

MINUTES OF MEETING
DELAWARE SOLID WASTE AUTHORITY
BOARD OF DIRECTORS

DATE: July 25, 2019

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

TIME: 5:00 p.m.

ATTENDEES:

DIRECTORS

Gerard L. Esposito, Chairman (via telephone)
Timothy P. Sheldon, Vice Chairman
Norman Griffiths
Michael R. Paraskewich, Ph.D, P.E.
William J. Riddle

STAFF

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

LEGAL COUNSEL

Michael Teichman, Esquire (PG&S)

GUESTS

None

REGULAR BOARD MEETING

The Chairman, Gerard Esposito, called the four hundred and fifth regular meeting of the Delaware Solid Waste Authority Board of Directors to order on Thursday, July 25, 2019. 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 June 27, 2019, meeting of the Board of Directors.

Motion A – moved by Mr. Riddle

“The Minutes of the June 27, 2019, Board of Directors’ meeting of the Delaware Solid Waste Authority be accepted as written.”

Second - Mr. Griffiths

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

Motion Adopted
(5 Yes, 0 No, 2 Absent)

Report of the Administrative & Citizens’ Affairs Committee

B. LEGAL SERVICES AGREEMENT

Motion B – moved by Mr. Riddle

“The Board awards a three-year agreement for legal services to Parkowski, Guerke & Swayze, P.A.”

Second – Mr. Griffiths

Mr. Watson said that the current contract expires the end of July. There were only minor increases in the costs for this new agreement and these prices are substantially discounted from their normal rates. Staff recommends that DSWA continue with the present attorneys. Mr. Riddle said that there was a lot of discussion at the Committee meeting on what services Parkowski, Guerke & Swayze (PGS) provide. There was also a discussion on the price’s other attorneys charge. Mr. Riddle said that this was more than reasonable, based upon the review of what some of the Board members see with other attorney’s fees. The other Board members felt this was the right firm and a very fair proposal.

Mr. Griffiths	Yes
Mr. Paraskewich	Yes
Mr. Riddle	Yes
Mr. Sheldon	Yes
Mr. Esposito	Yes

Motion Adopted
(5 Yes, 0 No, 2 Absent)

Report of the Technical and Facilities Management Committee

**C. CLEAN EARTH AGREEMENT FOR THE CHERRY ISLAND LANDFILL –
AGREEMENT A-19-807-NC**

Motion C – moved by Mr. Sheldon

“The Board approves a three-year agreement with Clean Earth, Inc. to accept alternate daily cover at Cherry Island Landfill for a service fee of \$2.00 a ton for up to 420,000 tons a year paid to DSWA, and for 25,000 tons a year of aggregate at no cost.”

Second – Mr. Griffiths

Mr. Watson said that DSWA has dealt with Clean Earth for over 21 years and have benefited tremendously by using their material as an Alternate Daily Cover (ADC) and saving money for not having to buy virgin soil. It is a win/win situation by not using virgin material and finding a reuse of cleaned up soil. It is also a tremendous monetary benefit for DSWA. Staff recommends to continue to take advantage of it. Ms. Roddy stated that DSWA and Clean Earth have had a long-term relationship. It is a benefit to the Cherry Island Landfill (CIL) due to its location. Over the years there was a lot of excess soil available to CIL and DSWA took advantage of that and asked for a service charge to be paid for the use of that soil. This new contract is a little different from the last one, where they were paying us a \$4.00/ton service fee. It appears to be a negative changing the service fee to \$2.00/ton but DSWA thought that was very important to secure the quantity that we need. Clean Earth has agreed to a minimum of 35,000 tons per month for delivery. Ms. Roddy gave Ms. Baer credit for writing the agreement to include having Clean Earth pay for soil on the open market if they do not meet the 35,000-ton requirement. This security is really important for CIL. The other piece of the agreement is the bonus of the aggregate that DSWA gets from Clean Earth, it offsets virgin stone or slag. This material is used to build roads and wet weather pads. Ms. Roddy pointed out that it is a DNREC approved material. This is about an \$800,000/year revenue that DSWA enjoys. If we didn't have this product not only would DSWA not have the revenue, it would then have to purchase virgin soil on the open market. Staff highly recommends this agreement for the next three years. Mr. Griffiths said that it was thoroughly vetted at the Committee meeting and he thanked Ms. Baer for answering all the questions that the Board had.

Mr. Griffiths	Yes
Mr. Paraskewich	Yes
Mr. Riddle	Yes
Mr. Sheldon	Yes
Mr. Esposito	Yes

Motion Adopted

(5 Yes, 0 No, 2 Absent)

D. AGREEMENT FOR BARRIER FOR ALTERNATIVE DAILY COVER AT THE CHERRY ISLAND LANDFILL — CONTRACT A-17-771-NC

Motion D – moved by Mr. Sheldon

“The Board approves a two-year agreement with Richard S. Burns & Company Inc. for use of Barrier[®] alternate daily cover at the Cherry Island Landfill for a service fee of \$5.50 a ton for the first year and \$6.00 a ton for the second year paid to DSWA.”

Second – Mr. Griffiths

Mr. Watson said that this contract is similar to the previous one in that it is for an Alternate Daily Cover (ADC) for Cherry Island Landfill (CIL). This material has been used for over 18 years. It is different in that it is a processed construction and demolition material. Barrier is used in place of virgin soil for road building and wet weather areas. Mr. Watson commended Ms. Baer for getting more money per ton for this material for the next two years. Ms. Roddy said that this is a very similar structure to the previous contract, where Richard S. Burns & Company is paying DSWA for the use of their material. This material is equally as good as Clean Earth, but has different applications. Not all the Clean Earth soil could be replaced by Barrier. The other benefit of this provider is that they have a DNREC approval. Having two companies compete against each other is good for DSWA. Staff is very happy with this agreement and strongly recommend it. Mr. Riddle asked if this contract had the replacement clause like the previous one. Ms. Roddy said that this one did not. Mr. Riddle asked is DSWA would take more of this material if they could. Ms. Baer said that DSWA would not take more because of the composition of the material.

Mr. Griffiths	Yes
Mr. Paraskewich	Yes
Mr. Riddle	Yes
Mr. Sheldon	Yes
Mr. Esposito	Yes

Motion Adopted

(5 Yes, 0 No, 2 Absent)

E. LEGAL ADVICE

Motion F – moved by Mr. Riddle

“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 legal advice.”

Second – Mr. Griffiths

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

Motion Adopted
(5 Yes, 0 No, 2 Absent)

Board voted into Executive Session at 5:18 p.m.

Motion G - moved by Mr. Griffiths

“The Board return to regular session.”

Second – Mr. Sheldon

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

Motion Adopted
(5 Yes, 0 No, 2 Absent)

Board back to Regular Session 5:39 p.m.

PUBLIC COMMENT

No comment

NEW BUSINESS

No comment

Motion – moved by Mr. Sheldon

“The Board Meeting is adjourned.”

Second – Mr. Griffiths

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

Motion Adopted
(5 Yes, 0 No, 2 Absent)

Respectfully submitted,

Pamela Williamson

Meeting Adjourned: 5:40 p.m.