

MINUTES OF MEETING
DELAWARE SOLID WASTE AUTHORITY
BOARD OF DIRECTORS

DATE: July 25, 2013

LOCATION: 1128 S. Bradford Street
Dover, Delaware

TIME: 5:00 p.m.

ATTENDEES:

DIRECTORS

Richard V. Pryor
Ronald G. McCabe
Gerard L. Esposito
Gregory V. Moore
Theodore W. Ryan
Timothy P. Sheldon

STAFF

Pasquale S. Canzano
Richard P. Watson
Michael D. Parkowski
Thomas Heck

LEGAL COUNSEL

F. Michael Parkowski

GENERAL PUBLIC

None

REGULAR BOARD MEETING

The Chairman, Richard V. Pryor, called the three hundredth and fifty-first regular meeting of the Delaware Solid Waste Authority Board of Directors to order on Thursday, July 25, 2013. He announced the meeting had been duly noticed and the Directors had received copies of the information to be considered.

A. MINUTES

Chairman Pryor called for additions or corrections to the draft of the Minutes of the last meeting of the Board of Directors.

Motion A – Moved by Mr. Sheldon

“The Minutes of the June 27, 2013, Board of Directors’ meeting of the Delaware Solid Waste Authority be accepted as written.”

Second – Mr. Ryan

Vote – (Esposito, Moore, Ryan,
Sheldon, McCabe, Pryor)

Motion Adopted
(unanimous)

B. ADOPTION OF PROPOSED ADDENDUM TO THE STATEWIDE SOLID WASTE MANAGEMENT PLAN OF THE DELAWARE SOLID WASTE AUTHORITY

Motion B - moved by Mr. Ryan

“WHEREAS, the Delaware Solid Waste Authority (the “Authority”) is a body corporate and politic constituting a public instrumentality of the State of Delaware duly established and organized under Chapter 64 of Title 7 of the Delaware Code, as amended (the “Act”); and

WHEREAS, under the Act, the Authority is charged with and empowered to adopt a Statewide Solid Waste Management Plan (the “Plan”) and to amend the Plan as necessary; and

WHEREAS, on June 1, 2013, the Authority proposed amendments to the plan in the form of an addendum; and

WHEREAS, a public hearing was held on July 2, 2013; and

WHEREAS, the Authority’s hearing officer, Michael W. Teichman, Esquire, has issued a proposed order and recommendations and on the matter and has recommended adoption of the addendum without substantive changes from that proposed; and

WHEREAS, the Board of Directors of the Authority has reviewed the hearing officer’s proposed order and recommendations, as well as the transcript of the hearing, and all documents admitted into evidence.

NOW THEREFORE, it is hereby:

RESOLVED, that the Board of Directors of the Delaware Solid Waste Authority adopts the addendum to the Plan in the form proposed by the Authority on June 1, 2013, and in furtherance thereof hereby adopts the Final Order attached hereto as Exhibit A.

FURTHER RESOLVED, that management of the Delaware Solid Waste Authority shall take all steps necessary to ensure that the Final Order is published in the *Delaware Register of Regulations* and that the addendum to the Plan becomes effective on and after September 10, 2013.”

Second – Mr. Sheldon

Mr. Michael D. Parkowski told the Board that DSWA held a public hearing on July 2, 2013, for the addendum to the Statewide Solid Waste Management Plan (SSWMP). The addendum does not change the existing SSWMP which was adopted in 2010. This is an addendum which strengthens the language for the ability of the Authority to ever adopt flow control if necessary. There were two members of the public present at the hearing; one, a representative of the waste haulers association and the other a waste hauler. Mr. Pryor asked what their comments were. Mr. Parkowski said that they had no comments to the addendum of the SSWMP, they had comments pertaining to the regulations, which will be discussed later. The only other concern they voiced was the increase to the tipping fees.

Mr. Esposito	-	Yes	
Mr. Moore	-	Yes	
Ms. Parks		Absent	
Mr. Ryan	-	Yes	
Mr. Sheldon	-	Yes	
Mr. McCabe	-	Yes	
Mr. Pryor	-	Yes	
			Motion Adopted
			(6 Yes 1 Absent)

C. ADOPTION OF PROPOSED AMENDMENT TO THE REGULATIONS OF THE DELAWARE SOLID WASTE AUTHORITY

Motion C – moved by Mr. Moore

“WHEREAS, the Delaware Solid Waste Authority (the “Authority”) is a body corporate and politic constituting a public instrumentality of the State of Delaware duly established and organized under Chapter 64 of Title 7 of the Delaware Code, as amended (the “Act”); and

WHEREAS, under the Act, the Authority is charged empowered to adopt regulations (hereinafter, the “Regulations”) governing the use of facilities under its control, and to license persons who haul solid waste within Delaware; and

WHEREAS, on June 1, 2013, the Authority proposed amendments to the Regulations; and

WHEREAS, a public hearing was held on July 2, 2013; and

WHEREAS, the Authority’s hearing officer, Michael W. Teichman, Esquire, has issued a proposed order and recommendations and on the matter and has recommended adoption of the amendments to the Regulations without changes from that proposed; and

WHEREAS, the Board of Directors of the Authority has reviewed the hearing officer’s proposed order and recommendations, as well as the transcript of the hearing, and all documents admitted into evidence.

NOW THEREFORE, it is hereby:

RESOLVED, that the Board of Directors of the Delaware Solid Waste Authority adopts the amendments to the Regulations of the Delaware Solid Waste Authority in the form proposed by the Authority on June 1, 2013, and in furtherance thereof hereby adopts the Final Order attached hereto as Exhibit A.

FURTHER RESOLVED, that management of the Delaware Solid Waste Authority shall take all steps necessary to ensure that the Final Order is published in the *Delaware Register of Regulations* and that the amendments to the Regulations of the Delaware Solid Waste Authority become effective on and after September 10, 2013.”

Second – Mr. McCabe

Mr. Michael D. Parkowski said that this made actual changes to the Regulations of the Delaware Solid Waste Authority (Regulations). The public hearing was held on July 2, 2013 following the one for the SSWMP. The same two people attended this meeting also. Their concern was for the recycling percentage that was added to the Differential Disposal Fee (DDF). These thresholds were added so that companies couldn’t say they were recycling when they were really just disposing of waste. They raised some concern about the percentages and how they were measured. They also raised some concerns about specific definitions comparing them from our regulations versus the Dept. of Natural Resources & Environmental Control regulations.

Mr. Esposito	-	Yes	
Mr. Moore	-	Yes	
Ms. Parks	-	Absent	
Mr. Ryan	-	Yes	
Mr. Sheldon	-	Yes	
Mr. McCabe	-	Yes	
Mr. Pryor	-	Yes	Motion Adopted
			(6 Yes 1 Absent)

D. REMOVAL OF REFERENCES TO THE EXPIRED DIFFERENTIAL DISPOSAL FEE PROGRAM FROM DELAWARE ADMINISTRATIVE CODE

Motion D – moved by Mr. McCabe

“WHEREAS, the Delaware Solid Waste Authority (the “Authority”) is a body corporate and politic constituting a public instrumentality of the State of Delaware duly established and organized under Chapter 64 of Title 7 of the Delaware Code, as amended (the “Act”); and

WHEREAS, under the Act, the Authority is charged with and empowered to adopt fee schedules and user fees from time to time for the use and/or operation of its facilities; and

WHEREAS, these fee schedules are routinely adopted in connection with public hearings conducted in connection with the adoption of DSWA budgets; and

WHEREAS, an obsolete fee schedule for fiscal years July 1, 2001, through June 30, 2005 appears in the Delaware Administrative Code. This fee schedule has not been in use since 2005 and it needs to be stricken from the Administrative Code.

WHEREAS, on June 1, 2013, the Authority proposed removal of this obsolete fee schedule from the Delaware Administrative Code; and

WHEREAS, a public hearing was held on July 2, 2013; and

WHEREAS, the Authority's hearing officer, Michael W. Teichman, Esquire, has issued a proposed order and recommendations and on the matter and has recommended removal of the fee schedule in its entirety from the Delaware Administrative Code; and

WHEREAS, the Board of Directors of the Authority has reviewed the hearing officer's proposed order and recommendations, as well as the transcript of the hearing, and all documents admitted into evidence.

NOW THEREFORE, it is hereby:

RESOLVED, that the Board of Directors of the Delaware Solid Waste Authority hereby orders the removal of the obsolete fee schedule and related material from the Delaware Administrative Code.

FURTHER RESOLVED, that management of the Delaware Solid Waste Authority shall take all steps necessary to ensure that the removal of the obsolete fee schedule and related material from the Administrative Code is accomplished and that notice thereof is published in the September 2013 edition of the *Delaware Register of Regulations*."

Second – Mr. Esposito

Mr. Michael D. Parkowski said that this was straightforward. There were no comments from the public. This should never have been entered into the Register.

Mr. Esposito	-	Yes
Mr. Moore	-	Yes
Ms. Parks	-	Absent
Mr. Ryan	-	Yes
Mr. Sheldon	-	Yes
Mr. McCabe	-	Yes
Mr. Pryor	-	Yes

Motion Adopted
(6 Yes 1 Absent)

Motion – moves by Mr. McCabe

“The Board will take a 5 minute recess.”

Second – Mr. Sheldon

Board voted to go into recess at 5:15 p.m.

Vote – (Esposito, Moore, Ryan,
Sheldon, McCabe, Pryor)

Motion Adopted
(unanimous)

E. PERSONNEL ISSUES

Motion E – moved by Mr. Esposito

“The Board to go into Executive Session to discuss personnel issues.”

Second – Mr. Ryan

Vote – (Esposito, Moore, Ryan,
Sheldon, McCabe, Pryor)

Motion Adopted
(unanimous)

Board voted into Executive Session at 5:25 p.m.

Motion - moved by Mr. Ryan

“The Board return to regular session.”

Second – Mr. Esposito

Vote – (Esposito, Moore, Ryan,
Sheldon, McCabe, Pryor)

Motion Adopted
(unanimous)

Board back to Regular Session 6:26 p.m.

Motion – moved by Mr. Ryan

“The Board Meeting is adjourned.”

Second – Mr. Esposito

Vote – (Esposito, Moore, Ryan,
Sheldon, McCabe, Pryor)

Motion Adopted
(unanimous)

NEW BUSINESS

No comment

PUBLIC COMMENT

No comment

Respectfully submitted,

Pamela R. Williamson

Meeting Adjourned: 6:35