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HOUSATONIC RESOURCES RECOVERY AUTHORITY

MEETING MINUTES

Thursday, November 19, 2009, 10:30 a.m.

Room 133, Brookfield Town Hall

Members or Alternates Present and Voting:

Brookfield, Joni Park	7
Danbury, Joel Urice	35
Kent, Dolores Schiesel	1
New Milford, Suzanne Von Holt	13
Newtown, Herbert Rosenthal	12
Ridgefield, Rudolph Marconi	11
Sherman, Andrea O'Connor	<u>2</u>
	81

Others Present:

Cheryl Reedy, HRRRA Director
Bob Metzler, HRRRA Counsel
Ed Hayes, Sherman Alternate
Rob Pedersen, WCI
Glenn Nanavaty, Auditor
Peter Flierl, FBT Worldwide

Members Not Present

Bethel, Robert Burke
Bridgewater, William Stuart
New Fairfield, Michael Gill
Redding, Natalie Ketcham

Call to Order: The meeting was called to order by Vice Chairman Marconi at 10:35 a.m. after a quorum of 69 votes present from six towns arrived. H. Rosenthal entered the meeting at 10:45 a.m. at the start of agenda item 5, bringing the total votes to 81 from seven municipalities.

Public Comment

- Peter Flierl, from FBT Worldwide, made the members aware of the need for more textiles recycling and the money towns could make by hosting a location for a clothing collection bin. According to Mr. Flierl, the U.S. has 40% of the world market in textile recycling. It is a huge industry. Clothing/textile disposal in the U.S. is estimated at 70 lbs per person per year, most of which ends up in a landfill. Municipalities that host a bin can make between \$1,200 and \$10,000 per year depending on the volume of material collected. Mr. Flierl passed out flyers with contact information to all members.

Chairman's and Members' Comments

- Vice Chairman Marconi expressed the sympathy of the Authority to J. Park on the passing of her husband Ivan since the last meeting.
- The Vice Chair congratulated all the newly elected Chief Elected Officials in the region and thanked any HRRRA members or alternates who will be leaving the Authority. To date, HRRRA has

received a letter of resignation from Ruth Epstein as Kent's Alternate. The new Board of Selectmen in Kent will appoint an Alternate to replace Ruth.

Director's Report

C. Reedy highlighted the following items from the written Director's Report:

- Rebounding recycling tonnage and apparent leakage of approximately 15,000 tons of MSW from the system that would typically go through the Danbury transfer station.
- All American Waste collection of recycling from several municipalities and school systems in the region that is not being tipped at RTI in violation of those municipalities' contract with HRRRA.
- Complaint filed with WES for diversion of an estimated 1,500 tons of MSW per year from the HRRRA system into TSI as documented in TSI's DEP reports.
- Work of the Regional Recycling Task Force over the past year, the goals set by the participating towns and school districts, and those towns/schools that continue to lack representation on the Task Force
- New regional grand prize for the 2010 Earth Day Recycling Poster Contest, i.e. displaying the winning poster on a billboard in or near the winner's home town for a month.
- Members should note the list of HRRRA representatives and alternates and the expiration of their terms. Per the HRRRA bylaws, members and alternates continue to serve until either they resign to HRRRA in writing or HRRRA is given notice that a new member or alternate has been appointed by the municipality to fill out the unexpired portion of the term. Those municipalities in which the member and alternate continue to serve after the expiration of the term are Bethel, Bridgewater, Danbury and Redding. The newly elected First Selectman in Brookfield has asked J. Park to remain as Brookfield's alternate, and the Board of Selectmen will appoint a new member to replace the retiring First Selectman.

Consent Action Items

- a) **Motion** by J. Urice, second by J. Park to approve the minutes of the June 18, 2009 annual meeting as presented. **Vote:** All in favor.
- b) **Motion** by A. O'Connor, second by J. Rosenthal, to approve the HRRRA meeting calendar for 2010 as presented. **Vote:** All in favor.
- c) **Motion** by H. Rosenthal, second by J. Urice, to approve the financial statements as presented through October 31, 2009. **Vote:** All in favor.
- d) HRRRA auditor Glenn Nanavaty passed out an Executive Summary of the audit and reported that a clean, unqualified opinion was issued for the 08-09 fiscal year. Only one adjustment was required. The field work for the audit was done in September. The audit has been reviewed by the Executive Committee and discussed specifically with the Chairman and the Treasurer in October. No formal letter was issued with suggestions for additional internal controls, but G. Nanavaty did encourage the continuation of the internal controls already in place that help to minimize risk in a one person office without the opportunity for segregation of duties, i.e. Treasurer's review of all bank statements and scanned check images, countersignature on checks, review of transfers to/from investment accounts, review of monthly financial statements, specifically budget v. actual results. Per the Authority's previously stated goals, the fund balance available would allow the HRRRA to operate for approximately one year without receiving any revenue at all. H. Rosenthal commended the Director on doing a good job managing the budget and finances to ensure the Authority's solvency. **Motion** by A. O'Connor, second by D. Schiesel, to accept the HRRRA audit for the fiscal year ended June 30, 2009 as presented. **Vote:** All in favor.
- e) **Motion** by D. Schiesel, second by J. Park, to adopt the resolution attached from Wells Fargo/Wachovia Securities in order to change the authorized signatories on the RTI performance bond account to the Director and members of the Executive Committee. **Vote:** All in favor.

- f) **Motion** by H. Rosenthal, second by J. Urice, to authorize the Chairman and/or Vice Chairman to sign the Letter of Agreement for HRRRA to become a member of the CT Product Stewardship Council. **Vote:** All in favor.
- g) **Motion** by J. Urice, second by A. O'Connor, to approve the 2010 HRRRA Legislative Agenda as attached, with end of life paint management producer responsibility legislation as the Authority's number one goal for the 2010 legislative session. **Vote:** All in favor. C. Reedy will be sending out form letters for municipalities to send to their state legislators, to CCM and to DEP in support of the paint initiative.
- h) The Authority requested that the Director go out to bid in 2010 for audit services and for household hazardous waste collection services. The bid documents should include the right to reject any and all bids and the right to not choose the low bid if there was another option that better served the public interest of the region.
- i) C. Reedy reviewed the six responses received to the RFP for electronics recycling services not only to meet the requirements of the state's new e-waste law when it is implemented but also for recycling of municipal and school electronics. HRRRA worked with the Public Works Professionals committee in the region that meets on a regular basis in developing the RFP and reviewing the responses. Representatives from the Danbury Mom & Pop Recycle Center as well as Redding, Bethel and Ridgefield were part of the team that interviewed the top three proposers. The interview committee as well as the Public Works Professionals unanimously recommend that WeRecycle! be chosen as the successful proposer based not only on price but also on the ease and convenience of the services provided. **Motion** by D. Schiesel, second by A. O'Connor, to choose WeRecycle! as the regional electronics recycling vendor available for use by all HRRRA municipalities. **Vote:** All in favor. Members asked the Director to work with R. Metzler to develop a contract with WeRecycle! for their approval and signature. C. Reedy asked that municipalities advise HRRRA to the end of 2009 whether they will be using the regional e-waste recycling vendor or not. Members asked C. Reedy to send out a one page summary to towns of the WeRecycle! proposal and costs.

At this point by unanimous consent, item 5j. Consideration and vote on RTI contract default and/or termination was moved to the bottom of the agenda and old business was taken up.

Old Business:

- a. *Housatonic Railroad Company (HRRC) Transfer Station Permit* – An analysis of the Clean Railroads Act prepared by HRRRA's legal counsel was included in the agenda packet along with a notice of violation (NOV) issued to the HRRC by the DEP on September 21, 2009. The HRRC responded to the NOV on October 14, 2009 and requested an extension until November 28, 2009 to address the "clean fill" information requested in the NOV. DEP also issued a Notice of Insufficiency (NOI) to the HRRC on October 8, 2009 outlining what additional information is required for the DEP to continue its review of the transfer station permit application. HRRRA is providing assistance when requested to do so by the Town of Newtown. The Hawleyville Environmental Action Team (HEAT), a grassroots group representing those who live and/or work in the Hawleyville area, has organized and appears to be gaining influence in opposing the transfer station expansion due to their persistence.
- b. *AWD Sale and Public Ownership of the Transfer Station* – All approved bidders, including the City of Danbury, had to sign a confidentiality and non-disclosure agreement to be able to participate in the bid process being conducted by Dominick and Dominick, the agent for the U.S. Marshal's Service. The only information publicly available is that the City of Danbury was approved to bid and is still involved in the bid process in some form at this time.
- c. *Victim Compensation Petition Filed with Attorney General Holder* – The U. S. Justice Department denied the petition jointly filed by the City of Danbury and HRRRA requesting that ownership of the White Street transfer station be transferred to the City as in the interest of justice as compensation for

the uncompensated and incalculable financial damage suffered by residents and businesses of the region as a result of the operation of the property rights solid waste collection scheme for at least the past twenty years. The denial was cursory and HRRRA and Danbury did not appeal because the U.S. Attorney's office in Connecticut urged the City to try to reach the same goal by going through the bid process for the transfer station. A copy of the petition denial by the Justice Department was included in the agenda packet for the meeting.

Consideration and vote on RTI contract default and/or termination

Motion by D. Schiesel, second by J. Urice, to go into executive session for the purpose of discussing pending litigation with respect to the RTI contract defaults, and to invite into the executive session the HRRRA Director, HRRRA legal counsel and E. Hayes, HRRRA Alternate from Sherman. **Vote:** All in favor. The Authority entered executive session at Noon and came out of executive session at 12:18 p.m. No votes were taken and there was no further discussion of the issue after coming out of executive session.

Adjournment

Motion by H. Rosenthal, second by J. Park, to adjourn the meeting at 12:19 p.m. **Vote:** No one opposed.

Minutes Respectfully Submitted,

Cheryl D. Reedy
HRRRA Director