

MINUTES OF MEETING
DELAWARE SOLID WASTE AUTHORITY
BOARD OF DIRECTORS

DATE: October 27, 2022

LOCATION: Community Bank Delaware
16982 Kings Highway
Lewes, Delaware

TIME: 5:00 p.m.

ATTENDEES:

DIRECTORS

Gerard L. Esposito, 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
Robin M. Roddy, P.E., BCEE
Michael D. Parkowski
Joseph J. Koskey, CPA
Lynsey K. Baer, P.E., BCEE
Shelly Forcier, PHR
Bob Roth
Pamela Williamson

LEGAL COUNSEL

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

GUESTS

None

REGULAR BOARD MEETING

The Chairman, Gerard Esposito, called the four hundred and thirty-third regular meeting of the Delaware Solid Waste Authority Board of Directors to order on Thursday, October 27, 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 August 25, 2022, meeting of the Board of Directors.

Motion A – moved by Mr. Carter

“The Minutes of the August 25, 2022, Board of Directors’ regular meeting of the Delaware Solid Waste Authority be accepted as written.”

Second - Mr. Griffiths

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

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

Report of the Administrative & Citizens’ Affairs Committee

B. FINANCIAL AUDIT

Mr. Esposito welcomed Colleen Varallo and Mike White from Wipfli. Mr. White then made a presentation of the 2022 audit results to the Board of Directors.

Motion B - moved by Ms. Parks

“The Board accepts the independent auditor’s report of the financial statements of net position of Delaware Solid Waste Authority as of June 30, 2022 and 2021, prepared by Wipfli, LLP.”

Second – Mr. Carter

After the presentation Mr. Griffiths asked if there were any findings that needed to be adjusted. Mr. White said that there were no proposed adjustments that would affect findings. Mr. Koskey said that the lease payments with Republic and Revolution are being recorded differently due to new accounting practices. Mr. Riddle asked how the post-closure numbers were generated. Ms. Roddy said that there is a procedure that staff completes annually to estimate capping and post closure care costs.

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

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

Report of the Technical Affairs and Facilities Management Committee

C. ENVIRONMENTAL MONITORING SERVICES FOR THE PIGEON POINT AND CHERRY ISLAND LANDFILLS – CONTRACT S-22-865-NPNC

Motion C - moved by Mr. Griffiths

“The Board awards the contract for the Environmental Monitoring Services for the Pigeon Point and Cherry Island Landfills to Brickhouse Environmental for a three-year period.”

Second – Mr. Carter

Mr. Watson said that the existing three-year contract is held by Brickhouse Environmental and will be expiring January 31, 2023. Staff solicited for another three-year contract. Ms. Roddy said that this is for environmental monitoring at Cherry Island and Pigeon Point. This includes collection and analysis of groundwater, leachate and surfacewater sampling. Over the last few months staff has been going through the Request for Proposals process and asked for authorization to negotiate with Brickhouse at the August 2022 Committee meeting. Staff negotiated with Brickhouse and was able to negotiate prices down to acceptable rates. The prices will be held for the three year term of the contract. The monitoring included in the Contract is required by permit and these costs are budgeted. Brickhouse holds the current contract and staff is very pleased with their work. Staff recommends awarding the contract to Brickhouse. Mr. Griffiths asked if the data for the environmental monitoring drops below a certain level can DSWA stop it. Ms. Roddy explained that the monitoring was in place to detect levels of concern and that currently there are no levels of concern. Mr. Paraskewich asked if the pricing has been held for the last 12 years. Ms. Roddy said that pricing will be consistent for a 6 year period, the current three year contract and the three year contract in front of the Board right now. Mr. Watson said that over the years Brickhouse has noted that Pigeon Point, being a closed landfill, didn't need as much monitoring and approached DNREC to ask for less frequent monitoring. Brickhouse is always in the mode of looking out for DSWA's interests. Mr. Riddle asked if the water well problems in Sussex County could happen to DSWA. Mr. F. M. Parkowski said that the issue is with nitrates from fertilizer. Mr. Riddle asked if DSWA could be sued. Mr. F. M. Parkowski said that DSWA could be. He said that DSWA can't control what people bring to the landfills.

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

Motion Adopted

(6 Yes, 0 No, 1 Absent)

D. DESIGN AND ENGINEERING SERVICES FOR CELL 6 AT THE SOUTHERN SOLID WASTE MANAGEMENT CENTER – CONTRACT S-22-870-SS

Motion D - moved by Mr. Griffiths

“The Board awards the contract for the Design and Engineering Services for Cell 6 at the Southern Solid Waste Management Center to CDM Smith.”

Second – Mr. Carter

Mr. Watson explained that this is the next cell for the southern landfill. Even though there is 8-10 years left in the current cell, the process has to start now for designing the next cell. The design, construction and permitting is a long process. Ms. Roddy said that the capacity in Cell 5 is estimated to be exhausted in January 2029. For the past several months staff has been going through the Request for Proposal process. Five proposals were received and 2 of them were very strong. Staff interviewed both CDM Smith (CDM) and HDR and determined that CDM Smith was the most responsive proposer. DSWA has previous experience CDM Smith and they have helped DSWA work with DNREC on important

regulatory issues that will be a part of the development of this cell. Ms. Baer and Mr. Roth were able to negotiate a cost reduction for the contract and this project will span many years including site studies, design, permitting and construction.

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

Motion Adopted

(6 Yes, 0 No, 1 Absent)

E. PROPOSED CHANGE ORDER FOR THE SOD FARM DEVELOPMENT AT THE SOUTHERN SOLID WASTE MANAGEMENT CENTER – CONTRACT C-21-848-SS

Motion E - moved by Mr. Griffiths

“The Board approves the proposed Diamond Materials’ Change Order No. 1 for the Sod Farm Development at the Southern Solid Waste Management Center in the amount of \$1,613,170.41.”

Second – Mr. Carter

Mr. Watson explained that this area is part of where Cell 6 will be built. Ms. Roddy said that approximately a year ago the bids were opened for this project and that DSWA was delayed by DNREC in getting the erosion and sediment control permit. The project area is very large, approximately 160 acres and is heavily wooded. Diamond Materials’ pricing was no longer valid when DSWA was finally able to give them approval to begin work. As a result, a change order was submitted. Staff negotiated the change order with Diamond Materials and was able to reduce the pricing some. The majority of the change order cost is for the increased fuel and soils pricing. Mr. Griffiths asked is this was in the budget. Mr. Koskey explained that this project was not budgeted for but that it needed to be started right away. Mr. Koskey anticipates using funds from a budgeted Cherry Island Landfill project that will take place in FY23 as expected. Mr. Riddle asked how long the project will take. Ms. Baer said it should be completed within six months. Ms. Baer said that due to design changes required by DNREC there would be other change orders submitted by Diamond Materials. Mr. Paraskewich asked if they have broke ground. Ms. Baer said that Diamond Materials was onsite and putting up parameter controls. Clearing for the silt fencing has been started. Ms. Parks asked if there would be any issue with this bid and the other bids that came in from a competitive standpoint. Mr. Watson said that Diamond Materials was the low bid at \$11.4 million, the next lowest bidder was \$14.6 million, so even with this change order it is still way below the next bid.

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

Motion Adopted

(6 Yes, 0 No, 1 Absent)

Board voted to go into Executive Session at 6:12 pm. The Board came out of Executive Session at 6:22 pm.

NEW BUSINESS

No comment

PUBLIC COMMENT

No comment

Motion – moved by Ms. Parks

“The Board Meeting is adjourned.”

Second – Mr. Griffiths

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

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

Respectfully submitted,

Pamela Williamson

Meeting Adjourned: 6:23 p.m.