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HOUSATONIC RESOURCES RECOVERY AUTHORITY
SPECIAL MEETING MINUTES
Friday, December 19, 2008, 10:00 a.m.
Danbury Plaza Hotel – Second Floor Mezzanine – Ballroom 2

Members or Alternates Present and Voting:

Bethel, Paul Szatkowski	8
Brookfield, Robert Silvaggi	7
Danbury, Mark Boughton/Joel Urice	35
Kent, Dolores Schiesel	1
New Fairfield, Mike Gill	6
New Milford, Patricia Murphy	13
Newtown, Herbert Rosenthal	12
Redding, Natalie Ketcham	4
Ridgefield, Rudolph Marconi	<u>11</u>
	97

Others Present:

Cheryl Reedy, HRRRA Director
Suzanne Von Holt, New Milford Alt.
Bob Metzler, HRRRA Counsel
Les Pinter, Danbury Corp. Counsel
John Hodge, NF First Selectman
Congressman Christopher Murphy
Dave Dunleavy, AWD
Paul Nonnenmacher, CRRA
Jonathan Murray, AAW
Rob Michalik, Cong Murphy's Office
Bob Miller, NewsTimes

Members Not Present

Bridgewater, William Stuart
Sherman, Andrea O'Connor

Call to Order: The meeting was called to order by Chairman Gill at 10:10 a.m. with a quorum of 97 votes present from nine towns. M. Boughton entered the meeting at 10:25 a.m. during agenda item 5 b. and became the voting member from Danbury for the rest of the items on the agenda.

Public Comment

There was no public comment.

Chairman's and Members' Comments

- Chairman Gill wished all those in attendance a Merry Christmas and thanked them for coming out despite the snow.
- Chairman Gill welcomed Congressman Chris Murphy to the HRRRA meeting at 10:15 a.m.

Consent Action Items

Motion by J. Urice, second by H. Rosenthal to approve the consent action items, i.e. minutes of October 17, 2008, financial statements to November 30, 2008 and revised 2009 meeting schedule, with one motion. **Vote:** All in favor.

New Business:

- a. *2007-08 HRRR Audit*– Treasurer H. Rosenthal reported that he met with the Director and HRRR Auditor Glenn Nanavaty to review the audit results and was happy to report that HRRR received a clean audit for the 07-08 fiscal year with no management letter comments or suggestions and even a slight increase in undesignated fund balance. Copies were sent to all members in advance of the meeting. **Motion** by H. Rosenthal, second by P. Murphy, to accept the 2007-08 HRRR audit as presented. **Vote:** All in favor.
- b. *Stipulated Agreement with US Government on RTI Equipment Ownership* – Attorney Bob Metzler reviewed the history of this item. Last summer, as part of the forfeiture of the Galante-Milo assets, HRRR filed a third party petition with the federal court to recognize its claim to ownership of the equipment at RTI. The U.S. Attorney has proposed a stipulated agreement between the two parties recognizing HRRR’s ownership of the equipment it claims and, due to a difference with HRRR on the term of the RTI contract, proposing two options for the form of stipulation. One option is to agree with the government’s claim that the RTI contract extends to 2013. The other option is to agree to work out the end date of the RTI contract at a later time. The proposed stipulation was sent to HRRR members prior to the meeting.

Based on concerns raised by the Director about RTI’s compliance with the existing contract, Mr. Metzler has drafted resolutions concerning the stipulation for the Authority’s consideration. The resolutions leave disposition of the RTI contract end date to a later time, give notice of HRRR’s intention to review RTI’s contract performance and give notice of breach if so determined, and agree with the other aspects of the stipulation as proposed by the U.S. Attorney’s office except that the HRRR signatory would be the Chairman, not the Director. **Motion** by H. Rosenthal, second by N. Ketcham, to adopt the resolutions entitled *Resolutions Concerning Stipulation with the United States with Respect to Recycling Technologies, Inc.*, a copy of which shall be attached to these minutes. **Vote:** All in favor. (M. Boughton entered the meeting during this agenda item and voted on this motion.)

Old Business:

- a. *Potential Acquisition of Real Property in the City of Danbury* – (All discussion and votes on this item were held in public session.) Mayor Boughton announced that since HRRR was unable to move forward on purchasing the transfer station that the City of Danbury is actively working to acquire the regional transfer station on White Street in Danbury. For assistance the City hired Malcolm Pirnie, Inc., a nationally recognized engineering, solid waste and environmental consulting firm with offices in White Plains, NY. The consultants have determined that the transfer station is a viable revenue producer for the City, especially for future years once the expansion permits currently ready for approval at DEP are issued and implemented.

The Mayor will be making the first public announcement of the City’s plans at today’s State of the City speech following the HRRR meeting and will be presenting information on the project’s viability to a special Common Council meeting on Monday evening, December 22nd. The PowerPoint presentation prepared by the consultants can be sent to all the HRRR member towns after that meeting.

The Common Council will be asked to start the process to adopt an ordinance creating the Danbury Solid Waste and Recycling Authority, which will own and oversee the transfer station’s operation on behalf of the City. The Mayor expects the DSWRA to be set up by mid-January. The DSWRA will work in conjunction with HRRR the same as all other municipal members.

None of the contracts between HRRRA and WCI or HRRRA and RTI or HRRRA and any member municipalities will be affected. In order to gain control of the transfer station the City is prepared to use any and all tools in its toolbox, including eminent domain.

In order to implement the region's solid waste management and recycling plan fully and maximize revenue to the City and the region, the Mayor would like all HRRRA members to take steps necessary to implement the flow control ordinances currently on their books as well as adopt any additional ordinances required for full flow control of MSW, recycling and construction and demolition material into the HRRRA system. With flow control, it is possible to offer lower tip fees to haulers and have lower costs passed through to consumers.

Congressman Chris Murphy was at the meeting to express his support for the concept of public ownership of the regional transfer station. To that end, members received copies of a letter sent by the Congressman to the U.S. Marshals Service asking that the Marshals' Service arrange and in-person conversation or conference call with local officials as soon as possible to discuss conveying public ownership of the transfer station to the City of Danbury and/or HRRRA. (Copy of the Congressman's letter is attached to these minutes.) Saying he would now be personally engaged in the issue, Congressman Murphy pledged to work with HRRRA and the City of Danbury to get the ear of the federal marshals and to engage Senators Dodd and Lieberman in that effort as well. Since much of the federal stimulus money will pass through the States, the Congressman urged local officials to get the ear of not only federal officials but state officials as well to obtain federal stimulus funds for this regional priority serving eleven communities.

Mayor Boughton said that capital acquisition costs as well as the capital improvements needed to meet permit requirements at the transfer station would be at the top of the City's list of priorities for Pres. Obama's infrastructure stimulus funds, and asked that it be placed at the top of the region's priority list as well as at the top of each HRRRA municipality's list. Even the waiver of fees for transfer of the approved permits by DEP to the City of Danbury would be beneficial since those fees can range up to \$28,000. HRRRA members present agreed without objection that funding for the transfer station purchase and capital improvements was the region's top priority for federal stimulus funding.

H. Rosenthal said that he, on behalf of the Town of Newtown, was in complete support of the City of Danbury's efforts to obtain ownership of the transfer station. Mayor Murphy asked if letters of support from each municipality would be helpful, and it was agreed that such letters would be very beneficial. Several members asked how to get the Governor engaged in supporting the project since her office has been unresponsive to such a request since July. M. Gill noted that the offer is still on the table for the HRRRA Director and legal counsel to work with the City and provide whatever assistance is needed to ensure the success of the project. D. Schiesel said that HRRRA and the regional solid waste system had seen some pretty grim days in the past and that she was gratified to see such a solution finally proposed that would benefit the region, the environment and the public.

There being no further discussion, H. Rosenthal **moved** and D. Schiesel seconded the *HRRRA Resolution in Support of the Danbury Solid Waste Authority and DSWA Ownership of the White Street Transfer Station* as presented to members prior to the meeting, a copy of which is attached to these minutes. **Vote:** All in favor.

Adjournment: **Motion** by P. Murphy, second by N. Ketcham, to adjourn the meeting at 11:04 a.m.
Vote: No one opposed.