

MINUTES OF MEETING
DELAWARE SOLID WASTE AUTHORITY
BOARD OF DIRECTORS

DATE: November 19, 2009
LOCATION: 1128 S. Bradford Street
Dover, DE 19901
TIME: 5:00 p.m.

ATTENDEES:

DIRECTORS

Richard V. Pryor
Ronald G. McCabe
Gerard L. Esposito
Tonda L. Parks
Theodore W. Ryan
Timothy P. Sheldon

STAFF

Pasquale S. Canzano
Richard P. Watson
Anne M. Germain
John J. Lechner
Logan V. Miller

LEGAL COUNSEL

F. Michael Parkowski

GENERAL PUBLIC

(See List Attached)

REGULAR BOARD MEETING

The Chairman, Richard V. Pryor called the three hundredth and eighteenth regular meeting of the Delaware Solid Waste Authority Board of Directors to order on Wednesday, November 19, 2009. He announced the meeting had been duly noticed and the Directors had received copies of the information to be considered.

A. MINUTES

Chairman Pryor called for additions or corrections to the draft of the Minutes of the last meeting of the Board of Directors

Motion A – Moved by Mr. Sheldon

“The Minutes of the October 14, 2009 Board of Directors’ meeting of the Delaware Solid Waste Authority be accepted as written.”

Second – Mr. Ryan

Vote – (Esposito, Parks, Ryan,
Sheldon, McCabe, Pryor)

Motion Adopted
(unanimous)

Report of Administrative Affairs Committee

B. FY 2011 BUDGET

Motion B – Moved by Mr. McCabe

“The Committee recommends the Board authorize staff to conduct three (3) workshops and public hearing for the FY 2011 proposed budget.”

Second – Mr. Sheldon

Mr. Canzano stated that there will be three workshops scheduled, one in each county. The workshops are an informal format where people can ask questions and there is an exchange of dialogue. In addition, we will also be holding a public hearing which is the formal process in which people can submit comments into the record for consideration in addition to the questions we get at the workshops. Those schedules are included in the Board package and if approved, they will be posted on our website. The budget does reflect the proposed increase in the tipping fees which would be subject to a new Discount Disposal Fee Agreement with the municipalities and the haulers. We are seeking Board approval for the workshops and hearing, staff will come back to the Board with the input from the public with recommendations for approval on a final budget.

Mr. Esposito- Yes
Ms. Parks - Yes
Mr. Ryan - Yes

Mr. Sheldon - Yes
Mr. McCabe - Yes
Mr. Pryor - Yes

Motion Adopted
(6 Yes 1 absent 0 No)

C. UNDERWRITER SERVICES FOR THE 2010 BOND ISSUE

Motion C - Mr. McCabe

“The Committee recommends the Board authorize staff to issue a Request for Proposals for Underwriter Services for the 2010 Bond Issue.”

Second - Ms. Parks

Mr. Canzano stated we are looking at a Bond Issue of about \$40 million during calendar year 2010. This will be principally for both the Sandtown expansion and the Jones Crossroads expansion. We have provided you with a schedule for going forward with an RFP for the Underwriting Services. This is a fairly lengthy process, starting with the Underwriters and getting to the point of issuing the bonds. We will be working with Les Guthorn, Public Advisory Consultants. Staff invites the Board to participate in any of the activities. It is an interesting process. There will be interviews with the firms, and we felt it was important to get this sanction of the Board in going forward because this is a signal to the financial community that we are in fact gearing up to sell bonds in the spring of 2010.

Mr. Pryor commented that most of the Directors were present for the last Bond issue, going through the drill. He reiterated that this is a very, very useful exercise to take part in these things. He stated that this is going to be very different from any bond issue we've done in the past. It will be enormously helpful just to get a good chance and grasp of the Authority in today's climate which we have not experienced in the past.

Mr. Canzano and staff is hoping that we maintain our AA Rating and the fact that we now have a path forward will be helpful. Working with the hauling community and municipalities to continue with contract flow control, we feel will be a big plus rather than going forward with regulatory flow control.

Ms. Parks commented that she found it to be a very informative and educational process, it gives us a sense of what we do. It is a good update and it will be interesting to see the reception we get under the financial situation today.

Mr. Esposito- Yes
Ms. Parks - Yes
Mr. Ryan - Yes
Mr. Sheldon - Yes
Mr. McCabe - Yes
Mr. Pryor - Yes

Motion Adopted
(6 Yes 1 absent 0 No)

Report of Citizens' Affairs Committee

D. REGULATORY FLOW CONTROL PROGRAM

Motion D – Mr. Ryan

“The Citizens’ Affairs Committee recommends that the Board of Directors adopt the Resolution as set forth in the package as Tab D that addresses the suspension of regulatory flow control.”

Second – Mr. Sheldon

Mr. Canzano stated that when the Board acted on the Resolution at the last meeting to implement the process for regulatory flow control, at that particular time we only had one of the major haulers agreeing to sign up for the newly proposed Discount Disposal Fee Agreement. He reported that as we approached the eleventh hour, the second major hauler finally decided that it was in the best interest of DSWA as well as the industry to proceed with contractual flow control versus regulatory flow control. Staff was very pleased with that. He stated that he thinks it will play well for us when we go the rating agencies to sell \$40 million in bonds, to say that we are working with the industry rather than regulating the industry. Tonight’s resolution, in fact, suspends the process, albeit it’s in place, it’s my understanding that if we need to resurrect it within 12 months, we could do that, but we don’t see a need since we are looking at a 3-year contract. The Resolution also authorizes the staff to proceed with the proposed Discount Disposal Fee Agreement which we have been discussing with the Board. It also suspends the amendments to the Plan.

Mr. Pryor added that this motion was discussed thoroughly in the Citizens’ Affairs and Policy Affairs Committee meeting. The Board is familiar with the details of that Resolution and its importance.

Mr. Esposito- Yes
Ms. Parks - Yes
Mr. Ryan - Yes
Mr. Sheldon - Yes
Mr. McCabe - Yes
Mr. Pryor - Yes

Motion Adopted
(6 Yes 1 absent 0 No)

E. GTP LO-CAT CONTRACT

No action

PUBLIC COMMENT

Mr. Kramer asked if DSWA is still hauling sheet rock? Mr. Miller replied that all three facilities are hauling gypsum north. He asked what would a local company have to do to set up something, would DNREC get involved because it would be grinded.

Mr. Canzano stated that they would have to talk to DNREC to see whether they would need an approval or permit.

Mr. Pryor commented that he participated in the Household Hazardous Waste event at Frawley Stadium. He was very impressed with how well things went and the entire event was very well organized. Mr. Canzano added that Rich VonStetten does an excellent job coordinating these events and takes a lot of pride in their success.

Moved by Mr. Sheldon

“The Board of Directors go into Executive Session.”

Second – Ms. Parks

Vote – Unanimous
(Esposito, Parks, Ryan
Sheldon, McCabe, Pryor)

Motion Adopted
(unanimous)

Moved – Mr. Sheldon

“The Board of Directors return to regular session.”

Second – Mr. Ryan

Vote – Unanimous
(Esposito, Parks, Ryan
Sheldon, McCabe, Pryor)

Motion Adopted
(unanimous)

Motion – Mr. Sheldon

“The Board Meeting is adjourned.”

Second: Ms. Parks

Vote – (Esposito, Parks, Ryan,
Sheldon, McCabe, Pryor)

Motion Adopted
(unanimous)

Respectfully submitted,

Libby J. Kelley

Meeting Adjourned: 5:50