

MINUTES OF MEETING
DELAWARE SOLID WASTE AUTHORITY
BOARD OF DIRECTORS

DATE: July 26, 2012

LOCATION: 1128 S. Bradford St.
Dover, DE

TIME: 5:00 p.m.

ATTENDEES:

DIRECTORS

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

STAFF

Pasquale S. Canzano
Richard P. Watson
Anne M. Germain
Logan V. Miller
Joseph Koskey
Michael D. Parkowski

LEGAL COUNSEL

Michael Teichman

GENERAL PUBLIC

See attached

REGULAR BOARD MEETING

The Chairman, Richard V. Pryor called the three hundredth and forty-third regular meeting of the Delaware Solid Waste Authority Board of Directors to order on Thursday, July 26, 2012. He announced the meeting had been duly noticed and the Directors had received copies of the information to be considered.

Mr. Pryor announced that DSWA has awarded the John P. "Pat" Healy Scholarship to Marc Wolf Toussaint. Each year the scholarship is awarded to a high school senior who wins a competitive application process that is handled by

the Delaware Department of Education. He will receive \$2,000 for the next four years if he maintains a 3.0 GPA at the University of Delaware.

PUBLIC COMMENT

Tom Houska from Waste Management stated that on behalf of the Maryland Delaware Solid Waste Association, he submitted a letter for the record asking for their views to be considered on the Flow Control issue. He realizes this is a very heavy and weighted issue to deal with for all of us. The letter addresses their concerns and would like for it be considered.

Mr. Pryor stated that for the record DSWA has received the communication from the Maryland Delaware Solid Waste Association.

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 28, 2012 Board of Directors’ meeting of the Delaware Solid Waste Authority be accepted as written.”

Second – Mr. Moore

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

Motion Adopted
(unanimous)

B. CONTRIBUTIONS

Motion B – Moved by Mr. Ryan

“The Board approves the request from the American Heart Association for a \$500 contribution to both the Kent County and Sussex County Heart Walk in accordance with DSWA’s Policy Guidance on Contributions.”

Second – Mr. McCabe

Mr. Watson stated that this recommendation is for a \$500 contribution for Kent and Sussex County each. We’ve had the opportunity to hand out materials and participate.

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

Motion Adopted
(5 Yes 2 absent)

Report of Technical Affairs and Facilities Management Committee

**C. DRC-DRAINAGE IMPROVEMENTS
CONTRACT C-11-681-ND**

Motion C – Mr. Sheldon

“The Board awards the contract for Drainage Improvements at the DRC to Greggo & Ferrara, Inc. as the lowest responsive bidder for \$443,856.00.

Second – Mr. Ryan

Mr. Watson explained that this is the work we need to do at the entrance to the facility. We have a flooding problem and this will rectify the problem. The estimate from the design engineer was \$560,000. We had three bidders all under the engineer’s estimate. Greggo & Ferrara is well qualified to do this work and staff recommends awarding the contract to them.

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

Motion Adopted
(5 Yes 2 absent)

D. REGULATORY FLOW CONTROL PROGRAM

Motion D – Mr. McCabe

1. The Board authorizes the staff in conjunction with legal counsel to commence and continue the process of adopting and implementing a regulatory flow control program for DSWA.
2. The Board authorizes the staff in conjunction with legal counsel to commence and continue the process for developing amendments to DSWA's Statewide Solid Waste Management Plan that recognizes the necessity of a regulatory flow control program and related program changes, and the development and implementation of a program or programs to provide incentives to haulers to remove from the solid waste materials collected some materials which would be best diverted from landfills.

Second – Mr. Sheldon

Mr. Canzano stated that this action is the same we did three years ago when we adopted the current Discount Disposal Fee Agreement. At that time, in parallel with going forward to discuss the DDF with the haulers, we also followed and implemented a program for the contingency of adopting a regulatory flow control program. This is keeping with that same action. As you know, we are currently discussing the Discount Disposal Fee Agreement with the three major haulers. The letter we got this evening from the Maryland Delaware Solid Waste Association, apparently is in response to the draft agreement that we've been discussing with the three major haulers. This action tonight would simply authorize the staff to proceed with the process of implementing a regulatory flow control program, if needed. It allows us to do the necessary revisions to our regulations as well as the Statewide Solid Waste Management Plan. We will follow the process and only if any of the big three haulers decides not to sign up, will we come back to the Board and say we need to implement a regulatory flow control program. They have until August 31 to decide on the draft agreement that we discussed with them, whether or not they will sign up. We wish to continue with the contractual flow control program and we would rather work with the haulers as business customers and not as a regulated entity.

Mr. Teichman added that it is going to come upon us rather quickly. We anticipate having drafts of the amendments to the regulations and the plan to the Committee on August 9. At the Board meeting on August 23, we would ask the Board not to approve the changes but simply authorize staff and counsel to proceed with the regulatory process. The DSWA will appoint a hearing officer and there will be a public hearing, comments will be taken, for example this

letter and any other letters will be part of that record. The hearing officer will consider the evidence and provide a recommendation to you. At that point, the Board will make a decision to pull the trigger on the regulations, should it be necessary. Although you will be seeing drafts of the amendments that we are going to propose, you will not be asked to approve those exact drafts, simply to authorize staff to proceed with that regulatory administrative process.

Michael D. Parkowski added that whether it is regulatory or contractual flow control, we are not trying to capture recyclables. This is for solid waste. Recyclables are free market and can go anywhere, under both contractual and regulatory flow control.

Mr. Canzano added that you might hear or start getting calls, because there is misinformation out there. We need to get ahead of this, apparently in the past the companies we talked to held the conversation amongst ourselves on the draft until there was some sort of indication whether or not they would go with it. For whatever reason, somewhere along the line, one or more of the companies have decided to go public and go out there. It seems the Governor's office has been contacted with some misinformation. We are not flow controlling recyclables, that's not correct. There is a lot of misinformation out there and we were going to wait until the end of August, but apparently it's out there and now we need to schedule a meeting with all of the haulers. We will have a formal meeting with the Governor's office.

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

Motion Adopted
(5 Yes 2 absent)

Mr. Pryor commented that our distinguished Anne Germain will be "crowned" as President of the Solid Waste Association of North America at WASTECON. The Board and staff are greatly honored by her achievement and some will be in attendance to bask in the reflective glow of her glory.

PUBLIC COMMENT

Moved – Mr. McCabe

“The Board Meeting is adjourned.”

Second – Mr. Ryan

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

Motion Adopted
(unanimous)

Respectfully submitted,

Libby J. Kelley

Meeting Adjourned: 5:45