

MINUTES OF MEETING
DELAWARE SOLID WASTE AUTHORITY
BOARD OF DIRECTORS

DATE: July 30, 2015

LOCATION: DSWA Administration Office
1128 S. Bradford Street
Dover, Delaware

TIME: 5:00 p.m.

ATTENDEES:

DIRECTORS

Gerard L. Esposito
Ronald G. McCabe
Norman D. Griffiths
Michael Paraskewich
Tonda L. Parks
Timothy P. Sheldon

STAFF

Richard P. Watson
Robin M. Roddy
Michael D. Parkowski
Joseph Koskey

LEGAL COUNSEL

Michael Teichman
Michael Arrington

GENERAL PUBLIC

None

REGULAR BOARD MEETING

The Chairman, Gerard Esposito, called the three hundred and sixty-ninth regular meeting of the Delaware Solid Waste Authority Board of Directors to order on Thursday, July 30, 2015. He announced the meeting had been duly noticed and the Directors had received copies of the information to be considered.

A. MINUTES

Chairman Esposito called for additions or corrections to the draft of the Minutes of the May 28 and June 15, 2015, meetings of the Board of Directors.

Motion A – moved by Ms. Parks

“The Minutes of the May 28, and June 15, 2015, Board of Directors’ meetings of the Delaware Solid Waste Authority be accepted as written.”

Second – Mr. Griffiths

Vote – (Griffiths, Paraskewich, Parks
McCabe, Esposito)

Motion Adopted
(unanimous)

B. OPERATIONS AND INSTALLATION SERVICES AT THE CHERRY ISLAND LANDFILL AND MAINTENANCE AT THE PIGEON POINT LANDFILL CONTRACT – O-14-733-NC

Motion B - moved by Mr. Paraskewich

“The Board awards the contract to provide Operations and Installation Services at the Cherry Island Landfill and Maintenance at the Pigeon Point Landfill to the lowest bidder, Greggo & Ferrara, Inc. in the amount of \$13,917,200.00.”

Second – Mr. Griffiths

Mr. Watson said that DSWA received two bids for the operations work at the Cherry Island Landfill (CIL). The new contract will start October 1, 2015 and will be for two years with an optional third year. George and Lynch, Inc., the current contractor at the site and Greggo & Ferrara, Inc. submitted bids that were only \$75,000 apart. That is only one-half of 1%, Greggo & Ferrara was the low bidder. They had been the previous contractor at the site for several years. Mr. Watson assured the Board that they were very experienced and would work well with DSWA. Staff recommends that Greggo & Ferrara, Inc. be awarded the contract.

Mr. Griffiths	Yes
Mr. Paraskewich	Yes
Ms. Parks	Yes
Mr. McCabe	Yes
Mr. Esposito	Yes

Motion Adopted

(5 Yes, 0 No, 1 Absent)

C. PERSONNEL ISSUES

Motion C - moved by Mr. Griffiths

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

Second – Ms. Parks

Vote – (Griffiths, Paraskewich, Parks, Sheldon, McCabe, Esposito)

Motion Adopted
(unanimous)

Board voted into Executive Session at 5:04 p.m.

Motion D - moved by Ms. Parks

“The Board return to regular session.”

Second – Mr. Griffiths

Vote – (Griffiths, Paraskewich, Parks,
Sheldon, McCabe, Esposito)

Motion Adopted
(unanimous)

Board back to Regular Session 5:28 p.m.

Motion E - moved by Mr. McCabe

“The Board resolves that the vacant position of Southern Division Supervisor of Recycling be reclassified to a position of Recycling Technician I. And the Board further resolves that the position of Northern Division Supervisor of Recycling be renamed Supervisor of Recycling and assigned three Recycling Technicians.”

Second – Mr. Griffiths

Mr. Griffiths	Yes
Mr. Paraskewich	Yes
Ms. Parks	Yes
Mr. Sheldon	Yes
Mr. McCabe	Yes
Mr. Esposito	Yes

Motion Adopted

(6 Yes, 0 No)

D. REVISIONS TO THE STATEWIDE SOLID WASTE MANAGEMENT PLAN AND THE REGULATIONS OF THE DELAWARE SOLID WASTE AUTHORITY

Motion F – moved by Mr. McCabe

“The Board authorizes staff to proceed with publication, notice and public hearing relating to proposed changes to the Statewide Solid Waste Management Plan and the Regulations of the Delaware Solid Waste Authority and the Board authorizes staff to expose the new form of Discount Disposal Fee Agreement proposed in the years 2016 – 2021.”

Seconded – Mr. Paraskewich

Mr. Watson said that the existing Discount Disposal Fee (DDF) contract expires on June 30, 2016. Staff is now working on the new DDF contract. The new contract will be expanded to 5 years from the current 3 year period. As part of the new contract DSWA will have to modify its Statewide Solid Waste Management Plan (SSWMP) and the Regulations of the Delaware Solid Waste Authority (Regulations). Staff has formulated the proposed DDF agreement. Mr. Teichman explained that the changes to the SSWMP, the guiding document for the DSWA, leads to changes to the Regulations that in turn makes the changes to the DDF

necessary. The actual changes to the SSWMP are actually brief but the resulting changes to the DDF are significant. Mr. Griffiths asked if DSWA was going to issue a public statement. Mr. Watson said that a statement could be developed. Mr. Teichman informed the Board that they were being asked to approve the publication of the changes to the SSWMP and the publication of the changes to the Regulations in the Register of Regulations to start the administrative process. As for the changes to the DDF, that doesn't require that formal level of a hearing but Michael D. Parkowski is taking the changed DDF and go to the licensed haulers and talk to them about it. There might be changes to the DDF as a result of those meetings. Staff is asking for authorization to expose the DDF to the industry. At the September meeting the Board will appoint a hearing officer and in October the Notice for both the SSWMP and the Regulations will be published in the Register of Regulations. In November there will be public hearings and the hearing officer will submit his report and the final versions of the SSWMP and Regulations will be submitted in December. The January issue of the Register of Regulations will publish the final versions and they will become effective January 10, 2016.

Mr. Teichman explained that the DDF requires haulers to bring all their solid and dry waste to DSWA in exchange for a rebate subject to some exceptions. Some of the changes to the new DDF will include a five year term instead of the three year term and the gate rate is going to be reduced because of the business changes that DSWA has implemented. The haulers are going to like it because it has an aggressive rebate schedule and they will get their rebate checks twice a year instead of once if they are in compliance with the DDF. There is going to be an Addendum to the DDF that will require the haulers to provide some services for DSWA such as helping with the Community Cleanup Initiative or committing to delivering some of their recyclables to DSWA when they want it. Mr. Griffiths asked if the haulers could take their recyclables somewhere else now. Mr. Teichman stated that they could take recyclables anywhere at this time. DSWA will be working with the haulers to define terms that will accommodate everyone. Another change to the DDF is asking the haulers to waive their right to challenge the amendments to the Regulations and SSWMP. DSWA will also require the haulers to report their tonnage of recyclables that are not going to DSWA's facilities. The haulers currently report recycling tonnage to a third party that provides the numbers to RPAC and DNREC so those amounts are accounted for but DSWA doesn't get them at this time. This will allow for DSWA to monitor the recycling better.

Mr. Teichman went on to explain the amendments to the Regulations. All licensed haulers will be required to bring their municipal solid waste to DSWA just as the municipalities are required to do now. The Statewide Solid Waste Management Plan has not been updated since 2010. Some of the existing conditions are no longer relevant, such as the references to the Peninsula Compost. A 2015 preface is being added to the Regulations to note that there have been changes but the document as a whole is still relevant. In 2013 there was an addition to the Regulations that discussed the potential for flow control that is authorized by statute. These provisions will be updated to implement flow control. The SSWMP will expressly include flow control for everyone. The new DDF will provide incentives to haulers to assist DSWA in providing recycling materials or public services that are not revenue generating.

The brief changes to the SSWMP dictate the changes to Regulations and the changes to the DDF.

Mr. Esposito noted that the numbers were now part of public record and the Michael D. Parkowski would be meeting with the haulers starting tomorrow to let them know what the changes were. Ms. Parks said that this message was much better than it was five years ago. Mr. Esposito commended the staff and legal counsel for pulling all the information together.

Mr. Griffiths said that regulations change and asking the haulers to not challenge regulations with no time element in the sentence, what would happen if a year from now the regulations change and you are asking them to in advance to not challenge that change? Mr. Teichman said that in the redlined version of the DDF Item 12 addresses this issue. The waiver is limited to the provisions of the SSWMP and the Regulations addressing the requirements for the delivery of solid waste to a DSWA designated facility.

Mr. Griffiths	Yes
Mr. Paraskewich	Yes
Ms. Parks	Yes
Mr. Sheldon	Yes
Mr. McCabe	Yes
Mr. Esposito	Yes

Motion Adopted

(6 Yes, 0 No, 0 Absent)

NEW BUSINESS

No comment

PUBLIC COMMENT

No comment

Motion – Mr. Sheldon

“The Board Meeting is adjourned.”

Second – Mr. Griffiths

Vote – (Griffiths, Paraskewich, Parks,
Sheldon, McCabe, Esposito)

Motion Adopted
(unanimous)

Respectfully submitted,

Pamela R. Williamson

Meeting Adjourned: 6:04