNR Real Property Agenda.

MS. HADDAWAY-RICCIO: Hi, good morning, Governor, Madam Treasurer, Mr. Comptroller. For the record, Jeannie Haddaway-Riccio, Secretary of the Maryland Department of Natural Resources. And we have ten items on our Real Property Agenda today for which we are seeking approval. And I'm happy to answer any questions you may have.

GOVERNOR HOGAN: Any questions for Secretary Riccio? No?

COMPTROLLER FRANCHOT: Move approval.

GOVERNOR HOGAN: Is there a second?

TREASURER KOPP: Second.

GOVERNOR HOGAN: The vote is three-nothing. Thank you,
Madam Secretary.

MS. HADDAWAY-RICCIO: Thank you.

GOVERNOR HOGAN: We're going to move on to the University
System Agenda.

MR. HICKEY: Good morning, Governor, Madam Treasurer, Mr.
Comptroller. Tom Hickey, representing the University System of Maryland. We
have nine items on our Agenda this morning and we're happy to answer any
questions. I did want to point out, two residents of Solomons are present by audio,
Paul and Pamela Kaplan, for Item 9-C. I also have Dr. Peter Goodwin, who is the
President of the University of Maryland's Center for Environmental Science, as
well as Dr. Thomas Miller, who is the Director of the Chesapeake Biological
Laboratory. And with that, I believe there are some questions that the residents
have. I believe the Treasurer also had questions. And we provided those in writing.
The Governor's Office has shared that with the Kaplans.

GOVERNOR HOGAN: So I assume at this point you want us to call
on the citizens that have questions? Let's go ahead --

MR. HICKEY: I think that would be great. And then Dr. Goodwin and Dr. Miller can respond.

MR. KAPLAN: Yes, this is Paul Kaplan. Can you hear me?

GOVERNOR HOGAN: Yes.

MR. KAPLAN: So, we did send our questions in and I just have a little statement to read, which will summarize our issues. Governor, Comptroller, Secretaries, and University of Maryland personnel, in 2007, my mother-in-law decided that she wanted to spend her retirement years along the water. After looking at many places, she chose a small house at 149 Charles Street in Solomons. It was an old fisherman's house originally built in the 1870s and needed a lot of work. We painstakingly refurbished the place over the next year and she moved in in 2008. She loved the views and was excited to be near the University. All of us respect the work that the University does on the environment, and in fact my mother-in-law ended up volunteering her time at the museum while she was still able to physically do so. I want to emphasize that the University has been a great neighbor over the past decade.

Having said all of this, why are we here today? We understand that the University is planning on adding to the campus. The proposed building would be adjacent to our little property. In the past, we have found the University to be generally respectful of our property with the notable exception mentioned in our

note concerning the Truitt building air handlers, which resulted in a level of noise which has made our small backyard virtually unusable and has limited our ability to open our windows on the south and west side of the house and still be able to sleep.

We understand that in these times the University and the State have many concerns to consider, that our little property is not foremost in the minds of our public sector and education leaders who have to deal with such things as funding, the environment, the pandemic, etcetera. So I'd like to boil this down to three requests.

One is that the University consider the noise pollution created by the existing structures and any new structures to be built, and that noise abatement techniques be utilized to reduce the emissions; that the new structures be built far enough from the property lines so that the light from the sun during the late fall and the winter months not be significantly blocked from our property. We acknowledge that this was addressed in the response provided, but there was no specificity to determine how much of the daylight sun would be blocked during the shorter days of the year. And finally, that the University and the State consider minimizing the construction disturbance from the heavy equipment, including potential damage to our property from runoff, dust, and noise. In the past, the University did do some construction on the Truitt building and there was some issues with the construction

equipment. But the University quickly addressed them, I might add, so that we were comfortable. And I thank you for your time and consideration.

GOVERNOR HOGAN: Thank you, Mr. Kaplan. Now we're going to move to Dr. Peter Goodwin, who is the President of the college. Welcome, Dr. Goodwin. Doctor?

DR. GOODWIN: Good morning, Governor Hogan, Comptroller Franchot, Treasurer Kopp. Thanks for having the opportunity to say a few words.

First of all, we really appreciate the concerns expressed by the Kaplans. The relationship that UMCES has with all of the neighbors that we interact with across the State is extremely important to us.

Now just a couple of quick comments about this building. The building that was referenced before, the Truitt Building, is a laboratory system. This new building is termed the Chesapeake Collaborative. It's really critical to our mission to support Maryland and the recovery of Chesapeake Bay. And as we move into the era of big data and more complex models, it's collaboration space. So this building will not have the type of equipment and noisy HVAC that you require for the wet laboratories.

Secondly, with many of the concerns, and I will turn to Dr. Miller to talk about some of the precise details in a moment. First of all, the building has not been, the final designs have not been completed yet. This is all to be determined

over the next few months. You know, and clearly as in the past, we integrate public input and thoughts as this building is put together. So we certainly welcome the Solomon's Island, you know, it's very important to us as an institution and our relationship with the full neighborhood. And perhaps I could turn to Dr. Miller just to make a few comments about some of the site details which could influence the Kaplans' opinion. So Dr. Miller, could I turn to you for a few details?

DR. MILLER: Thank you, Peter. Good morning, Governor, Mr. Comptroller, Madam Treasurer. I want to thank Mr. and Mrs. Kaplan for bringing their concerns to us and we are certainly committed to working with them to alleviate the concerns that they have raised. The piece of equipment that Mr. Kaplan submitted the video of is a heat exchanger unit that we have to cycle for a period of time each week to ensure that it works. But we are more than willing to work with him to work on noise abatement wherever we can. As he noted in his comments, we have tried diligently to address all of the community's concerns at every opportunity. We are located in Solomons because the citizens of Solomons initially worked very closely with our founder, Dr. Truitt, and built us the first lab building. So we feel a great responsibility to be a good neighbor in this community.

The location of the building that we propose would provide sufficient distance between the new building and the Kaplans' property and would have minimal impact on their light. The reason we are somewhat hesitant at the

moment is that as the three of you know, the first step in the design process is to verify site conditions. We haven't had those reports back yet to know whether the site we propose is going to be acceptable. But I will make this commitment: that we will work with the Kaplans to keep them fully informed of the process as it develops and give them an opportunity to see and hear what we propose and have input in on it. The last thing we want is to be a bad neighbor in this community.

GOVERNOR HOGAN: Thank you, Dr. Miller. Are there any other, any questions?

COMPTROLLER FRANCHOT: How far is the distance between the building currently planned and the Kaplan residence?

DR. MILLER: I hesitate to give you an exact figure because we don't have the physical size of the building. I would imagine at the moment it's on the order of at least 70 feet, at a minimum.

COMPTROLLER FRANCHOT: That's seven-zero?

DR. MILLER: Yes.

TREASURER KOPP: And I wonder if it would be possible for you to keep us informed as the project goes ahead? Informed on how the project, which is a very good one, is doing, and also on the relationship with the neighbors. And I'm sure the Kaplans will keep us informed also. It sounds to me like you have

good supporters in the Kaplans, if you continue to be a good neighbor. And when do you think you will start actually evaluating the present site proposal?

DR. MILLER: So the funding has, is due to come to us on the first of July for the planning phase. There is a one-year gap after that before construction. And so we have delayed the initial planning until November, I believe, of this year, so that we don't have plans completed and then wait a full year under which time and perhaps construction codes change or equipment specification changes. So I would imagine we would have that site verification done by very early in 2022 and we're --

TREASURER KOPP: -- why don't you check back with us, say, in six months, just on what's happening. How would that be?

DR. MILLER: I think in six months, Madam Treasurer, we probably will not have a great deal to report. Perhaps in ten months we would have something specific to report. Six months will probably be a report that says we're just about to start the planning. We're happy to do it but I'm not sure --

TREASURER KOPP: Why don't you do it?

DR. MILLER: Okay.

TREASURER KOPP: Well, and by then you will have some thought about how you are going to work the neighbors in in consultation in the planning process as you go forward, and keep everybody together.

GOVERNOR HOGAN: Thank you.

COMPTROLLER FRANCHOT: I want to thank Mr. Kaplan for his very concise statement. And it's one of these situations that arises and it can't be easy for him and his family to, you know, object, would be the right way to put it. But hats off to him for his testimony. I thought it was particularly effective, I guess. And hopefully the system can work something out.

TREASURER KOPP: Well, and could I also thank UMCES for the answers which you have sent us to the questions, which are also very thorough and very helpful, and I assume you have shared with the Kaplans. It's a good project I would think everybody can get behind.

GOVERNOR HOGAN: Great. Thank you. Any other questions on this item?

COMPTROLLER FRANCHOT: Move approval.

GOVERNOR HOGAN: Great. Is there a second? It's move approval on the whole Agenda.

COMPTROLLER FRANCHOT: Thank you. Yes.

MR. HICKEY: Thank you very much.

GOVERNOR HOGAN: Thank you. The vote is three-nothing. Thank you. And we're going to move to the Department of Transportation.

MR. SLATER: Good morning, Governor, Madam Treasurer, Mr.

Comptroller. For the record, my name is Greg Slater, Secretary of the Maryland Department of Transportation. The Maryland Department of Transportation is presenting 15 items for your consideration today. Our representatives are here to answer any questions.

Before jumping into the Agenda, Madam Treasurer asked me to highlight an announcement that we made yesterday with the Lieutenant Governor, MDOT, DNR, Department of Commerce, and U.S. Fish and Wildlife about an incredible archaeological discovery. So last year, the U.S. Fish and Wildlife purchased a 2,600-acre parcel of land in Dorchester County to add to the Blackwater National Wildlife Refuge. They learned quickly after that that the parcel may have contained a ten-acre parcel that once belonged to Harriet Tubman's father, a gentleman by the name of Ben Ross. Ben Ross was believed to have harvested timber in the 1830s and 1840s there and then transported that to the shipyards of Baltimore. So the U.S. Fish and Wildlife reached out to us.

We have a really talented team of archaeologists at MDOT that are experts in African American history. And so our archaeologists dug in and went through the old land deeds, the wills, historic documents, and kind of find the location, and in November they dug about 1,000 different holes across Blackwater trying to find the location that dated back to the 1800s. It then got to the point where they couldn't work there anymore, between mosquitos and water and

everything else. And then they returned in March and as part of those efforts they found a ton of artifacts, including a brick foundation for Ben Ross' cabin, a piece of glass, ceramics, drawer handles. And not far from the excavation site, they found a coin that was dated 1808, which was the same year that Harriet Tubman's parents were married.

So for her part, the legend is that she would have visited that site as a child and worked alongside her father and where she learned how to navigate the woods and wetlands. I can tell you that I personally hiked back to the site. It's a pretty amazing but pretty challenging place to get to, so I know the challenges that our team had in finding this site. So it was a pretty exciting day for our archaeological team. But a great team effort.

GOVERNOR HOGAN: Yes, that's great. Thank you, Mr. Secretary.

TREASURER KOPP: It's very exciting. And I hope that you are producing video or pictures, etcetera, so that we can all sort of participate in it and get a feel for the area. We've all visited the area that Harriet Tubman had to navigate as an adult bringing people out of Maryland into freedom. To realize where it started and how she learned how to navigate through very difficult -- you pointed out yourself how very difficult the area is. It's just pretty exciting. And I hope we will let the State and the world know about it. And maybe there could be

a little description, and I know in the State House where the Harriet Tubman statue now is, just linking everything together. But I just wanted everybody to hear that because I think it's pretty cool.

MR. SLATER: I haven't had a chance to read it yet. But they have been texting me, apparently *The New York Times* wrote an article on it today. So it's a pretty interesting discovery. And we're looking at ways that, we're making it part of the Scenic Byway, the Harriet Tubman Scenic Byway. But also part, the artifacts are part of the Visitors Center and the display there in partnership with DNR.

COMPTROLLER FRANCHOT: How far away from the Visitors Center is it? That's a federal Visitors Center, right?

MR. SLATER: Yeah, so you know, it's probably, you know, four to five miles away from it. You can drive back and then you have to really hike that last mile. Some days you are in knee deep water and some days it's just wet. So it's just a matter of which day you go out there.

TREASURER KOPP: And I assume as climate change progresses, it's going to be wetter and wetter.

MR. SLATER: Yes, so that whole area, and that was really part of the urgency that Fish and Wildlife kind of produced for us, was they needed to really get some due diligence there before the area was just not able to get to. It's

got a lot of phragmites, a lot of marsh there. They would dig holes and then they would come back the next morning and they would be filled with water that was coming up from underneath. So.

COMPTROLLER FRANCHOT: What does an 1808 coin look like?

MR. SLATER: I'll send you a picture.

COMPTROLLER FRANCHOT: Yeah. But I also encourage everybody if you're watching Netflix or something some night to pull up *Harriet*, the movie. Because her freeing of 70 former slaves over many, many trips back and forth, it's an amazing movie. And people will get a sense of why this discovery is so important, I think. So hats off to you, Secretary Slater, and Governor Hogan --

MR. SLATER: It really is. You know, the other amazing thing that our team really does a great job about is when you get into these things, they connected with Harriet Tubman's family that are around the country today and kept an ongoing dialogue with them as they were finding things. And they were able to come and spend some time with us yesterday and see the site.

GOVERNOR HOGAN: That's great.

TREASURER KOPP: That is --

GOVERNOR HOGAN: Yeah, thank you.

TREASURER KOPP: Governor, could I just mention one other thing? Mr. Secretary, I mentioned at the beginning of this meeting how impressed I was that our State agencies and departments are finally integrating a look at environmental impact and electricity, and one hopes climate change, in their proposals. I noticed 1-AE is about environmental impact. But it really, it's one that I mentioned that talks, as I recall, about NEPA and MEPA, the 1970s environmental impact requirements, but not clear how it's integrating with the challenges of the climate change crisis as it has just been named yesterday, I think, a crisis now, at this point. Can you, I mean, are you addressing that?

MR. SLATER: We are, Madam Treasurer. And I can work with the team to see if we incorporate some more of that into the write up. Essentially, what we try to do is a couple of things. One is we really looked at our system across the board, from aviation to highways to transit, to look at what was at risk in terms of sea level rise and, you know, in looking at mitigation and adaptation. And then what we have done is we have built that into our asset management plans and we're building that into our NEPA process in terms of, you know, how that is incorporated. So it's all kind of layered in there now. We're looking at not only the mitigation piece on the air quality side, but the adaptation piece in terms of sea level rise and those components. You know, as some of our facilities are kind of

near water by nature. And so we have to kind of work through that. But we do absolutely account for that.

TREASURER KOPP: Well, I don't, I don't want to keep being a, you know, one trick pony. But it's terribly important. And when your first bullet addresses NEPA and MEPA. And I worked for the General Assembly as a new staff person when we were doing MEPA. That was a long time ago. So I think it would be helpful if you sort of looked over it --

MR. SLATER: Absolutely.

TREASURER KOPP: -- as a planner, you know, how it should be done.

MR. SLATER: Absolutely.

TREASURER KOPP: Thank you. Thank you, Governor.

GOVERNOR HOGAN: Thank you. Yeah, once a planner, always a planner. He has many more hats he wears now, but he's still a planner.

COMPTROLLER FRANCHOT: Yeah, well Madam Treasurer's saving Mother Earth is a, you know, you can do that as often as you want.

TREASURER KOPP: Thank you. You all are very patient. Thank you.

COMPTROLLER FRANCHOT: I did have a question, but Item 3, Governor, is a request of the Maryland Port Administration to transfer 109 acres of

property to CSX Transportation. Apparently proceeds from this sale, obviously overseen by the Secretary who is with us now, are going to be used for the State's funding requirements for the Howard Street Tunnel project. What is that? That's an incredibly important transportation project for the Port and for the State of Maryland. It's long overdue. It's a critical infrastructure investment that will be an economic boost for the State and the region. And frankly, I want to thank the Hogan administration and our congressional delegation for working in a way that, with the State and federal funds, because it's very expensive, to make this renovation happen. What will that result in? It's going to allow double stack cargo to go through that tunnel. And it's incredibly important because it is going to obviously increase the profitability for the private sector to use the State-owned Port of Baltimore to the extent possible.

And I just wanted to add a note to that. The State Legislature has passed legislation requiring a minimum of two crew members for those freight trains. And they do that out of a protection of the workers and community safety. That legislation passed the Legislature but was vetoed. Federal regulations proposed a similar policy at the end of President Obama's tenure, but the subsequent presidential administration, that's a polite way of referring to the previous administration, did not act on those recommendations. So if we allow the trains to be manned by one crew member and something happens to that crew

member in the course of a difficult, dangerous job, how can we account for the safety of these freight trains, particularly in this tunnel and the surrounding community? So I would urge that the expansion of the Howard Street Tunnel is obviously the right thing to do. But it also makes sense to have a policy of a minimum of two crew members on those freight trains, because these loads are bigger and bigger and obviously the crew members are responsible for the safety of the communities. Thank you for listening to that. And, you know, if that stimulates a response that's positive, terrific. If it just, that's obviously something that's up above my pay level.

MR. SLATER: Sure. No. Just thank you for, one, highlighting the Howard Street Tunnel. It's a really important project for us. It's going to be a big part of our economic recovery as we come out of this pandemic. You know, when you look at transporting freight, the cheapest way to do it is by water. We're the furthest inland port on the eastern seaboard. The second cheapest way to do it is by rail and we have that double stack barrier at Howard Street as well as a couple of different bridges that we are all addressing. So, you know, it's going to give us the ability to grow our containerized cargo by tenfold and really be able to push that economically through the port without adding additional trucks onto our roadway system.

GOVERNOR HOGAN: That's terrific.

TREASURER KOPP: Could I just add to that, this is not the first administration that tried to do that, that tried to work with CSX to do it. There were several before. This is the first one that succeeded. And I do congratulate you. I agree completely with the Comptroller, this is a very exciting point in time with a great future.

GOVERNOR HOGAN: I'm very excited as well. I mean, I've been focusing on this since 2015 when I first came in. We had it done once before. So we have actually reached that agreement twice and CSX pulled out at the last minute. We had to start all over again and go back through the process, through multiple administrations and transportation secretaries and both at the State and the federal level. But it's just a terrific thing. It's going to create thousands of jobs and really increase dramatically the production of the port. And I think it's the biggest economic development driver that the State has ever had and it's going to be well beyond the port and the transportation impact of it. But it's great. The Secretary -

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TREASURER KOPP: But that will be very good for the nation, not just for the State. But --

GOVERNOR HOGAN: Yeah.

TREASURER KOPP: -- at this --

GOVERNOR HOGAN: -- entire eastern seaboard and reaching out west. Right.

COMPTROLLER FRANCHOT: Well, on that happy note I would move approval.

GOVERNOR HOGAN: Thank you. Is there a second? That's three-nothing on Transportation. Thank you. We're going to move on to the Department of General Services with Secretary Churchill.

MR. CHURCHILL: Good morning, Governor, Madam Treasurer, Mr. Comptroller. For the record, I'm Ellington Churchill, Secretary for the Maryland Department of General Services. Today we are presenting 32 items, including one supplemental for your consideration. We are withdrawing Item 12. I'd also like to note that we have revised Item 15 to reflect what was published on today's Agenda. And in addition, we have 13 CGLs loaning \$6.2 million to organizations across the State. And finally, I'd just like to say to the best administrative professionals and to all administrative professionals, Happy Administrative Professionals Day. DGS has some of the best assistants out there, they keep us going. So thank you for that. We're available to answer any of your questions that you have at this time.

GOVERNOR HOGAN: Well, thank you, Mr. Secretary. It was a great announcement we did earlier this week in Baltimore City about moving some

State employees downtown. I think it's terrific and I'm glad to see everybody behind that.

This morning I want to start with Item 31, because I think we have Secretary Schulz here who is going to talk about the \$10 million in RELIEF Act funds that are going to small, minority, and women-owned businesses. Secretary Schulz?

MS. SCHULZ: Great. Thank you so much, Governor, Madam Treasurer, Mr. Comptroller. I very much appreciate being here today. With this particular item, I just want to thank you, Governor. Because this would not have come to fruition had it not been for the RELIEF Act that passed way back in February. And I'm sure all of us can agree the bipartisan effort that it took to be able to pull together relief for the entire State of Maryland is the reason why we are here today and the fast action of the Legislature I think was appreciated by all of us. So I'm very grateful to be able to present this to you today.

So what the RELIEF Act did was it provided an additional \$10 million to the small, women-owned businesses, small and minority and women-owned businesses, SMWOBA. We also call it the VLT fund managers. We have eight VLT fund managers across the State. And the \$10 million is being equitably divided amongst all of those eight fund managers with \$1.25 million going to each. And that is the modification to the contract that we're presenting to you today.

I also want to say that in light of the pandemic and the crisis that we had been in prior to this past legislative session, these fund managers were not statutorily eligible to provide grants to businesses across the State. So we put in an emergency piece of legislation through the department, that was passed and signed into law in order to be able to allow in emergency situations these fund managers to provide grant funding as well as loans if they so choose up to \$50,000 or to convert existing loans up to \$50,000, which is in line with the programs that we had initially provided through our original business relief program. I'm very happy to take any additional questions, Governor.

GOVERNOR HOGAN: Thank you, Madam Secretary. Any questions for Secretary Schulz or any other questions on the DGS Agenda? No? Well, thank you. Is there a motion?

COMPTROLLER FRANCHOT: Move approval.

TREASURER KOPP: Second.

GOVERNOR HOGAN: Second? Very good. The vote is three to nothing. And that concludes today's meeting of the Board of Public Works. It's great to be with you. Thank you all very much for all of your hard work.

TREASURER KOPP: Good to see you. Thank you.

(Whereupon, at 11:13 a.m., the meeting was concluded.)