

OCTOBER 14, 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 October 14, 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 6:47 p.m.

Directors present: Dolan, Ambrogio, Drakonakis, 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

Nimesh Patel, Counsel to the Authority

1. Discussion on Collection Activities and Timeline.

A draft overview of Collection Activities and Timeline (drafted by Robinson & Cole) was presented to the Board.

Some suggestions were made by Maurine Villani (Acting Tax Collector for the City) and were presented to the Board. One suggestion would be a personal guaranty, including a social security number and guarantee language to be included on the Permit.

Joe Dolan asked if the Authority should pursue a corporate guaranty.

Nimesh Patel, felt that a corporate guaranty was not necessary. You already have a claim against the corporation. You provide services to the corporate entity, the corporate entity hasn't paid you for those services, and you don't necessarily need a separate guaranty for that obligation. You still would have the right to have a claim against that corporation, if you go through the procedures in the outline drafted, you could ultimately get a lien on the assets of that corporation. The personal guaranty is separate from that. You would be most likely pursuing a guaranty from the owner's of that corporation. That personal guaranty is no different from that claim against the corporation, meaning that, you go past their corporate shield and look at the individual. With that personal guaranty, it is no different than your claim against the corporation in that, you still would have to bring a claim against that person, just because they have a personal guaranty, doesn't automatically mean that you have rights to their assets. You would still have to sue them and follow certain procedures. The difference with the personal guaranty is you have rights to collect against the individual's personal assets. So there is a possibility that this particular individual owns other companies, a house or other assets to attach.

Joe Dolan asked if it would be necessary to get guaranties from all the corporate entities?

Nimesh Patel stated you could get a personal guaranty from whoever you want, it's a question of what's fair and what certain individuals are willing to give. I can see it would be reasonable to ask the shareholders of the company to provide that guaranty, but if someone is just an employee or an officer of the company with no equity ownership in the corporation, it may not be fair to request a personal guaranty from them.

Joe Dolan: the Tax Collector is suggesting that the personal guaranty be actually on the permit application.

John Prokop stated that is the intent. The applications are due again in July of 2010.

Joe Dolan asked about the waiver of pre-judgment remedy on the application. Would this be waiving a hearing?

Nimesh Patel stated that is correct. Instead of the pre-judgment process, there is a hearing following the pre judgment remedy. That basically waives the right to a hearing.

John Prokop asked Mr. Patel would the Authority save time wise according to his timeline.

Mr. Patel stated you would basically go straight to applying for an attachment. You can basically get rid of the whole demand process. It would accelerate the process once you decide you want to lien property.

John Prokop stated that they would take the Tax Collector's recommendation, incorporate this change into the application in July 2010, thus giving the capability of going directly to the lien process, followed by the hearing process which would be at 120 days, identified in the timeline. This would save 90 days of activity by implementing this change in the application.

A motion was made by Anika Lemar to authorize the Executive Director of the Authority to take the collection actions outlined in the timeline including any litigation.

(Note: Anika Lemar would like to know for discussion at the next meeting how collections are done at the City and also the most cost effective way to implement).

Don Walker seconded the motion.

Voice Vote: Unanimous.

AYES

Dolan

Ambrogio

Drakonakis

Lemar

Walker

NAYES

ABSTENTIONS

2. Draft Schedule of Monthly Meetings for 2010.

This item is tabled until the November meeting.

3. Approval of the minutes of the August 5, 2009 Special Meeting of the Board.

A motion was made by Pat Ambrogio to approve the Minutes of the August 5, 2009 Special Meeting of the Board.

Anika Lemar seconded the motion.

Voice Vote: Unanimous.

AYES

Dolan

Ambrogio

Drakonakis

Lemar

Walker

NAYES

ABSTENTIONS

4. Other Business.

John Prokop reported that he has been looking over the last three years of tonnages. The tonnages are down on the commercial and residential side. Effective in January, a \$2.50 per ton increase will be charged by our hauler. The contract that was negotiated, in January 09, states the fee is \$70.40 per ton, which will make it \$72.90. We're charging \$87.50. Part of the issue is the economic downturn and also the Flow Control Ordinance (haulers that are taking garbage out of town). When the budget was originally done, \$80,000 was set aside for a Flow Control Enforcement Officer. John is suggesting by next month, releasing an RFP and trying to hire someone to do flow control enforcement. Part of that job would be identifying haulers/businesses that have no commercial haulers and tracking those individuals that are taking garbage out of town. Mr. Prokop felt that the \$87.50 charge is not competitive in the industry and geographic area. Mr. Prokop is suggesting that perhaps the Board might consider doing a trial period of keeping the fee the same, or perhaps to lower it to see if this might encourage additional commercial business into the City.

Most other places around the State are in the low 80's.

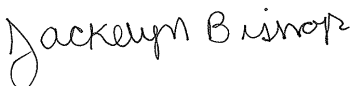
Joe Dolan wanted to have a quarterly Financial Statement for July, August and September by the next meeting.

5. Public Comments

No public comments.

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

Respectfully submitted,



Jackelyn Bishop
Authority Secretary

AUGUST 5, 2009
SPECIAL MEETING OF THE
BOARD OF DIRECTORS OF THE
NEW HAVEN SOLID WASTE AND RECYCLING AUTHORITY

A Special Meeting of the New Haven Solid Waste and Recycling Authority (the "Authority") was held on August 5, 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 6:45 p.m.

Directors present: Dolan, Ambrogio, Antunes, Drakonakis, 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
Matt Spaeder, Counsel to the Authority

Chairman Dolan welcomed Pat Ambrogio, the newest appointed Board member.

1. Discussion on Collection Issues for Commercial Haulers.

John Prokop reported he has been having on-going discussions with the haulers. The Transfer Station is now open at 5:30 a.m. on a trial basis to facilitate waste drop-off. Thus far, there have not been any complaints about noise at that time of the day. John is also examining the list of 7,000 businesses listed in the City's Assessor's Office to determine if waste from such businesses is being brought to the Transfer Station. Mr. Prokop also noted that there are solid waste brokers that are selling hauling services over the phone to City businesses and subcontracting the work out. He was made aware of this fact from businesses owners that have been solicited. Mr. Prokop is working on identifying these brokers and sending them the waste flow control ordinance.

Mr. Prokop reported that he has been successful registering haulers. The haulers have been coming in and registering their trucks and companies to use the Transfer Station. By the end of August, everyone should be registered. With greater awareness of the waste flow control ordinance, there appears to be a small increase in revenue. For example, All American Waste last year delivered 500 tons for the entire year, and now are bringing between 350-400 tons a week. Mr. Prokop indicated that because some haulers are having difficulty paying bills on time, a temporary arrangement has been made with the City that provides the Authority a revolving line of credit. Gerald Antunes asked Mr. Prokop how long does the Authority carry the haulers? Mr. Prokop stated that the haulers have a 15 day grace period to make the payment, so they have 45 days. After the 45th day, the Authority customarily attaches a 1 ½ point interest on the outstanding balance per month. Joe Dolan suggested perhaps offering the haulers a pre-paid discount basis. This is something that can be considered at the next setting of user fees. Suggestions were also made regarding assessing fees against the brokers or for permitting the use of containers inside the City.

2. Vote on Commercial Recycling Fees.

A motion was made by Anika Lemar to approve the following resolution as follows:

The New Haven Solid Waste and Recycling (the "Authority"), resolution adopted at the Special Meeting of the Board of Directors on August 5, 2009,

Ratification of Existing Commercial Recycling User Fee

RESOLVED: That the \$36.80 per ton Commercial Recycling User Fee currently in effect and charged by the Authority is hereby ratified and approved in all respects, and such Commercial Recycling User Fee shall continue in effect until revised or modified by the Authority.

Gerald Antunes seconded the motion.

Voice Vote: Unanimous.

AYES

Dolan
Ambrogio
Antunes
Drakonakis
Lemar
Walker

NAYES

ABSTENTIONS

3. Approval of the minutes of the July 8, 2009 Regular Meeting of the Board.

A motion was made by Anika Lemar to approve the minutes of the July 8, 2009 Regular meeting of the Board (copy attached).

Gerald Antunes seconded the motion.

Voice Vote: Unanimous.

AYES

Dolan
Ambrogio
Antunes
Drakonakis
Lemar
Walker

NAYES

ABSTENTIONS

4. Other Business.

None.

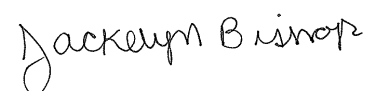
Note: Anika Lemar suggested that copies of the Authorities governing Ordinances and By-Laws be distributed to all the Board members. They could either be emailed or written to a CD.

5. Public Comments

No public comments.

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