

MINUTES OF THE APRIL 8, 2009
REGULAR MEETING OF THE
BOARD OF DIRECTORS OF THE
NEW HAVEN SOLID WASTE AND RECYCLING AUTHORITY

A Regular Meeting of the New Haven Solid Waste and Recycling Authority (the "Authority") was held on April 8, 2009, at 6:30 P.M. at New Haven City Hall, 165 Church Street, 2nd Floor, Meeting Room #2, New Haven, Connecticut 06510.

Chairman Dolan called the meeting to order at 6:45 p.m.

Directors present: Dolan, Antunes, Ciarlone, Lemar and Walker
(note: Gerald Antunes left the meeting at 7:15 p.m.)

Also present: Jackie Bishop, Secretary of the Authority
John Prokop, Director of the Department of Public Works of the City of
New Haven & Executive Director of the Authority
Mark Pietrosimone, City Controller
Lawrence D. Rusconi, Director-Office of Management & Budget
Glenn Santoro, Counsel to the Authority
Nimesh Patel, Counsel to the Authority

1. Approval of the minutes of the March 11, 2009 Regular Meeting of the Board.

RESOLVED: A motion was made by Joe Dolan to approve the minutes of the March 11, 2009 Regular Meeting of the Board.

Gerald Antunes seconded the motion.

Voice Vote: Unanimous.

AYES

Antunes
Ciarlone
Dolan
Lemar
Walker

NAYES

ABSTENTIONS

A copy of the approved minutes of the March 11, 2009 Regular Meeting of the Board is attached hereto.

2. Statement of Net Assets, Statement of Revenue and Expenses & Budget Summary for the period 7/1/08 to 2/28/09.

A presentation was made by Mark Pietrosimone to the Board. Mr. Pietrosimone presented the originally approved budget, what the amounts were on the expense side and also the revenue side. As of February 28th projected expenditures are \$4,833,000. The projected revenues are \$5,283,000, which will provide an operating surplus for the year based on the way the fiscal year is going right now.

A report will be provided to the Board on a monthly basis, so the Board can track how the Authority is performing and will also be able to see projected expenditures.

Chairman Dolan asked if the Board had any questions for Mr. Pietrosimone.

There were none at this time.

Mr. Prokop stated that the residential tonnage beginning in July is down about 10%. Last year the Authority did 44,000 tons. The tonnage now is 40,000 which is off about 4,000. The expenses for the City will be adjusted accordingly and that is what that number shows.

Joe Dolan asked why there is a difference in the budget to actual?

Joe Dolan asked on the expense side, the other entity hauling, is obviously an expense we thought we would incur and aren't. Could someone explain what that expense is.

John Prokop stated that there were 2 fee structures that the Authority was paying up until December. So for July of last year until December the recycling was approximately a \$240,000, cost to the City of New Haven. The Authority's new contract went into effect when we started collecting revenue. When the Authority was created, the City was still bound to December 31st to pay that fee structure out. Beginning in January, the Authority started collecting revenue.

Mark Pietrosimone stated what John is referring to is in the hauling disposal residential (\$6.6m) if you look on the bottom of the report, it's in the NHSWR line. That is the one that we originally from July through December were collecting the \$3 tip fee and that's why if you look at that right now, you will see \$2,233,000 for the approved budget and you see revenues of \$386,000, but if you look at projected revenue, for the last 4 months there has been a large increase because of collecting the tip fee and the entire cost.

Joe Dolan asked if the City has been reimbursed for staff time?

Mark Pietrosimone stated that is not included in the report. On your suggestion, we will be adding it on the next monthly report.

Anika Lemar asked what are the other contractual services?

Mark Pietrosimone stated that the contractual services are the Swirksy contract, and also the Accountants and Legal Counsel, Malcolm Pirnie.

Joe Dolan asked if there were any more questions for Mark Pietrosimone.

Anika Lemar asked why some of the expenses lines don't match up. Could we maybe have a key or something that lets us know what those line items are? They are not named exactly.

Mark Pietrosimone: A description of what the lines are?

Anika Lemar: That would be the most helpful.

Mark Pietrosimone: Yes, we can do that

3. Consideration and approval of Change in User Fees.

Anika Lemar asked if there is a fee structure for separated recyclables?

John stated that they don't charge anyone a fee, if you bring in separated recyclables, you can take them to the residential drop-off free of charge if you deliver it and have proof of residence. The Authority gets \$28 a ton for that.

Anika Lemar: Do we get the \$28 for those residential recyclables?

John Prokop: Yes, and we do it right now.

Joe Dolan: What about electronics recycling?

John Prokop: There is a law that goes into effect on July 1st that requires the Authority to provide a location. I'm working with 3 independent companies who are trying to solicit our business. Effective October 1st all of the manufacturers, under the Statute are reimbursing any of these that are collected and delivered to them, based on a fee structure. In the interim of that, I have not yet provided an electronics pick-up. What we've done in the past is have a budget schedule for 2 deliveries and pick-ups a year at the Transfer Station. We advertise in the paper and the general public can call ahead, sign up and bring their electronic devices to Public Works. It is then loaded on a truck and taken away. After Oct. 1st, I'm trying to enter into an agreement that will do that. I am looking into having curbside electronic pick up. If we can't do curbside, I'm trying to work with the Superintendent of Schools to use the school yards as a redemption place.

The Board discussed the current user fees and the proposed resolution below:

Approval of User Fees

RESOLVED: In accordance with Section 7-273bb(a)(9) of the Connecticut General Statutes, the following User Fees, to be effective as of July 1, 2009 and to continue in effect thereafter until revised or modified by the Authority, are hereby adopted and approved, and that the proper officers of the Authority are hereby authorized, empowered and directed to publish the User Fees in a newspaper of general circulation in the City of New Haven on or before April 30, 2009, and do and perform such additional acts as may be necessary or required to carry out the purposes of the foregoing.

<u>Waste Type</u>	<u>User Fees</u>
Residential MSW – Mixed ¹	\$87.50 per ton
Commercial MSW – Mixed ¹	\$87.50 per ton
Commercial C&D ²	\$85.50 per ton
Commercial Yard Waste	\$45.00 per ton

- 1) Municipal Solid Waste (MSW), bulky waste and mixed waste loads.
- 2) Construction and Demolition Debris (C&D).

RESOLVED: A motion was made by Anika Lemar to adopt the User Fees as presented.

Don Walker seconded the motion.

Voice Vote: Unanimous.

<u>AYES</u>	<u>NAYES</u>	<u>ABSTENTIONS</u>
Ciarlone		
Dolan		
Lemar		
Walker		

4. Discussion of Authority Regulations.

Joe Dolan asked for a motion to add an item to the agenda, which is discussion of Authority Regulations.

A motion was made by Joe Dolan to add this item to the agenda.

Tony Ciarlone seconded the motion.

Voice Vote: Unanimous.

<u>AYES</u>	<u>NAYES</u>	<u>ABSTENTIONS</u>
Ciarlone		
Dolan		
Lemar		
Walker		

The Board discussed their desire to adopt certain regulations for the Authority.

John Prokop stated he wants to revisit the permit process by City Ordinance that was in place to allow the Authority to act upon and to require a schedule from the Haulers as a caveat or requirement in order to be permitted. If this information is not provided 30 days prior to July 1st, which is the beginning of the fiscal year, then they will not be issued a permit to do business in the City.

Joe Dolan asked if the Authority has the power to issue a permit?

John Prokop: Yes.

Joe Dolan: You want to now make permitting with conditions?

John Prokop: Yes.

Joe Dolan: That's what we need a regulation to do. Backing up a step, we need a set of procedures to follow when adopting the regulations to include a notice requirement, a public hearing, and also the actual regulation itself. Also, a process of appeal or by John Prokop's

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denial as he deems necessary to withdraw a permit for non-compliance. That is what I thought was the outcome of our last meeting. We want to start this the beginning of next month.

John Prokop: They would have to provide by June 1st this information to us in order for them to get their permit issued by July 1st.

Joe Dolan: We can still do this by regulation, a public notice and a hearing in May and still give the Authority the right to refuse to issue or withdraw a permit if a hauler does not comply.

John Prokop: I don't personally know how that plays out for the permits that are already in effect and are not yet to expire.

Glenn Santoro: Are we talking about Section 120-15(f) "Solid Waste Disposal Facility Permits"? That is the permit that references a year period, subsection (f) is "these permits shall have a one year term which will expire one year from date of issuance." So there are two permits, one for commercial haulers in another section, and the permits in this subsection (f), these permits as the Ordinance says have a one year term and that's why Jim DeVisco I think at the last go-around had drafted a change to the Ordinance, changing that to a fiscal year basis because the Ordinance right now requires a one year term that is not a fiscal year basis.

Another type of permit does reference a different ordinance which allows a fiscal year basis, this one does not. The regulations can't change that.

Anika Lemar: Does that work for you John? If we are acquiring a schedule from each permitted hauler, but we're not changing the term of the permits?

John Prokop: It will do. Once we get one or two people to give us that information and they know it's worth doing, most people will capitulate, I believe.

Joe Dolan: Would anyone object to having a draft regulation done, posting a public notice, and having a hearing in May?

John Prokop: For the language that is asking for that information? That would be great.

Anika Lemar: I will not be at the May meeting.

Joe Dolan: We can review the draft and have a hearing on May 7th, meet at 6:30 p.m.?

Glenn Santoro: Or we can have a public hearing before the meeting, post that notice and then at 6:30 p.m. discuss it and adopt it and publish it after the meeting. The notice will be a public hearing regarding discussion of proposed regulations for the Solid Waste Authority, that could be held at 6:20 p.m., before the 6:30 p.m. meeting.

Joe Dolan: If that is o.k. with everyone, we will circulate a draft, along with the procedure for adopting regulations that we can follow for the future, what that procedure will include; publication, notices, timing and adoption.

John Prokop: Would the Board mind if I sent out a letter to the haulers?

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Anika Lemar: Why don't we do this? Why don't we make it available at the Transfer Station. Have a flyer or something that they can have.

There is also a link on the website for this information.

A motion was made by Joe Dolan to hold a hearing on the draft regulations at 6:15 p.m. at the May 13th, 2009 Regular Meeting.

Tony Ciarlone seconded the motion.

Voice Vote: Unanimous.

AYES

NAYES

ABSTENTIONS

Ciarlone

Dolan

Lemar

Walker

5. Discussion of Consulting Services Regarding Waste Flow Control.

No discussion or action taken. Item was withdrawn from the agenda.

6. Public Comments

None at this time.

7. Adjournment

RESOLVED: A motion was made by Tony Ciarlone to adjourn the meeting at 8:05 p.m.

Anika Lemar seconded the motion.

Voice Vote: Unanimous.

AYES

NAYES

ABSTENTIONS

Ciarlone

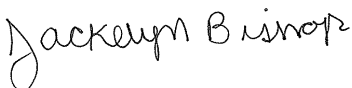
Dolan

Lemar

Walker

The meeting was adjourned at 8:05 p.m.

Respectfully submitted,



Jackelyn Bishop
Authority Secretary