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HOUSATONIC RESOURCES RECOVERY AUTHORITY

SPECIAL MEETING MINUTES

Thursday, April 22, 2010 10:30 a.m.

Room 133, Brookfield Town Hall

Members or Alternates Present and Voting:

Bethel, Matthew Knickerbocker	8
Danbury, Joel Urice	35
Kent, Dolores Schiesel	1
New Fairfield, Mike Gill	6
New Milford, Suzanne Von Holt	13
Newtown, Herb Rosenthal	12
Redding, Larry Kulowiec	4
Ridgefield, Rudolph Marconi	11
Sherman, Andrea O'Connor	<u>2</u>
	92

Others Present:

Cheryl Reedy, HRRRA Director
Ed Hayes, Sherman Alternate
Matthew Starr, AWD/RTI
Dave Dunleavy, RTI
Anne Marie Mitchell, HEAT
Pat Caruso, Associated Refuse
Scott Tenney, Hudson Baylor
Steve Hastings, Hudson Baylor
John Formisano, Hudson Baylor
Jim Davenport, owner of Danbury transfer station property
Rob Pedersen, Wheelabrator

Members Not Present

Bridgewater, William Stuart
Brookfield, William Davidson

Call to Order: The meeting was called to order by Chairman Gill at 10:42 a.m. with a quorum of 92 votes from nine towns present.

Public Comment:

- Pat Caruso of Associated Refuse asked the Authority to consider setting standards for the type of truck someone must own in order to receive an HRRRA permit. Trash is being collected in the region with open top vehicles. However, putting a tarp on a truck doesn't make it a garbage truck, he said. Pick up and rack body trucks are not water tight and have no tarp cover, and thus should not be allowed to collect trash in the region. Mr. Caruso noted that several towns in CT do have such a requirement, including Greenwich in which it is done by ordinance.
- John Formisano from Hudson Baylor presented information packets to all members about the data security and shred day services the company provides. A mobile shred truck with a two man crew will come to a site of the municipality's choosing for \$100 per hour. The municipality may either offer the service to its residents at no charge or charge a small fee to cover the cost of the service. HB Date Security is NAID certified and all shredded material is recycled. J. Urice asked Mr.

Formisano to contact Ted Cutsumpas in the Mayor's office to discuss providing such a service on Clean City Danbury Day.

Chairman's and Members' Comments

- Chairman Gill wished everyone a Happy 40th Earth Day. He thanked Union Savings Bank for sponsoring the Recycling Poster Contest for the 3rd year and all the municipal CEOs who came to the ceremony to hand out the awards to the regional winners from their towns. Members were reminded that the next Household Hazardous Waste collection will be May 22nd in Newtown. Ron Oliveri is moving out of the State and has submitted his resignation as the HRRRA Alternate from New Fairfield. Finally, Chairman Gill appointed J. Urice, S. Von Holt and L. Kulowiec to the Nominating Committee to recommend a slate of officers at the annual meeting in June for the next fiscal year.
- A. O'Connor noted that the Governor's Proclamation of May 15th as Give Your Stuff Away Day in Connecticut would be a nightmare for her town. Others present concurred. J. Urice said that residents should be encouraged instead to go through programs like Freecycle Danbury. L. Kulowiec and S. Von Holt both noted that residents had access to a free table or swap table at both the New Milford and Redding transfer stations. The consensus of members in attendance was that none of the municipalities wanted to participate in or promote Give Your Stuff Away Day as described in the Governor's Proclamation.

Director's Report

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

- If MSW leakage from the system continues at its current rate, the region could be below its put or pay tonnage of 115,284 tons per year by the end of 2012. If the region as a whole falls below the minimum guaranteed tonnage required by the Wheelabrator contract, then each town will either be paying Wheelabrator directly for the committed tonnage shortfall from that town with local tax dollars or will be using local tax dollars to purchase MSW tonnage on the spot market for delivery to Wheelabrator on behalf of the town, whichever is less expensive.
- Municipalities should consider whether they can and whether they want to deny municipal registration to haulers who do not report the tonnage of MSW and recycling collected in the municipality but delivered to an out of state transfer station. CT law requires such reporting but despite repeated requests few if any haulers who tip in New York report such tonnage to the town of origin.
- Single stream recycling is now available to the public in almost every other part of CT except the HRRRA region. Only All American Waste (AAW) is able to offer single stream recycling collection because the company processes the material at its own facility in Berlin, CT. Since RTI is unable to process single stream material, it puts every other hauler in the region at a competitive disadvantage with AAW. With new management, RTI has been willing to discuss possible solutions with HRRRA, which will be discussed later on the agenda.
- Municipalities that are in violation or were in violation during the past two years of their Recycling Services Agreement with HRRRA because AAW is collecting recycling from municipal/school facilities and not delivering it to RTI include the Town of Bethel (town facilities only), Brookfield Public Schools, Town of Kent (cardboard at transfer station), New Fairfield Public Schools, New Milford Public Schools, Town of New Milford (office paper only). H. Rosenthal noted that all municipalities should be reminded to put the requirement to deliver program recyclables to RTI in their RFPs and contracts for municipal solid waste and recycling collection. M. Gill said that a notice of default should be sent to all communities not sending the recyclables under their control to RTI.
- Redding, New Fairfield, Sherman and Bethel have all approved a Municipal Adoption Agreement for the WeRecycle! contract. Adoption is anticipated soon in New Milford, Newtown and Ridgefield. The City of Danbury has its Corporation counsel involved to determine whether the City or the Mom & Pop Recycle Center or both need to adopt the agreement on behalf of Danbury. There has been no response from Bridgewater, Brookfield or Kent.

- The paint product stewardship bill will be considered by the CT House today, Earth Day, and hopefully passed.
- The next HHW collection is May 22, 2010 in Newtown from 9:00 a.m. to 2:00 p.m. For member new to the Authority, HRRRA voted some years ago to accept residents of non-participating towns in the region who cannot wait for their town's regularly scheduled collection event at any of our collection events. Such residents are supposed to pre-register by calling the HRRRA office. If more than six residents come to the event from a non-participating town, then that town will receive a bill for its proportional share of the disposal costs only. Five Brookfield residents have already registered with HRRRA for the Newtown collection.

Consent Action Items

- a) **Motion** by A. O'Connor, second by J. Urice to approve the minutes of the February 18, 2010 meeting as presented. **Vote:** All in favor except for M. Knickerbocker, H. Rosenthal, and D. Schiesel, who abstained because they were not present at the meeting.
- b) **Motion** by H. Rosenthal, second by J. Urice, to approve the financial statements as presented through March 31, 2010. **Vote:** All in favor.
- c) **Motion** by A. O'Connor, second by D. Schiesel, to approve the transfer of \$500 from Professional Services to Staffing to cover the cost of a 35% increase in medical insurance premiums upon renewal on March 1, 2010. **Vote:** All in favor.

Legislative Update:

- a. *Paint Product Stewardship Bill HB 5122* – HRRRA has been involved with revising the language of this bill and building support from municipalities around the State since last fall. Rep. Pat Widlitz is the bill's primary sponsor, but Rep. Mary Ann Carson and Rep. Chris Lyddy from the HRRRA region signed on as co-sponsors to help support the bill. And as always behind the scenes, Rep. Clark Chapin was very good at getting the bill out of the Environment Committee, ensuring that the language was properly crafted, and building bi-partisan support for the bill. The vote in the House is scheduled for today, Earth Day. The paint stewardship program under the bill would start by July 1, 2013 or sooner. "Sooner" depends on whether Vermont and/or California pass a similar bill in this session. If so, those two states are on the implementation schedule ahead of Connecticut. If one does not pass, Connecticut's implementation date may be moved up.
- b. *Recycling Bill HB 5120* – C. Reedy summarized the major recycling bill under consideration by the legislature this session. No doubt the bill would help increase recycling, but it also contains new burdens for haulers and businesses as well as mandates for municipalities, e.g. providing a recycling bin next to every solid waste garbage can in public spaces. HRRRA has not officially supported the bill but the Director has worked with Rep. Chapin to suggest changes that would lessen the burden on municipalities. It is unclear how much support the bill has or whether it will pass this year. However, it does seem clear that the State is heading in a direction that could provide either financial carrots or sticks to municipalities that meet a particular recycling rate set by the State. The Chairman asked the Director to provide members with a bulleted fact sheet on HB 5120 if it becomes law.

Old Business

- a. *RTI Agreement Default and/or Termination Update* – While no RTI defaults have been cured or addressed since the February HRRRA meeting, the Chairman and Director met with the new Interim CEO of RTI and the General Manager to discuss how to move forward in a way that is more productive for both HRRRA and RTI, e.g. the RFP that is on the agenda under new business. So, for now the RTI defaults and decision about termination are on hold.
- b. *WSDA Claim Resolution Update* – Greensphere agreed that about half the HRRRA MSW tonnage reported to DEP in the last three years as flowing through TSI should have gone through Greensphere. Wheelabrator accepted Greensphere's offer to deliver that tonnage into the system

during the month of April. The HRRR Executive Committee voted to accept the Wheelabrator/Greensphere proposal as resolution of HRRR's concern about a possible violation of the WSDA based upon the DEP reports for FY 2007 - 2009 filed by TSI.

- c. *Transfer Station Sale Update* – The sale of the transfer station that seemed imminent at the February HRRR meeting has fallen through. All companies that were originally approved to bid are once again able to go through the due diligence process according to Matt Starr, except this time the process is moving faster than before.

- d. *Municipal Violations of Recycling Services Agreements with HRRR* – The tentative agreement worked out between All American Waste (AAW) and the HRRR Director and reported at the prior meeting to fix the problem of municipal violations of their Recycling Services Agreements with HRRR by allowing AAW to divert program recyclables collected at municipal facilities from RTI was not accepted by RTI, which would have to agree to a resolution based upon the RTI/HRRR Agreement. In addition, AAW has not brought in the equivalent tonnage to RTI since January 1 as it agreed to do and another municipality, unreported by AAW, was found to be in violation. The Executive Committee instructed the Director to send letters of default to the Chief Elected Official of all municipalities that are in violation of their agreements with HRRR, with copies to the Superintendent of Schools, the Town Purchasing Agent and the School Business Manager. The default letters are to make it clear to the offending municipalities that there are financial consequences for violation of their Agreements with HRRR for which either they or AAW will be responsible. Financial consequences will continue to accrue until AAW starts delivering program recyclables from municipal facilities to RTI as required by local contracts. The municipalities in default either currently or at some time since 2008 include the Town of Bethel, Brookfield Public Schools, Town of Kent, New Fairfield Public Schools, Town of New Milford, including the New Milford Public Schools. The Executive Committee also instructed the Director to send letters to all municipalities not in default, with copies to the same individuals, reminding them of their contractual obligation to deliver all program recyclables collected from municipal facilities to RTI.

New Business

- a. *RFP for Single Stream Option and Expansion of Program Recyclables Delivered to RTI* – The Executive Committee recommends, with minor modifications for notification and due dates, that the Authority approve sending out the RFP for Single Stream recycling processors willing to work with RTI and HRRR to expand program recyclables accepted at RTI and provide haulers with the opportunity to offer single stream recycling collection to their customers and tip such recyclables at RTI. The draft RFP has been reviewed by HRRR legal counsel. **Motion** by H. Rosenthal, second by M. Knickerbocker, to approve issuance of the RFP in substantially similar form to that presented to the Authority with minor modifications for notification of vendor interest and due dates. **Motion** by D. Schiesel, second by A. O'Connor, to amend the previous motion to ensure that the RFP includes a mandatory pre-bid meeting. H. Rosenthal and M. Knickerbocker both agreed it was a friendly amendment. **Vote on the Amendment:** All in favor. **Vote on the Main Motion as Amended:** All in favor.

Adjournment

Motion by J. Urice, second by R. Marconi, to adjourn the meeting at 11:55 a.m.. **Vote:** No one opposed.

Minutes Respectfully Submitted,
Cheryl D. Reedy
HRRR Director