

MINUTES OF MEETING
DELAWARE SOLID WASTE AUTHORITY
BOARD OF DIRECTORS

DATE: May 2, 2018

LOCATION: Delaware Solid Waste Authority
Administrative Office
1128 S. Bradford Street
Dover, DE 19904

TIME: 5:00 p.m.

ATTENDEES:

DIRECTORS

Gerard L. Esposito
Timothy P. Sheldon
A Temple Carter, III
Norman Griffiths
Michael R. Paraskewich, Ph.D, P.E.
Tonda L. Parks
William J. Riddle

STAFF

Richard P. Watson, P.E., BCEE
Robin M. Roddy, P.E., BCEE
Michael D. Parkowski
Jason M. Munyan, P.E., BCEE
Lynsey K. Baer, P.E., BCEE

LEGAL COUNSEL

F. Michael Parkowski, Esquire (PG&S)
Michael Teichman (PG&S)

GUESTS

None

REGULAR BOARD MEETING

The Chairman, Gerard Esposito, called the three hundred and ninety-second regular meeting of the Delaware Solid Waste Authority Board of Directors to order on Thursday, May 2, 2018. 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 February 22, 2018, meeting of the Board of Directors.

Motion A – moved by Mr. Sheldon

“The Minutes of the February 22, 2018, Board of Directors’ meeting of the Delaware Solid Waste Authority be accepted as written.”

Second - Mr. Griffiths

Vote – (Carter, Griffiths, Paraskewich, Parks
Riddle, Sheldon, Esposito)

Motion Adopted
(7 Yes, 0 No, 0 Absent)

Report of the Administrative & Citizens’ Affairs Committee

B. CONTRIBUTIONS/DONATIONS

Motion B – moved by Ms. Parks

“The Board approves the request from Delaware Envirothon for a \$2,000.00 contribution in accordance with DSWA’s Policy Guidance on Contributions.”

Second – Mr. Carter

Mr. Watson said that the DSWA had contributed to the Delaware Envirothon for over 15 years. Sarah Culler, DSWA’s Manager of Public Education and Outreach, also participates as a judge for this event. Staff recommends approving the contribution.

Mr. Carter	Yes
Mr. Griffiths	Yes
Mr. Paraskewich	Yes
Ms. Parks	Yes
Mr. Riddle	Yes
Mr. Sheldon	Yes
Mr. Esposito	Yes

Motion Adopted

(7 Yes, 0 No, 0 Absent)

**C. STATEWIDE COLLECTION OF MATERIALS FROM DSWA DROP-OFF CENTERS
CONTRACT S-17-775-SW**

Motion C – moved by Ms. Parks

“The Board approves the second year contract extensions to Trash Tech LLC for the Statewide Collection of Materials from DSWA Northern Drop-off Centers and to BFI/Republic for the Statewide Collection of Materials from DSWA Southern Drop-off Centers.”

Second – Mr. Carter

Mr. Watson said that this is for two contracts. One with Trash Tech for the northern collection sites and one with BFI/Republic for the southern collection sites. Staff recommends going forward with the second year of the contracts. These contracts are for hauling the recycling materials from our drop-off sites to the Delaware Recycling Center in New Castle. M. D. Parkowski said that there are 13 sites on DSWA property and 5 unmanned sites in New Castle County. Those sites will be removed once the Newark site is up and running. Mr. Griffiths asked if the contracts include for the cleaning up of the areas if items are left outside the boxes. M. D. Parkowski said that the contractors do pick up any overflow or items that come out of the containers.

Mr. Carter	Yes
Mr. Griffiths	Yes
Mr. Paraskewich	Yes
Ms. Parks	Yes
Mr. Riddle	Yes
Mr. Sheldon	Yes
Mr. Esposito	Yes

Motion Adopted

(7 Yes, 0 No, 0 Absent)

**D. STATEWIDE TIRE RECYCLING PROGRAM THIRD YEAR RECOMMENDATION
CONTRACT S-16-753-SW**

Motion D – moved by Ms. Parks

“The Board approves the third year contract extension to Waste Masters Solutions for the Statewide Tire Recycling Program.”

Second – Mr. Carter

Mr. Watson said that this contract is for the statewide collection of tires from DSWA facilities. Waste Masters collects them and finds a recycling market. They pick them up for \$198.00/ton which is a good price. DSWA does charge our customers \$240.00/ton so this is within our budget. Waste Masters does a good job and has been reliable and the staff and Committee would like the Board to approve the third year. Mr. Esposito asked what happens to the tires. M. D. Parkowski said that with the tire markets the first option is to send them to a processing facility that will crumble them so they can be used in athletic fields and playgrounds. Right now those markets are not very good. The second option is to send them to a waste-to-energy (WTE) facility. The majority of DSWA tires end up at the Chester WTE right now. Ms. Parks asked if this was all the tires in Delaware. Mr. M. D. Parkowski said that the tires for this contract come from DSWA landfills or transfer stations. Ms. Parks asked if we take commercial tires. Mr. M. D. Parkowski said that DSWA takes residential and commercial tires. If a commercial customer brought them to DSWA we would take them. The commercial customer would pay the rate of \$240.00/ton. Mr. Griffiths asked if any of the tires are taken for retreading. Ms. Roddy said that the tires DSWA gets are the lowest quality and are only good for recycling, either through shredding or mostly through WTE. Mr. Riddle asked if this volume was going up or down. Mr. M. D. Parkowski said that the volume has stayed pretty steady over the years. This is a small quantity of tires. DSWA

only gets a very small percentage of the tires in Delaware, probably around 10 to 15%. Mr. Riddle asked if the numbers were not significantly up or down over the last five years. Mr. Watson said it might be significantly down from 20 years ago but not much has changed recently. Ms. Roddy said that the tire industry uses as a rule of thumb, one tire per person, per year is generated. In Delaware that would be about 900,000 generated per year.

Mr. Carter	Yes
Mr. Griffiths	Yes
Mr. Paraskewich	Yes
Ms. Parks	Yes
Mr. Riddle	Yes
Mr. Sheldon	Yes
Mr. Esposito	Yes

Motion Adopted

(7 Yes, 0 No, 0 Absent)

E. PURCHASE OF PROPERTY IN PENCADER CORPORATE CENTER

Motion E – moved by Ms. Parks

“The Board approves the purchase of Lot #36 in the Pencader Corporate Center located in Newark, Delaware.”

Second – Mr. Sheldon

Mr. Watson said that the property is 9.24 acres and it is zoned for a 52,600 square foot building. The purpose of this site would be to establish a manned recycling site in western New Castle County. That is the only area that DSWA does not have a permanent facility. The goal is to get rid of the five unmanned sites in the area, which are regularly trashed up. It has been a challenge to find a site in this area to fit this purpose. Mike D. Parkowski has been diligently trying to find this for about a year. This property meets all of the needs. The appraised price of the property was \$1,250,000 and staff negotiated a final sale price of \$1,100,000. It is staff’s recommendation to purchase this property and develop a recycling center. It has been budgeted in the FY19 Budget. Mr. Paraskewich asked about DSWA’s requirements to comply with county codes. Mr. F. M. Parkowski said that DSWA takes the position that they are exempt but as a matter of courtesy they submit all the plans that are designed to comply with the requirements of the county. There are deed restrictions in this development and an architectural review is required but there is a clause that says if a governmental entity is the owner they are exempt from any of those requirements. It turns out that this is the ideal piece of property for DSWA. Mr. Griffiths asked about the property adjacent to the site. He said that it looked like a residential area. He wanted to know if there was any opposition. Staff pointed out that there was a buffer of trees and a stream between the two properties. Mr. Esposito asked if traffic would be an issue there. Mr. M. D. Parkowski said that staff had reviewed the traffic issue because it is a corporate center and there are a lot of trucks in the area. This park already has several residential friendly businesses in it. There is a trampoline park, a banquet center, and a church. So there is already a lot of car traffic in the area. Staff doesn’t anticipate it being a problem at all. Mr. Griffiths confirmed that the items being brought into the area are recyclables and don’t give off odors. Mr. M. D. Parkowski

said that was correct. There was no waste at all. Mr. Griffiths asked if the legislators had been made aware of our pending recycling center there. Mr. M. D. Parkowski said that they have been made aware of it and eagerly awaiting the facility. Mr. Paraskewich asked if wetlands were found adjoining the property that would normally through New Castle County require a buffer, would DSWA not be required to have that buffer? Mr. F. M. Parkowski said that DSWA did due diligence and required the previous owner to turn over all their reports. There was a Phase I Environmental report that showed nothing. There are wetlands that are on the back of the property but because DSWA only needs to use a portion of the lot it should not be impacted. Mr. Griffiths asked if there would be any runoff from the paved area of the facility that would have to be addressed by retention ponds. Mr. F. M. Parkowski said that if the code requires it DSWA will do it. DSWA will take a look at the requirements. How it has always been handled is that if the engineer prepares the design to satisfy the technical requirements of DNREC and the county, DSWA will use as the basis of the design for the facility. It is sort of voluntary compliance. Mr. Esposito asked what the timeline was for building the facility. Ms. Roddy said that a quotation will be solicited for the design of the facility and then there will be a bid issued for the construction of the site. Staff anticipates having the project complete within a year. Mr. Riddle asked if the budgeted amount includes the land or the improvements or both and what was the budgeted amount. Ms. Roddy said that it was for both and the amount budgeted was \$2,000,000. A similar project was just done at the Southern Solid Waste Management Center this past year and it encompassed about two acres for \$500,000.

Mr. Carter	Yes
Mr. Griffiths	Yes
Mr. Paraskewich	Yes
Ms. Parks	Yes
Mr. Riddle	Yes
Mr. Sheldon	Yes
Mr. Esposito	Yes

Motion Adopted

(7 Yes, 0 No, 0 Absent)

Report of Technical Affairs and Facilities Management Committee

F. ENVIRONMENTAL MONITORING SERVICES FOR THE CENTRAL AND SOUTHERN SOLID WASTE MANAGEMENT CENTERS – CONTRACT S-17-776-CSSS

Motion F – moved by Mr. Sheldon

“The Board awards the contract for Environmental Monitoring Services for the Central and Southern Solid Waste Management Centers to Brickhouse Environmental for a three year period.”

Second – Mr. Griffiths

Mr. Watson said that this contract was for a three year period and that the current contractor, Brickhouse Environmental, ends up being the recommended contractor. Ms. Roddy said that this

is a professional services contract for the Sandtown Landfill and the Jones Crossroads Landfill to provide environmental monitoring services which includes the actual sampling and the analysis and the professional report writing. The majority of this work is permit driven. Both facilities have operating permits issued by DNREC and in the permits it is prescribed to have a certain amount of groundwater monitoring wells, sampling of stormwater ponds, and sampling of our leachate. This ends up being a very large contract. The prices include samplers to come out to the site, having samples taken to the labs and having the results analyzed and reports written on an annual and quarterly basis. Brickhouse Environmental is the incumbent and they also hold the contract for our northern facilities. Part of the lengthy process of this contract was because it is a professional services solicitation where proposals come in and staff reviews them and ranks each proposer. Staff initially chose Barton and Loguiduce to negotiate with even though both proposers had very good submittals. Those negotiations were terminated and staff began negotiations with Brickhouse Environmental. Those negotiations with Brickhouse were successful in that there is a little more work in this contract and the pricing is slightly less than the current contract. Mr. Esposito asked what lab is used for this contract. Ms. Roddy said that the lab work is done by Lancaster Labs. Mr. Esposito verified that they are a subcontractor to Brickhouse. Ms. Roddy said that all laboratory work is included in the contract. Mr. Griffiths asked who provided oversight at DSWA. Ms. Roddy said that the Manager of Environmental Services, Dan Fluman, provides the oversight for the contract. He has over 20 years with DSWA and reviews and does quality control on all the reports that are submitted from Brickhouse. He maintains DSWA's databases and spreadsheets and visits the labs and audits the collection process of the samples. He is an incredible, valuable resource at DSWA. His institutional knowledge is amazing. Mr. Griffiths asked if we had enough oversight of the reports so that the regulatory agents could not come back to DSWA for false information in the reports. Ms. Roddy stated that Mr. Fluman questions Brickhouse if he sees an anomaly, or something that doesn't fit, like a rain event he would expect to see certain results. Mr. Riddle asked if this was done for DNREC, that there are legal boundaries that these things are supposed to fall in and DNREC has to approve. Ms. Roddy said that the permit requires specific testing of specific instrumentation at certain frequencies. Those results have to be summarized and given to DNREC on a quarterly and annual basis. Mr. Riddle wanted to know if DNREC reported back to DSWA that the tests were satisfactory. Ms. Roddy said that DNREC responds with a letter saying that they have received the report and deemed it complete. Mr. Esposito asked if it was in noncompliance DSWA would hear something. Ms. Roddy responded yes.

Mr. Carter	Yes
Mr. Griffiths	Yes
Mr. Paraskewich	Yes
Ms. Parks	Yes
Mr. Riddle	Yes
Mr. Sheldon	Yes
Mr. Esposito	Yes

Motion Adopted

(7 Yes, 0 No, 0 Absent)

G. OPERATION AND INSTALLATION SERVICES AT THE CHERRY ISLAND LANDFILL AND MAINTENANCE AT THE PIGEON POINT LANDFILL – CONTRACT S-17-783-NC

Motion G – moved by Mr. Sheldon

“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 \$13,423,520.00.”

Second – Mr. Griffiths

Mr. Watson said that this is for the landfill operations at the largest landfill in Delaware which is up in Wilmington. It is for a three year period. The current contract expires September 30, 2018, and we’ve done this contract so early because if there was a change in the contractor we have to give them enough time to acquire the equipment. Mr. Watson said DSWA was very happy to receive three bids for this work. He would like to commend Lynsey Baer for the work she put into the bid package so that we got good bids. Ms. Roddy said that this contract was for the operation of the landfill once you get past the scalehouse. DSWA employees handle the money, weighing the trucks and managing that system. Once the truck reaches the working face of the landfill all the labor and heavy equipment that is used to manage around 350,000 tons of solid waste per year is done under contract. Historically, Greggo & Ferrara and George and Lynch have been in a back and forth battle for the operation of this site. They have stolen it from each other several times each, which has helped keep the competition healthy. Greggo is the current operator and is the low bidder. The pricing for this new contract will start at a lower price per ton amount than the current contract pricing. Mr. Watson noted that these prices are not lump sum they are based on unit prices but this is the bid amount for the estimated tonnage. Mr. Griffiths asked if there was a pricing escalator if the tonnage amounts go up. Ms. Roddy said that as the tonnage goes up DSWA will pay more to the contractor because we pay for every ton they place but to keep in mind that every ton that comes across the scale we get revenue of \$85.00 a ton. Mr. Griffiths asked if we just keep going with the maintenance contract for Pigeon Point Landfill regardless of how the negotiations go with the City of Wilmington. Mr. F. M. Parkowski said that if a company acquires the property they would assume the maintenance costs for the landfill. Under the Tri Parte Agreement DSWA has the responsibility of running it as long as it is still a landfill but if the City takes over the property or the Port buys the property from the City and turns it over to a contractor, and if that contractor wants to use the property they would be responsible for operations and maintenance.

Mr. Carter	Yes
Mr. Griffiths	Yes
Mr. Paraskewich	Yes
Ms. Parks	Yes
Mr. Riddle	Yes
Mr. Sheldon	Yes
Mr. Esposito	Yes

Motion Adopted

(7 Yes, 0 No, 0 Absent)

Mr. Esposito formally welcomed the new Board members Mr. Temple Carter and Mr. Jack Riddle to the DSWA Board.

H. DSWA BOARD COMMITTEES

Motion H – Mr. Sheldon

“The Board approves Tonda L. Parks as the Chair of the Administrative/Citizens’ Affairs Committee and adding Temple Carter and William J. Riddle as members to that Committee.

As Board Chairman, Gerard L. Esposito will serve as an ex officio member for both the Technical Affairs and Facilities Management Committee and the Administrative/Citizens Affairs Committee. All other Board members are able to attend any Committee meeting. Both Committees will continue to meet on the second Thursday of each month. The Board will continue to meet on the fourth Thursday of each month. ”

Second – Mr. Griffiths

Mr. Carter	Yes
Mr. Griffiths	Yes
Mr. Paraskewich	Yes
Ms. Parks	Yes
Mr. Riddle	Yes
Mr. Sheldon	Yes
Mr. Esposito	Yes

Motion Adopted

(7 Yes, 0 No, 0 Absent)

BOARD OF DIRECTORS

Motion I – Ms. Parks

“The Board approves the appointment of Timothy P. Sheldon as the Vice Chairman of the Delaware Solid Waste Authority Board of Directors. “

Second – Mr. Griffiths

Mr. Carter	Yes
Mr. Griffiths	Yes
Mr. Paraskewich	Yes
Ms. Parks	Yes
Mr. Riddle	Yes
Mr. Sheldon	Yes

Mr. Esposito Yes

Motion Adopted

(7 Yes, 0 No, 0 Absent)

PUBLIC COMMENT

No comment

NEW BUSINESS

Mr. Esposito read into record the following resolution for Mr. Strickland:

WHEREAS, the Delaware Solid Waste Authority (DSWA) is a public instrumentality of the State of Delaware which is accountable through its Board of Directors and its staff to the citizens of Delaware; and

WHEREAS, DSWA was established in 1975, by statute enacted by the Delaware General Assembly, with the intent to address and solve difficult and long-standing problems related to the management and recycling of solid waste; and

WHEREAS, William J. Strickland was appointed to the Board of Directors of the Delaware Solid Waste Authority in December of 2015, and has served with great distinction for 3 years; and

WHEREAS, Mr. Strickland has demonstrated exemplary guidance to the Staff and Board of Directors;

NOW, THEREFORE, on this 2nd day of May 2018, the Board of Directors of the Delaware Solid Waste Authority wishes to express its gratitude to Mr. Strickland for his contributions to the Delaware Solid Waste Authority and dedicated service;

IN WITNESS WHEREOF, WE HAVE SET OUR HANDS AND SEAL THIS 2nd DAY Of MAY, 2018.

DELAWARE SOLID WASTE AUTHORITY BOARD OF DIRECTORS

Motion J – Mr. Sheldon

Second - Mr. Griffiths

Vote – (Carter, Griffiths, Paraskewich, Parks
Riddle, Sheldon, Esposito)

Motion Adopted
(7 Yes, 0 No, 0 Absent)

Mr. Esposito read into record the following resolution for Mr. McCabe:

WHEREAS, the Delaware Solid Waste Authority (DSWA) is a public instrumentality of the State of Delaware which is accountable through its Board of Directors and its staff to the citizens of Delaware; and

WHEREAS, DSWA was established in 1975, by statute enacted by the Delaware General Assembly, with the intent to address and solve difficult and long-standing problems related to the management and recycling of solid waste; and

WHEREAS, Ronald G. McCabe was appointed to the Board of Directors of the Delaware Solid Waste Authority in July of 1979, and has served with great distinction in public service for 39 years and as Vice Chairman of the Board since January of 1994 and Chairman of the Administrative Affairs Committee since February 1994; and

WHEREAS, Mr. McCabe has demonstrated exemplary guidance to the Staff and Board of Directors;

NOW, THEREFORE, on this 2nd day of May 2018, the Board of Directors of the Delaware Solid Waste Authority wishes to express its gratitude to Mr. McCabe for his contributions to the Delaware Solid Waste Authority and dedicated service;

IN WITNESS WHEREOF, WE HAVE SET OUR HANDS AND SEAL THIS 2nd DAY Of MAY, 2018.

DELAWARE SOLID WASTE AUTHORITY BOARD OF DIRECTORS

Motion K - Ms. Parks

Second – Mr. Sheldon

Vote – (Carter, Griffiths, Paraskewich, Parks
Riddle, Sheldon, Esposito)

Motion Adopted
(7 Yes, 0 No, 0 Absent)

Motion L – moved by Mr. Carter

“Pursuant to 29 Del. C. Section 10004(b), the Board of Directors anticipates that it may go into Executive Session for the purpose of obtaining advice on potential litigation.”

Second – Mr. Sheldon

Vote – (Carter, Griffiths, Paraskewich, Parks
Riddle, Sheldon, Esposito)

Motion Adopted
(7 Yes, 0 No, 0 Absent)

Board voted into Executive Session at 5:49 p.m.

Motion M - moved by Mr. Carter

“The Board return to regular session.”

Second – Mr. Griffiths

Vote – (Carter, Griffiths, Paraskewich, Parks
Riddle, Sheldon, Esposito)

Motion Adopted
(7 Yes, 0 No, 0 Absent)

Board back to Regular Session 5:55 p.m.

Motion N - moved by Ms. Parks

“The Board approves the terms and execution of the Conciliatory Agreement Resolving the Department of Natural Resources and Environmental Control Secretary’s Order No. 2016-WH-0015 dated March 30, 2016.”

Second – Mr. Griffiths

Mr. Carter	Yes
Mr. Griffiths	Yes
Mr. Paraskewich	Yes
Ms. Parks	Yes
Mr. Riddle	Yes
Mr. Sheldon	Yes
Mr. Esposito	Yes

Motion Adopted

(7 Yes, 0 No, 0 Absent)

Motion – moved by Mr. Griffiths

“The Board Meeting is adjourned.”

Second – Mr. Sheldon

Vote – (Carter, Griffiths, Paraskewich, Parks
Riddle, Sheldon, Esposito)

Motion Adopted
(7 Yes, 0 No, 0 Absent)

Respectfully submitted,

Pamela Williamson

Meeting Adjourned: 6:05 p.m.