

MINUTES OF MEETING  
DELAWARE SOLID WASTE AUTHORITY  
BOARD OF DIRECTORS

DATE: April 28, 2022

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  
Timothy P. Sheldon, Vice Chairman  
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  
Joseph J. Koskey, CPA  
Jason M. Munyan, P.E., BCEE (via telephone)  
Lynsey K. Baer, P.E., BCEE  
Pamela Williamson

LEGAL COUNSEL

Michael Teichman (PG&S)

GUESTS

None

REGULAR BOARD MEETING

The Chairman, Gerard Esposito, called the four hundred and twenty-ninth regular meeting of the Delaware Solid Waste Authority Board of Directors to order on Thursday, April 28, 2022. 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 March 24, 2022, meeting of the Board of Directors.

**Motion A** – moved by Mr. Carter

“The Minutes of the March 24, 2022, Board of Directors’ regular meeting of the Delaware Solid Waste Authority be accepted as written.”

**Second** - Mr. Griffiths

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

**Motion Adopted**  
(6 Yes, 0 No, 1 Absent)

***Report of the Technical and Facilities Management Committee***

**B. PURCHASE AND SERVICE OF A NEW ARTICULATED TRUCK AND SALE OF DSWA’S USED ARTICULATED TRUCK FOR THE SOUTHERN SOLID WASTE MANAGEMENT CENTER – CONTRACT P-21-861-SS**

**Motion B** - moved by Mr. Sheldon

“The Board awards a contract for Purchase and Service of a New Articulated Truck and the sale of DSWA’s Used Articulated Truck to Carter Machinery for the total cost of \$441,000.00 which includes a four-year extended warranty.”

**Second** – Mr. Griffiths

Mr. Watson said that one very good proposal was received for the new articulated truck for the Southern Solid Waste Management Center. Staff negotiated a reduction in the price of the truck. The total cost of the vehicle included the trade-in of DSWA’s 2007 articulated truck which served DSWA for a very long time. The delivery date for the new truck is September 30, 2022. This is a replacement for an off-road vehicle. The huge truck is articulated so it can go over the rough surfaces off-road. (Mr. Riddle joined the meeting.)

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. PURCHASE AND SERVICE OF A NEW SMALL BULLDOZER AND SALE OF DSWA’S USED SMALL BULLDOZER FOR THE SOUTHERN SOLID WASTE MANAGEMENT CENTER – CONTRACT P-21-862-SS**

**Motion C** - moved by Mr. Sheldon

“The Board awards a contract for Purchase and Service of a New Small Bulldozer and the sale of DSWA’s Used Small Bulldozer to Carter Machinery for the total cost of \$219,000.00 which includes a four-year extended warranty.”

**Second** – Mr. Griffiths

Mr. Watson said that this is a similar item for DSWA’s southern landfill facility. This is to replace a 2016 small bulldozer. Staff was able to negotiate a price decrease for the new bulldozer. This also has the same delivery date of September 30, 2022.

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 the Administrative & Citizens’ Affairs Committee***

**D. PURCHASE OF CNZ LLC PROPERTY**

**Motion D** - moved by Ms. Parks

“The Board approves the purchase of the property of the CNZ LLC Property on Hardscrabble Road, Georgetown, Delaware for the amount of \$160,000.00”

**Second** – Mr. Carter

Mr. Watson said that this piece of property was close to the Jones Crossroads Landfill and it has been DSWA’s policy to acquire property that is contiguous and close to our property for future expansion. This is 26.5 acres that is all wooded. It will serve our future needs not defined at this time but, at least as a buffer so that development doesn’t happen too close to the site in the future. An appraisal was done and an offer was accepted. Staff recommends purchasing this property. Mr. Sheldon said that this was a good price.

Mr. Carter	Yes
Mr. Griffiths	Yes

Mr. Paraskewich	Yes
Ms. Parks	Yes
Mr. Riddle	abstaining
Mr. Sheldon	Yes
Mr. Esposito	Yes

**Motion Adopted**

(6 Yes, 0 No, 0 Absent, 1 Abstention)

**E. POST BOND INDENTURE BANK ACCOUNT CHANGES**

**Motion E** - moved by Ms. Parks

“The Board approves the changes to the bank account structure as referenced in the memo to the Administrative and Citizens’ Affairs Committee, dated March 30, 2022, to take effect post Bond Indenture which will be in June 2022. These changes will be the recognition of accounts required to be closed due to expiration of the Bond Indenture and the creation of several accounts to serve the same functions or to further detail and allocate reserves based on intended future use.”

**Second** – Mr. Carter

Mr. Watson said that these changes are required because of the end of the bonds. At the end of June changes will be needed for certain bank accounts. Mr. Koskey explained that certain accounts are required to be closed and this is the recognition that they will be closed and the creation of several accounts. On the creation side one example is the OIC (Operations, Insurance and Capital) Reserve Account that will be closed and replaced by three different Reserve accounts. This will allow DSWA to specifically identify the reserves going forward. The Revenue fund will be closed out and replaced by an Inflow/Outflow Account and the debt services accounts will be closed and not replaced because they are no longer needed. Mr. Riddle said that Mr. Koskey gave a good explanation on why and how the accounts were going to change.

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)

**F. CREATING ADMINISTRATIVE COMMITTEE MEMBERS**

**Motion F** - moved by Ms. Parks

“WHEREAS, DSWA standing committees have been established by the DSWA Board of Directors;  
and

WHEREAS, DSWA standing committees successfully conducted business on a virtual platform during the States of Emergency declared by the Governor during the SARS-CoV-2 pandemic, which States of Emergency are now lifted; and

WHEREAS, 29 *Del. C.* § 10006A permits public bodies to conduct virtual meetings in the ordinary course, subject to (i) the establishment of an “anchor location” for the public to attend in person, and (ii) the presence of a member of the public body at such “anchor location”; and

WHEREAS, the Board deems it useful and appropriate to create the position of “Administrative Member” to each standing committee in order to ensure that an “anchor location” can be staffed and that virtual meetings will comply with all statutory requirements.

NOW THEREFORE BE IT

RESOLVED, that a position of “Administrative Member” shall be added to each of the Technical Affairs and Facilities Management Committee and the Administrative and Citizens’ Affairs Committee (each, a “Committee”), and that such Administrative Members shall not have the right to vote on any action taken by their respective Committees.

RESOLVED FURTHER, that the duties of Administrative Member shall be to ensure that any “anchor location,” as that term is found in Delaware’s Freedom of Information Act (“FOIA”), will satisfy all statutory requirements and to perform such other acts not inconsistent with these resolutions as may be directed by the Chairperson of the respective Committees.

RESOLVED FURTHER, that the Chief Executive Officer and the Chief Operating Officer of DSWA shall be empowered to designate the person or persons to fill the position of Administrative Member no later than the time and date that the agenda for the virtual Committee meeting in question is made the subject of public notice.”

**Second** – Mr. Carter

Mr. Teichman said that the Freedom of Information Act (FOIA) portions dealing with open meetings was amended twice during the pandemic recognizing the virtual meetings were going to happen. The state recognized that certain members of the community are not computer savvy and are going to want to show up to a meeting physically. They created the term “anchor location” and a member of the public body by statute has to be at the anchor location. For this Board one of the Board members, since they are appointed by the Governor, would need to be physically present at the anchor location and everyone else could be virtual. For the Committee, not being created by statute, there is a general authority in Chapter 64 that allows the Board to structure its organization. So using that authority to create a Committee structure, the Board can do anything to them. This allows the Board to add a new member to the Committee and that member will have limited duties. This member designated by Mr. Watson or Ms. Roddy prior to the Committee meeting will be in the administration office in case there is someone who wants to attend in person rather than virtually and watch it from the office. If there is the need for public participation this process will have to allow for anyone who is in the office to be able to participate. Mr. Esposito said that he felt the situation was handled well. Ms. Parks said it was discussed very well in the Committee meeting. Mr. Riddle verified that the Committee meetings, along with the Board meetings, are public meetings. Mr. Esposito said that they are. Mr. Riddle asked if DSWA required any notice of

the public’s right to speak or make a presentation at the meetings. Mr. Teichman said that were no requirements but that doesn’t mean that someone that shows up to the meeting has the right to say something to the Board. They have the right to observe the Board’s activities, observe whatever is being voted on but, they can’t come in and make a presentation that the Board doesn’t want to hear. Mr. Paraskewich asked to clarify that if one Board member was in the office the Board meeting could be held virtually. Mr. Teichman said that was correct. Ms. Parks made sure that the meeting notices will contain the virtual and physical location information. Mr. Esposito said that they would and that the notes would also reflect it too. Mr. Esposito thanked Mr. Teichman for addressing this issue.

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)

NEW BUSINESS

No comment

PUBLIC COMMENT

No comment

**Motion** – moved by Mr. Carter

“The Board Meeting is adjourned.”

**Second** – Mr. Griffith

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

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

Respectfully submitted,

Pamela Williamson

Meeting Adjourned: 5:23 p.m.