



H·R·R·A
www.hrra.org

Old Town Hall
162 Whisconier Road
Brookfield, CT 06804

203.775.6256 x304
203.740.9167
info@hrra.org

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HOUSATONIC RESOURCES RECOVERY AUTHORITY
SPECIAL ANNUAL MEETING MINUTES

Friday, June 13, 2008, 10:30 a.m.

Brookfield Town Hall – First Floor - Room 133

Members or Alternates Present and Voting:

Brookfield, Bob Silvaggi	7
Danbury, Mark Boughton	35
Kent, Ruth Epstein	1
New Fairfield, Mike Gill	6
Ridgefield, Rudolph Marconi	11
Sherman, Andrea O'Connor	<u>2</u>
	62

Others Present:

Cheryl Reedy, HRRR Director
Joel Urice, Danbury Alternate
Ed Hayes, Sherman Alternate
Don Takacs, Redding Selectman
Lynn Waller, Public
Dave Dunleavy, AWD
Vin Langone, WCI
Rob Pedersen, WCI
Robert Metzler, HRRR Legal Counsel
Paul Nonnemacher, CRRA
Bob Patterson, Murphy Road Recycling

Members Not Present

Bethel, Bob Burke
Bridgewater, Bill Stuart
New Milford, Pat Murphy
Newtown, Herb Rosenthal
Redding, Natalie Ketcham

Call to Order: The meeting was called to order by Chairman Gill at 10:30 a.m. with a quorum of 62 votes present from six municipalities. **Motion** by R. Marconi, second by M. Boughton, to move item 5(c) *Potential Acquisition of Real Property in the City of Danbury – Executive Session Anticipated* to the end of the agenda as a courtesy to the public present. **Vote:** All in favor.

Public Comment

L. Waller encouraged the Authority to purchase the White Street transfer station.

Chairman's and Members' Comments

- Chairman Gill noted that the terms of HRRR representatives and alternates from Danbury and Bethel will expire on June 30, 2008 as well as the New Fairfield alternate. Under the Authority's bylaws, members and alternates with expired terms continue to serve until replaced by the appointing authority in each municipality.
- Chairman Gill welcomed Don Takacs, Selectmen from Redding, and invited him to participate in the meeting without a vote. He is representing Natalie Ketcham and Tom Newsome who could not be present.

Consent Action Items

- **Motion** by M. Boughton, second by R. Silvaggi, to approve the minutes of the March 14, 2008 HRRR meeting as presented. **Vote:** All in favor.

- **Motion** by A. O'Connor, second by R. Silvaggi, to approve the HRRRA financial statements through May 31, 2008 as presented. **Vote:** All in favor.
- C. Reedy noted various changes in the amounts for transfer and appropriation compared to the agenda since the Clean Harbors May 17 HHW collection event invoice arrived yesterday afternoon and thus costs are now known for certain, not estimated for worst case. **Motion** by A. O'Connor, second by M. Boughton, to approve the following additional appropriation and budget transfers for the 2007-08 budget as recommended by the Executive Committee:
 - Appropriate \$2,830 from fund balance (municipal HHW reimbursement funds) to HHWDD Danbury area towns to cover costs for Newtown HHW collection day,
 - Transfer \$300 from Contingency to Travel/Mileage Reimbursement to cover unanticipated increase in IRS mileage reimbursement rate for year,
 - Transfer \$700 from Contingency to Office/Rent to cover unanticipated costs of food and venue for recycling workshop paid from this account,
 - Transfer \$1,400 from HHWDD Bridgewater Area Towns to HHWDD Regional to cover regional costs of Newtown HHW collection day,
 - Transfer \$3,000 from Contingency to Professional Services to cover unanticipated costs of legal services related to White Street transfer station federal asset seizure,
 - Transfer \$2,100 from HHWDD Bridgewater Area Towns to Professional Services to cover unanticipated costs of legal services related to White Street transfer station federal asset seizure,
 - Transfer \$165 from Insurance to Professional Services to cover unanticipated costs of legal services related to White Street transfer station federal asset seizure, and
 - Transfer \$125 from Staffing to Professional Services to cover unanticipated costs of legal services related to White Street transfer station federal asset seizure.

Vote: All in favor.

New Business

2008-09 Budget Adoption

Motion by R. Silvaggi, second by A. O'Connor to adopt the 2008-09 HRRRA budget, totaling \$463,240 as presented and as recommended by the Executive Committee. **Vote:** All in favor.

Election of 2008-09 HRRRA Officers

On behalf of the Nominating Committee whose members included J. Urice, S. Von Holt, and J. Park, J. Urice reported that the committee recommends the re-election of the current HRRRA officers for the 2008-09 fiscal year. **Motion** by R. Silvaggi, second by R. Epstein, to accept the nominating committee's report and re-elect the following officers for 2008-09: Chairman Mike Gill, Vice Chairman Rudy Marconi, Secretary Andrea O'Connor, Treasurer Herb Rosenthal, and Assistant Treasurer Mark Boughton. **Vote:** All in favor.

Old Business

Recycling System Feasibility Study Options - Since the options for the regional recycling system when the RTI contract expires in 2011 could be significantly affected by the sale of the White Street transfer station, including RTI, by the federal government, **motion** by R. Marconi, second by A. O'Connor, to table this item. **Vote:** All in favor.

Director's Report - C. Reedy quickly highlighted the following items covered in more detail in the written report:

- MSW tonnage has been declining slightly since February as a result of the slowing economy.

- HRRRA achieved a 100% success rate in its legislative agenda for the last session. The expanded bottle bill has a much greater chance of passage in the next session due to the retirement of Speaker Jim Aman.
- Director made presentations before 3,000 elementary school students in the region during the spring of 2008, plus 1500 students participated in the Earth Day Newspaper in Education recycling program sponsored by HRRRA.
- Implementation of the State E-waste legislation has been delayed by six months to July 1, 2009.
- HRRRA will take the lead for the State in paying the \$10,000 up front costs, with \$9,000 reimbursement from other Hazwaste programs across the State, as included in the 08-09 budget just approved, for CT to become a pilot state for the Paint Stewardship Initiative. Starting in 2010, disposal of paint, both oil-based and latex, collected at HHW events will be paid for by paint manufacturers saving HRRRA municipalities 20% to 40% of the total they currently pay for their share of HHW collections. It is an excellent investment which will have a pay back return on investment in the first HHW collection in 2010.

New Business (c) - Potential Acquisition of Real Property in the City of Danbury – Executive Session Anticipated. **Motion** by R. Marconi, second by R. Silvaggi, to go into executive session to discuss the potential acquisition of real property in the City of Danbury and to invite into the executive session all HRRRA members and alternates, all municipal elected officials in attendance and R. Metzler, HRRRA legal counsel. **Vote:** All in favor. Chairman Gill announced to the public that the Authority would possibly take a vote after coming out of executive session. Those present not invited into executive session left the room and the executive session commenced at 10:45 a.m.

At 12:10 p.m. the Authority came out of executive session and invited the public to re-enter the meeting. (Only B. Patterson of Murphy Road Recycling re-entered the meeting.) Based on the discussion in executive session, the following resolution was **moved** by R. Marconi, seconded by R. Epstein:

Whereas, the Housatonic Resources Recovery Authority (HRRRA) is a regional resources recovery authority created in 1986 by concurrent ordinances in all its member municipalities, including Bethel, Bridgewater, Brookfield, Danbury, Kent, New Fairfield, New Milford, Newtown, Redding, Ridgefield and Sherman, under Section 103b of the Connecticut General Statutes, and

Whereas, HRRRA, under Section 103b, has the authority to “purchase, lease or rent such real and personal property as it may deem necessary, convenient or desirable; . . . own, manage and use real property or any interest therein; . . . acquire, by purchase, gift, transfer, or by condemnation for public purposes, and manage and operate, hold and dispose of real property and, subject to agreements with lessors or lessees, develop or alter such property by making improvements and betterments with the purpose of enhancing the value and usefulness of such property; . . . receive funds from the sale of the authority's bonds . . .; accept from a federal agency loans or grants for use in carrying out its purposes and enter into agreements with such agency respecting any such loans or grants; and otherwise, do all things necessary for the performance of its duties, the fulfillment of its obligations, the conduct of its operations, the maintenance of its working relationships with the state, other municipalities, regions and persons, and the conduct of a comprehensive program for solid waste disposal and resources recovery, and for solid waste management services, in accordance with the provisions of the state or local solid waste management plan, applicable statutes and regulations and the requirements of this chapter;” and

Whereas, under Connecticut law municipalities are mandated to designate a permitted location for the disposal of all solid waste generated within their borders, and the White Street transfer station is an integral and indispensable part of the HRRAs municipalities' compliance with that mandate, and

Whereas, organized crime must not be permitted to regain a toehold in the region's solid waste disposal system ever again, and

Whereas, the White Street transfer station currently transfers 85% of all MSW, processes approximately 55% of the recyclables, and transfers by rail at least 80% of the C&D generated within the HRRAs region, and

Whereas, the HRRAs has existing contracts requiring recyclables and MSW to flow through the White Street transfer station until 2011 and 2019 respectively, and

Whereas, the White Street transfer station is the only C&D and recycling facility in the region and the dominant MSW transfer station in the region and HRRAs believes it is highly unlikely that other transfer stations can be sited in the region in the future due to local zoning regulations, thus creating a transfer station monopoly at White Street, and

Whereas, motions for preliminary orders of forfeiture of assets of both owners of various waste disposal businesses in the region, including the White Street transfer station, have been granted by the federal district court judge, and

Whereas, without any intervention urging the contrary, HRRAs understands that the federal government intends to auction off to the highest bidder all the forfeited assets in one package, including numerous solid waste collection companies, the White Street transfer station, real property, race cars, etc., and

Whereas, a winning bidder would immediately have a legal, dominant solid waste collection market share and a legal monopoly on solid waste transfer and processing in the region that would do little to increase competition to consumers' benefit or to protect against the reemergence of organized crime in the region's solid waste system, and

Whereas, a winning bidder could also include a private equity firm, similar to the one that purchased Candlewood Lake and the Housatonic River power producing assets, and

Whereas, the public in the HRRAs region, who were victimized and overcharged as a result of the influence of organized crime on the privately owned solid waste services in the region, should rightfully share in the fruits of the federal government's successful prosecution of those responsible,

Therefore, the HRRAs finds it is in the public interest that the White Street transfer station operations and facilities be owned by HRRAs on behalf of the residents and taxpayers of member communities and authorizes the Director and its Executive Committee to take all actions necessary, within available appropriations, to prepare a plan for effectuating such ownership and present it to the Authority for consideration.

Vote on the above resolution: All in favor

Chairman M. Gill appointed the following members to serve as a Negotiating Committee for the White Street transfer station and report back to the Executive Committee: M. Gill, R. Marconi, A. O'Connor, H. Rosenthal and M. Boughton.

Motion by R. Marconi, second by R. Silvaggi, to request the City of Danbury to do a title search and appraisal of the transfer station real property with the City's costs to be reimbursed by HRRA at a later date. **Vote:** All in favor.

Adjournment: **Motion** by M. Boughton, second by R. Marconi, to adjourn the meeting at 12:15 p.m.
Vote: All in favor.