

MINUTES OF THE MARCH 11, 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 March 11, 2009, at 6:30 P.M. at New Haven City Hall, 165 Church Street, 2nd Floor, Meeting Room #3, New Haven, Connecticut 06510.

Chairman Dolan called the meeting to order at 6:40 p.m.

Directors present: Dolan, Antunes, Ciarlone, and Lemar (via telephone)
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
Nimesh Patel, Counsel to the Authority

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

RESOLVED: A motion was made by Tony Ciarlone to approve the minutes of the February 11, 2009 Regular Meeting of the Board.

Gerald Antunes seconded the motion.

Voice Vote: Unanimous.

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

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

2. Discussion and approval draft Ordinance of Permitting for Haulers.

John Prokop presented to the Board the following change to Section 120-51 of the City of New Haven's Ordinance. After some discussion, it was suggested by the Board to form a sub-committee to include Gerald Antunes, Anika Lemar, John Prokop, Robert Smuts (CAO), Jim Delvisco (Corporation Counsel), Nimesh Patel and Glenn Santoro (Counsel to the Authority) to further discuss these changes. The sub-committee will meet on March 17th.

Draft of Proposed Ordinance Section 120-51 - Sec. 120-51. Director of Public Works and Executive Director of Solid Waste and Recycling Authority.

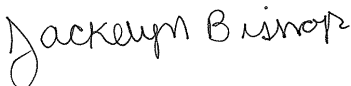
Sections 120-1 through 120-18 and Sections 120-41 through 120-50 of the Code of Ordinances of the City of New Haven (the "Code") and any other ordinances in the Code that pertain to solid waste and/or recycling, including but not limited to any ordinance in the Code that designates an area of solid waste disposal pursuant to the Connecticut General Statutes (the "Statutes") and/or any ordinance in the Code that designates an area where items from residential properties shall be taken for processing or sale pursuant to the Statutes, shall for the purposes of this Section 120-51 be referred to as the "Solid Waste and Recycling Ordinances". Notwithstanding any provision to the contrary in the Code, the Director of the Department of Public Works for the City of New Haven (the "Director") is hereby expressly empowered and authorized to designate the Executive Director (the "Executive Director") of the New Haven Solid Waste and Recycling Authority (the "Authority") as the person who will have any one or more of the Director's powers as set forth in the Solid Waste and Recycling Ordinances (the "Designee's Solid Waste and Recycling Powers"). The Director is also hereby expressly empowered and authorized to designate the Executive Director as the person who will carry out any one or more of the Director's functions, duties, and responsibilities (the "Designee's Solid Waste and Recycling Activities") as set forth in the Solid Waste and Recycling Ordinances. Notwithstanding any provision to the contrary in the Code, in the event that the Designee's Solid Waste and Recycling Powers and/or the Designee's Solid Waste and Recycling Activities involve the receipt and/or collection of any funds from any source and for any reason, the funds that would have been received and/or collected by the City of New Haven may be received and/or collected by the Authority and may be used by the Authority in accordance with any and all applicable provisions of laws, codes, rules, regulations, and by-laws that pertain to the Authority.

3. Public Comments.

None at this time.

The meeting was adjourned at 8:35 p.m.

Respectfully submitted,

A handwritten signature in black ink that reads "Jackelyn Bishop". The signature is written in a cursive, flowing style.

Jackelyn Bishop
Authority Secretary

MINUTES OF THE FEBRUARY 11, 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 February 11, 2009, at 6:30 P.M. at New Haven City Hall, 165 Church Street, 2nd Floor, Meeting Room #1, New Haven, Connecticut 06510.

Chairman Dolan called the meeting to order at 6:30 p.m.

Directors present: Dolan, Drakonakis, Ciarlone, Lemar and Walker

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

4. Approval of the minutes of the January 14, 2009 Regular Meeting of the Board.

RESOLVED: A motion was made by Tony Ciarlone to approve the minutes of the January 14, 2009 Regular Meeting of the Board.

Anika Lemar seconded the motion.

Voice Vote: Unanimous.

AYES

Ciarlone

Dolan

Drakonakis

Lemar

Walker

NAYES

ABSTENTIONS

A copy of the approved minutes of the January 14, 2009 Regular Meeting of the Board is attached hereto.

5. Discussion on permitting for haulers.

John Prokop presented proposed revisions to Sec. 120-15 of the City of New Haven’s Code of Ordinances “Solid waste disposal facility regulated; duties of the Director of the Department of Public Works”. Mr. Prokop collaborated with Jim Delvisco, Corporation Counsel for Public Works on the following changes:

Item #1 - As used is in this Subsection, the duration of any license and/or permit shall be for no longer than one (1) fiscal year of the City of New Haven, which is from July 1 through June 30. Any and all applications for licenses and/or permits as contemplated herein shall be submitted to the Director of the Department of Public Works, along with any and all supporting materials as required by, among other things, this Subsection, no later than 5 p.m. on the June 1 prior to the beginning of the fiscal year for which the application is being made. Said Director may, in the exercise of his judgment and/or discretion, and upon the showing of good cause by the applicant, allow the submission of an application and supporting materials subsequent to the aforementioned date and time.

John Prokop felt this language would help with all licenses and permits that would have to be submitted by 5:00 p.m. on June 1st, which would give the Authority a 30-day window. It would also give the Director the discretion to accept or reject any late entries. This language is in addition to the language that is already in the City Ordinance.

Item's number #2 and #3 are new language recommendations that Mr. Prokop is asking the Board to review and make any additional revisions or suggestions they feel may be necessary.

Item #2: All users shall comply with any and all rules and/or regulations that may be promulgated by the Director of the Department of Public Works concerning registration of containers and/or dumpsters that are used for solid waste within the City, including but not limited to any requirement that users provide said Director, as part of the application process as described hereinabove and at such other times as may be determined by said Director, with a current list of the names and locations of each user's customers/clients, along with any information concerning the number of containers and/or dumpsters and the capacity of each container and/or dumpster. **Item #3:** As part of the aforementioned application process, and at such other times as may be determined by the Director of the Department of Public Works, each user shall provide written verification that is in form and substance to the satisfaction of said Director that the user has offered its customers both recycling and solid waste services.

Konstantine Drakonakis asked if this would help the Director determine geographically where the clients are. Mr. Prokop stated it would give him some basic control as to the permitting application process that the Director of Public Works has for private haulers coming in. They would be required to provide a client list 30 days prior to and also the number of dumpsters and or containers on-site and what their capacity is. That will help the Director monitor as they come and go on a regular basis to the Transfer Station, which will also help enforce the Flow Control Ordinance.

Konstantine Drakonakis asked what kind of system will be in place to track the geographic area and also the volumes of material coming in.

John Prokop stated Public Works has a historical database of what has been brought in the past as a cross reference. The Director felt that once he has the database with the information on all the clients, he can send a letter directly out to individual clients with the Flow Control Ordinance, explaining what it is, what the private commercial hauler needs to comply with and if they don't, what action will be taken. Part of the new proposed language also talks about what the hauler will need to provide within a certain time period, written proof that they have offered both Solid Waste pick-up and Recycling pick-up to all of the commercial businesses. State Statute mandates that will give the Authority the right to impose \$2,500 fine.

Joe Dolan asked who will get the fine?

John Prokop said that the Solid Waste Authority would collect the fine.

Anika Lemar asked would the Authority get the fine in a violation of the Flow Control Ordinance?

John Prokop stated the Flow Control Ordinance was put in effect so that all of the refuse that comes into the City, goes to the Authority, the Director of Public Works is the one who issues the permits. The Authority, as a quasi-private entity created by the City, is the one that is losing the revenue.

Anika Lemar stated she understood the issue from a policy perspective but felt it didn't make much sense. The Authority does not pass and enforce laws.

Joe Dolan stated no, but the Authority can collect the fines.

Joe Dolan stated that in the draft ordinance that was presented to the Board no where is the Authority mentioned. It was done before the Authority was created.

John Prokop stated the subsection refers back to the Flow Control Ordinance and the Ordinance creating the Solid Waste Authority.

Joe Dolan stated that the whole Ordinance talks about the creation and the Enterprise Fund, that no longer exists. It talks about the City Controller doing the annual cost of service, which is done for the Authority. The City is basically (other than collection) is out of this business. Mr. Dolan also stated that the Authority has \$10 million dollars worth of bonds that has debt service to be paid on. There needs to be coordination with Ordinance creating the Authority as to who is responsible for what. The Ordinance gives the Director additional powers as Executive Director of Public Works, but any fines should go to the Authority and not the City.

John Prokop stated the original ordinance that created the Authority states that the Director of Public Works will also be the Executive Director of the Authority.

Anika Lemar stated that is a personnel decision doesn't have anything to do with who implements Flow Control and where the fines go.

Joe Dolan agrees with that fact and stated that in this ordinance it should direct where the fines go.

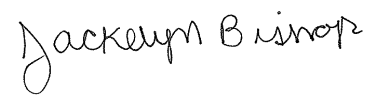
Don Walker asked if this would require Aldermanic approval.

The language changes would. John Prokop wanted to do the changes with the next 4 weeks roughly.

Anika Lemar suggested that if she could review the Ordinances and the State Statutes, that she could meet with the Executive Director and Corporation Counsel and they could target the issues discussed at this meeting next week sometime.

The meeting was adjourned at 7:35 p.m.

Respectfully submitted,

A handwritten signature in black ink that reads "Jackelyn Bishop". The signature is written in a cursive style with a large initial "J" and a stylized "B".

Jackelyn Bishop
Authority Secretary