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DRAFT
HOUSATONIC RESOURCES RECOVERY AUTHORITY
ANNUAL MEETING MINUTES

Thursday, June 16, 2011, 10:30 a.m.

Brookfield Town Hall – First Floor - Room 133

Members or Alternates Present and Voting:

Brookfield, Bill Davidson	7
Danbury, Mark Boughton/Joel Urice	35
Kent, Dolores Schiesel	1
New Fairfield, Mike Gill	6
New Milford, Suzanne Von Holt	13
Newtown, Fred Hurley	12
Redding, Larry Kulowiec	4
Ridgefield, Andy Bodner	11
Sherman, Andrea O'Connor	<u>2</u>
	91

Others Present:

Tom Tibolla, Brookfield Alternate
Susan Chapman, New Fairfield Alternate
Cheryl Reedy, HRRRA Director
Jen Iannucci, HRRRA Admin. Asst.
Bob Metzler, HRRRA Counsel
Pat Caruso, Associated Refuse
Steve Hastings, Hudson Baylor
Ed Spinella, All American Waste
Kevin Nolan, Winters Bros.
Dave Dunleavy, Winters Bros.

Members Not Present

W. Stuart, Bridgewater
M. Knickerbocker, Bethel

Call to Order: The meeting was called to order by Chairman Gill at 10:30 a.m. with a quorum of 79 votes present from eight towns. F. Hurley entered the meeting at 10:31 a.m. during the pledge of allegiance, bringing the total votes present to 91 from nine municipalities. At the start of the meeting J. Urice was the representative for the City of Danbury. M. Boughton entered the meeting at 10:54 a.m. during agenda item 5.a. and was the voting member from Danbury for all agenda items requiring a vote.

Public Comment: There was no public comment

Chairman's and Members' Comments

- Chairman's Comments
 - M. Gill noted that agenda item 7.a. was incorrectly put on the agenda as an action item. The Authority and Executive Committee by their previous votes already authorized the Chairman to sign the amendment to the Regional Recycling Center Service Agreement and any related documents needed to facilitate single stream recycling and its associated effects.
 - Thank you to J. Iannucci for doing a great job on this year's poster contest.

- Thank you to the sponsors of the poster contest, including Union Savings Bank, Associated Refuse Haulers, TrashRanger Dumpster Service, and All American Waste.
 - The paint product stewardship legislation, championed by HRRRA, passed this session and was recently signed by Gov. Malloy.
 - Thank you to Newtown for hosting the May HHW collection once again.
- Members' Comments
 - B. Davidson announced that he hopes this is the last time members will have to sit in the always exciting chairs around the table in Room 133 at the Brookfield Town Hall. New chairs, that don't tip over when you least expect it, are on the way!

Director's Report – The Director said she would make her remarks brief, and then spoke for 20 minutes noting the following items from the written report included with the agenda packet:

- A generic flyer was developed for single stream and e-waste recycling. After July 1st, HRRRA intends to pay for the flyer to be inserted in local papers to increase recycling tonnage. Staff will be in touch with the chief elected official and/or recycling contact for each municipality to discuss the best way to reach local residents and whether any customization is desired for the flyer.
- Local transfer station staff and representatives of WeRecycle! met in April to discuss and work out a few issues. The municipalities haven't reported any concerns about e-waste recycling since that meeting.
- Hauler meeting in Danbury on May 17th was exceptionally well attended. Most haulers came to meet Joe Winters who spoke to the group about his company's plans for the transfer station once it is purchased.
- Chairman Gill, Vice Chairman Marconi, Secretary O'Connor and HRRRA staff met with the News-Times Editorial Board on May 3rd. Since that time the paper has provided extensive coverage of single stream recycling and this past Sunday on e-waste and paint recycling. Editor Norm Cummings volunteered to run a recycling roundup box that will start soon, once a week, probably on Sundays, with tidbits of recycling information.
- Jen Iannucci has brought HRRRA into the social media age by creating a Facebook page for the Authority and posting interesting and informative items there every couple of days.
- At May 31st 4 municipalities in the region had not reached the e-waste recycling benchmark of 4 pounds per capita during the past year, i.e. Bethel, Brookfield, Danbury and New Milford. Municipalities that finish the first year of the state program (January 31, 2012) below 4 pounds per capita, could be required to revise their e-waste recycling plan and set up additional permanent collection sites or supplement the existing site with one-day collections. The HRRRA funded e-waste advertising campaign will focus first on the municipalities who are below goal.
- The certificate of insurance for the HHW participating municipalities from MXI has to be changed again this year. The proposed COI and reasons for the change were sent to all municipal CEOs who are signatories to the agreement with MXI earlier this week. H. Rosenthal asked CIRMA to take a look at the insurance coverage provided and advise if it is reasonable and/or sufficient. When CRIMA responds, HRRRA will get that information out to all municipalities and again ask for each to approve before agreeing to accept the insurance coverage.

Administrative Approvals (M. Boughton entered the meeting at this point at 10:54 a.m.)

- a. **Motion** by B. Davidson, second by S. Von Holt, to approve the minutes of the February 17, 2011 HRRR meeting as presented. **Vote:** All voting in favor, with A. O'Connor for Sherman and D. Schiesel for Kent abstaining. (Vote tally: 88 in favor; 3 abstain.)
- b. **Motion** by A. O'Connor, second by F. Hurley, to approve the HRRR financial statements through May 31, 2011 as presented. **Vote:** All in favor. (Vote tally: 91 in favor.)

New Business:

- a. *Personnel Committee Report* – Sec. Andrea O'Connor provided a report from the Executive Committee acting as the Personnel Committee highlighting the following points:
 - i. Administrative Assistant was evaluated twice during her first six months after hire. Both evaluations were very positive. The Executive Committee determined that J. Iannucci had successfully completed her probationary period as of May 29, 2011, in agreement with the Director's recommendation, and after that date was entitled to start receiving the increased compensation promised in her letter of hire. The Executive Committee reviewed and approved the goals for the coming year that were set between the Administrative Assistant and the Director.
 - ii. Executive Committee evaluated the Director on April 21st and set goals with her by mutual agreement for the coming year. Based on job performance/merit the Executive Committee directed that a 2.5% salary increase for the Director be included in the 2011-12 draft budget.
 - iii. HRRR Personnel Policy was revised, as recommended by the Director, to provide paid time off equal to one work week of regularly scheduled hours for part time employees who work between 15 and 19 hours per week.
 - iv. Executive Committee is delighted to have J. Iannucci on board.
- b. *HRRR 2011-12 Budget* – C. Reedy noted that a revised 2011-12 budget had been passed out at the meeting since the one sent with the agenda packet did not contain staff compensation as approved by the Executive Committee. **Motion** by F. Hurley, second by A. O'Connor, to approve the HRRR 2011-12 Recommended Budget (distributed at the meeting), as recommended by the Executive Committee, totaling \$376,538 in proposed expenditures and \$387,700 in anticipated revenue for the fiscal year commencing July 1, 2011. **Vote:** M. Boughton for Danbury opposed; all others in favor. (Vote tally: 55 in favor; 36 against.)
- c. *Municipal Disposal of Fluorescent Bulbs at HHW Collections* –C. Reedy reported that disposal costs for fluorescent bulbs, most from municipal and school buildings brought in by some of the participating towns, accounted for 21% of May's HHW collection costs, second only to paint at 24%. 20,000 linear feet of fluorescent tubes were dropped off at the Newtown HHW collection at a cost of \$.35/linear foot or about \$7,000. That is 4 times what was brought to the Danbury collection last September. C. Reedy recommended that fluorescent bulbs from municipal facilities be handled in each town as universal waste and not unnecessarily transported around the region. That can be done through WeRecycle! or another fluorescent bulb recycler at a cost of about \$.08/linear foot, less than a quarter of what a HHW vendor would charge. **Motion** by

D. Schiesel, second by A. O'Connor, to ban fluorescent bulb drop off from municipal and school facilities at HHW collections and recommend that each community recycle fluorescent bulbs from its own facilities as universal waste which costs only a quarter of what it costs to recycle through HHW. **Vote:** All in favor with B. Davidson for Brookfield, D. Schiesel for Kent, and S. Von Holt for New Milford abstaining. (Vote tally: 71 in favor; 20 abstaining.)

- d. *Change in Hauler Municipal Registration and HRRRA Permit Renewal Date* - To allow the annual permitting and municipal registration process to include and coincide with submission of reports haulers must now make to each municipality (as a result of P.A. 10-87) by July 31st each year, **motion** by F. Hurley, second by D. Schiesel, to change the HRRRA permit and municipal registration renewal date from June 30th to July 31st each year. **Vote:** All in favor. (Vote tally: 91 in favor.)
- e. *Additional Requirements for Hauler Municipal Registration and HRRRA Authorization to Register* – A few haulers who need only municipal registration have questioned whether HRRRA is authorized to require a certificate of insurance with the same general liability, auto liability and workers compensation coverage as required for a HRRRA permit, naming the municipalities in which they work as additional insured. These are haulers who do not use any of the HRRRA transfer stations or the regional recycling center and thus need no HRRRA permits. In addition a couple of haulers have had difficulty purchasing the required insurance, allegedly because the owner/driver(s) only have an out of state driver's license and cannot get a valid Connecticut license due to their immigration status.

To address HRRRA's authorization to register haulers on behalf of the participating municipalities (all but New Milford) and to set consistent registration standards across the region, C. Reedy asked that the appropriate legal entity in each municipality adopt a Municipal Solid Waste Collector Registration Resolution which specifically gives HRRRA the authority to act as the municipality's agent for hauler registration and adopts the same registration forms as used for HRRRA permits, including insurance requirements. Without such authorization by the end of the current permit year on July 31, 2011, HRRRA will not be able to continue providing municipal registration for a municipality.

To address the licensing issue, C. Reedy proposed adding two questions to Form A of the application asking if the company's drivers are all legally permitted to operate a motor vehicle in the State of CT and if all company employees are legally able to work in the U.S. The applicant must sign this form attesting under penalty of perjury that all the information contained therein is true and accurate.

Andy Bodner said Ridgefield could not require haulers who work in the town to deliver MSW and/or recycling to HRRRA facilities. Because there were questions on Form A asking haulers agreement to deliver only to HRRRA facilities, he did not think the town could adopt the resolution. C. Reedy pointed out that the resolution said that haulers had to answer in the affirmative only those questions on Form A "required as a matter of law". Agreement to these two question are not "required as a matter of law." A. Bodner said it was not clear which Form A questions were required as a matter of law. C. Reedy suggested indicating such questions by asterisk and noting that on the bottom of Form A. A. Bodner thought it would be better to

remove the two questions from Form A entirely. Other members disagreed, noting that these two questions were specifically added a few months ago at the request of the member municipalities. R. Metzler pointed out that while the municipalities could not compel delivery to the HRRRA system, haulers could voluntarily agree to deliver tonnage exclusively to the HRRRA and that agreement, once signed, attested, etc. would be legally binding.

M. Gill said the question about driver's license should also ask about the class of license appropriate for the size of vehicle being driven. K. Nolan said from the audience that federal law requires drivers of vehicles with a GVW over 26,000 pounds to have a CDL license. M. Boughton asked whether the questions should be more specific and require all drivers to have a CT driver's license. C. Reedy said some drivers could legitimately be New York residents and be legally able to drive in Connecticut with a NY license. However a driver who lives in CT, even if s/he moved to the state with a driver's license from another state, must get licensed in CT after 30 days.

After further discussion, C. Reedy was asked to note on Form A the questions requiring a particular response as a matter of law, to refer to that designation in the municipal resolution, and to insert "the applicable" in place of "a" before motor vehicle in question aa. **Motion** by F. Hurley, second by A. O'Connor, to request that municipalities authorize HRRRA to do hauler registration on their behalf by adopting the Municipal Solid Waste Collector Registration Resolution as amended by the above discussion, and to approve the Application Packet for municipal registration with the changes discussed. **Vote:** All in favor except A. Bodner on behalf of Ridgefield opposed and S. Von Holt on behalf of New Milford abstaining. (Vote tally: 68 in favor; 11 opposed; 12 abstaining.)

Old Business:

- a. *Update on Amendment to Regional Recycling Center Service Agreement between HRRRA and RTI* – M. Gill reported that at the end of the meeting he would be signing, on behalf of the Authority, Amendment Number 4 to the Regional Recycling Center Service Agreement with Winters Bros. Transfer Stations of CT, LLC, as well as a Mutual Release and Settlement Agreement with Winters Bros. Transfer Stations of CT and Recycling Technologies, Inc. (RTI). There is also a Parent Company Agreement to be signed by Winters Bros. Waste Systems of CT, LLC that stands behind the amended Regional Recycling Center Service Agreement. Copies of all three documents were e-mailed to members earlier in the week and were also provided at the meeting.

C. Reedy gave a brief synopsis of the Amendment and Mutual Release. The Amendment allows the regional recycling center to accept single stream material, transfer it for processing off site, and provides a new formula for HRRRA's recycling revenue through the end of the original agreement in February 2013 since there will no longer be any commodity sales revenue in which to share. Under the Amendment HRRRA will sell its completely depreciated 20 year old recycling equipment to Winters Bros. for \$60,000. HRRRA will receive \$7 per ton for all recycling tipped at the regional recycling facility in the first year and \$10 per ton after that through the end of the agreement. The tip fee for recycling was decreased from \$39/ton to \$28.50/ton as of May 1, 2011. The Mutual Release and Settlement releases RTI and

Winters Bros. from HRRRA's default claims first made in February 2009, releases HRRRA from any claim by RTI or Winters Bros. for return of the bond funds taken by HRRRA in January 2010 for lack of performance, and also provides HRRRA's release allowing RTI to sell/transfer the regional recycling agreement to Winters Bros. The Mutual Release will be signed by HRRRA, Winters Bros., and the federal government on behalf of RTI.

Members were asked if they had any questions or concerns about the Amendment and Mutual Release and Settlement before the Chairman signed. None were expressed prior to or at the meeting. D. Schiesel congratulated Chairman Gill for the successful resolution of this matter and offered thanks on behalf of the Authority for the Chairman's tireless efforts in negotiating these agreements.

- b. *Transfer station ownership update* – K. Nolan, the Chief Operating Officer for Winters Bros., was in the audience and noted that the sale of the transfer station was “at the one yard line” and should close in the next two weeks. D. Dunleavy, also from Winters Bros., reported that all DEP permits associated with the transfer station will be transferred to Winters Bros. once the sale is completed.
- c. *Municipal initiatives to meet minimum guaranteed tonnage under the WSDA* – R. Metzler reported that he prepared summaries of each municipality's solid waste and/or recycling ordinance(s) and has completed discussions of those summaries with legal counsel for several member municipalities. He intends to complete discussions with the remaining municipalities within the next month. Any advice on or recommended changes in local solid waste/recycling ordinances will be made to each Chief Elected Official by his/her municipality's legal counsel if counsel believes a change is warranted.

Report of the Nominating Committee and Election of Officers for 2011-12 –L. Kulowiec presented the report, on behalf of the Nominating Committee, himself, S. Von Holt and J. Urice, nominating the following slate of HRRRA officers for 2011-12: Chairman, Mike Gill; Vice Chairman, Rudy Marconi; Treasurer, Herb Rosenthal; Assistant Treasurer, Mark Boughton; Secretary, Bill Davidson. Andrea O'Connor asked the Nominating Committee not to consider her for Secretary for another term. **Motion** by A. O'Connor, second by F. Hurley, to elect the slate proposed by the Nominating Committee as HRRRA officers for the fiscal year commencing July 1, 2011. **Vote:** All in favor. (Vote tally: 91 in favor.) The Chairman and members thanked A. O'Connor for her years of service on the Executive Committee.

Adjournment: Prior to adjournment C. Reedy noted that the repeal of the sales tax exemption for waste-to-energy facility purchases proposed in the Governor's budget was finally removed in a budget implementer bill on the next to last day of the session. **Motion** by F. Hurley, second by S. Von Holt, to adjourn the meeting at 11:50 a.m. **Vote:** All in favor. (Vote tally: 91 in favor.)