

**BOARD OF ALDERMEN
SPECIAL MEETING
DECEMBER 1, 2008**

The Board of Aldermen of the City of Milford held a Special Meeting on Monday, December 1, 2008 in the aldermanic chambers of City Hall. Chairman B. Blake called the meeting to order at 6:00 p.m. welcoming everyone and asked those present to join in saluting our flag and reciting the Pledge of Allegiance.

1. Roll Call

Board Members Present

J. Blacketter
B. Blake
V. Ditchkus, Jr.
A. Giannattasio
M. Hardiman
B. Lambert
S. Manning
R. Nunno
J. Toohey
N. Veccharelli
P. Vetro
R. Vitali

Also Present

Mayor J. Richetelli, Jr.
J. O'Connell, Mayor's Admin. Asst.
A. Jepson, City Clerk
M. Case, City Attorney

Excused

J. Patterson (business)
S. Willey (business)

Absent

B. Bier

Panelists: Attorney Brian LeClerc (CRRA), Attorney Ernest Lorimer (Council Greater Bridgeport Regional), Ed Bowman (Assistant Public Works Director, Fairfield), Thomas Kirk, President CRRA, Peter W. Egan, Director of Environmental Affairs & Development (CRRA).

Chairman Blake welcomed everyone and explained the procedure for tonight's special meeting. He stated they would begin with a presentation to discuss the expiration of the current 20-year Municipal Solid Waste Management Services Agreement (expires December 31, 2008) and proposed terms of an extension of the agreement for 5.5 years with new terms. He deferred to the Mayor for further comment.

Mayor Richetelli thanked everyone for making time for this meeting explaining he wanted extra time for the Board to be able to ask questions regarding this major contract. He proceeded to explain the current contract providing some background and also explained the number of meetings that have occurred over the last two years regarding this renewal. He explained the current plan, which includes 12 towns, including Milford, with Westport being the farthest to the West. He expressed his hope tonight's presentation would answer many of the questions the Board might have before finally taking a vote of the contract. The Mayor turned the meeting over to the panelists for introductions and presentation.

Mr. Kirk thanked the Mayor and the Board for allowing them to be here. He explained the difference between the previous CRRA and the new CRRA and deferred to Mr. Bowman for the PowerPoint presentation.

Chairman Blake thanked Mr. Bowman for the presentation and opened up the meeting to questions from the Board.

Ald. Ditchkus asked about tonnage, floor to ceiling if Milford does not meet the requirements, but another town if 10% over. He asked if it would be an average of the towns until all have met the proposed number.

Mr. Bowman responded that is a function of the region and explained. He also explained how CRRA would fill the void with waste from other parts of the State but noted there still could be a penalty in the end.

Ald. Lambert referenced the 12 towns and asked what the amount was that it took to run CRRA and now there is less balance and asked how it would be made up.

Mr. Kirk responded the number for the 12 participating towns is \$265,000. He noted 6 towns in the extreme south west of the State opted to go with out of state haulers. He stated the only number the towns have to meet is \$265,000.

Ald. Lambert noted the State is not happy with the recycling efforts in Milford and that here in Milford we are trying to address that. She asked if he could address what other towns are doing.

Mr. Bowman explained the amounts currently spoke as to the amount of tonnage the State export and how it works with this new contract.

Mr. Kirk addressed how if Milford were successful in increasing its recycling efforts how it would affect the formula. He noted towns could not be penalized for trying to do a better job recycling.

Ald. Blacketter asked about the minimums and maximums and where in the contract it is spelled out in written terms.

Mr. Kirk responded it is in the SWDA contract and explained.

Ald. Blacketter commented she has been told if we don't produce enough there are consequences. She also expressed concern with the balancing of the numbers and where that is written in the documents.

Attorney Lorimer explained the aggregate tonnage if each town has to add up to the \$265,000 figure and explained how the figure works. He also explained how lost tip fees work and referred the Board to 502a in the MSA page 13 and explained those two sections.

Ald. Blacketter asked about the administrative fee and expressed concern for the minimum.

Attorney Lorimer explained the administrative fees are a band of municipal shares.

Ald. Blacketter asked if they were to provide 75% if they would be held to paying 100%. She also asked if there were any benefit to excess tonnage.

Mr. Bowman explained the City would pay for 75% and explained you only pay on a collective basis and not the total amount.

Ald. Toohey asked for clarification following up on Ald. Blacketter's line of questioning. She asked if he could clarify the situation if you go over or under 110%.

Mr. Bowman gave a lengthy explanation explaining it is based on the bottom number.

Ald. Toohey stated she wanted to be clear they would not be penalized if Milford continues to improve effective recycling measures.

Mr. Bowman responded it is found in the Solid Waste Disposal Agreement.

Ald. Toohey spoke as to some of the out-of-state hauling and asked if Milford would be liable for anything from the outside.

Mr. Bowman responded the liability would remain with the City, but that the company would make sure that this would not happen. He spoke at length of a situation that happened in the 1970's with CRRA's first contract. He also commented there is always a reduced risk with a contained plant.

Mr. Kirk added the towns that opted to go out of state do not know where their waste is going.

Chairman Blake pointed out it was 7:00 p.m. and that pursuant to a legally noticed meeting for 7:00 p.m. he would recess this meeting until 8:30 p.m.

Mr. Boman stated he would not be available at 8:30 p.m. as he had a previous commitment in Trumbull.

Ald. Lambert asked if Milford continues to be innovative in its recycling efforts if they would be exempt. He cited as example chipboard being separated.

Ald. Vitali asked of the 12 towns how many had been addressed.

Mr. Bowman responded he had not been asked to visit all of the towns. He noted Westport, Shelton and Monroe had already approved the agreement.

Mr. Kirk added CRRA has addressed a number of towns.

Ald. Vitali asked what mandates they would be working under if they went out of town. He stated it is his understanding it would be under Milford's regulations.

Mr. Kirk responded he did not mean to imply anything was improper. He stated they are all certified and have appropriate landfills. He noted the last MSW landfill in Connecticut would close next year.

Mr. LeClerc stated he attended meetings with other towns and the questions were similar to those being asked tonight.

Ald. Manning asked about the Inter-local Advisory Board and where that could be found in the agreement. She spoke as to the amounts.

Mr. Bowman responded that Board has not been created as yet. He stated with regard to the amount it is really a guesstimate between the 12 towns and that it will be decided after they all meet.

Mayor Richetelli followed up stating at a recent mayor's meeting they spoke about this new interlocal. He stated they would not be hiring any permanent staff and if they needed consultants, it would be on an as-needed basis. Mayor Richetelli thanked Mr. Bowman and the panel who were able to stay.

Ald. Lambert asked of the 12 towns how many have "pay as you go" and private haulers.

Mr. Kirk responded none have "pay as you go". He stated he did not know how many had private haulers.

Chairman Blake recessed the Board at 7:07 p.m. stating they would reconvene at 8:30 p.m.

Chairman Blake reconvened the Special Meeting in public session at 8:30 p.m. with panelists Cormier, Kirk, LeClerc and Egan present. With regard to the Enviro contract, Chairman Black asked about the numbers and annual transfer statistics and maintenance figures.

Mr. Lormier explained there are two fees and that the annual cost of running and per ton hauling cost is the same for all of the towns. He gave a lengthy explanation as to the costs.

Mayor Richetelli added the transfer hauling fee is \$13.65 plus or minus the fuel adjustment explaining since these numbers were put together the price of diesel fuel had dropped.

Ald. Blacketter asked the cost of operations. She stated it appeared a number of things were not included in the documents.

Mr. Lorimer explained the fixed fee payable to CRRA.

Ald. Blacketter stated there was no indication as to fee breakdown.

Mr. Lorimer explained the CRRA administrative fee is \$2.00 a ton with a cost of living adjustment and explained some of the other fees.

Mayor Richetelli added there are three basic fees that would go into the agreement, which included the Wheelabrator Tip fee, CRRA administration fee; and the fee paid to Enviro for operation and maintenance of the plant, which leaves a total of \$84.75 as compared to the \$98.50 the City currently, pays.

Chairman Blake stated Mr. Bowman referred to SWEROC and asked how the City's recycling would be interconnected with this contract.

Mr. Kirk responded SWEROC would stand-alone and would not be subsidized by the tipping fees.

Ald. Lambert noted Enviro would have their own people and asked if the City would supply people at the transfers and also asked who would be responsible for workers' compensation.

Mr. Lorimer responded they are responsible for all of their own employees and the City would be for all of their own employees.

Ald. Ditchkus commented as to Milford's tonnage and estimated the average to be about 42 tons and noted it would be 10% plus or minus and that there would be a substantial savings. He also noted it was his understanding very little would change in the public's eyes and that things would continue to operate as they currently do.

Mr. Kirk responded yes and that it should be a seamless transfer with the exception of lower taxes.

Ald. Lambert questioned the January 5, 2008 numbers they received. She stated she would like a breakdown of numbers including bulky recycling and leaves. She asked what they showed on their record for the last 5 years for Milford and what the average is.

Mr. Kirk stated the five-year average was 212,784 tons divided by 5 that is waste that turns into renewable energy at the plants. He stated the MSW average is 42.557.

Ald. Lambert asked if that is household or it also includes commercial.

Mr. Kirk responded it is all garbage delivered the last 5 years and that there could be some commercial.

Mayor Richetelli pointed out Milford has a Flow Control Ordinance and explained.

Ald. Blacketter followed up on Ald. Lambert's questioning noting a discrepancy on some of the numbers.

Mayor Richetelli stated certain things do not go into the numbers, i.e. bulky waste, has-waste, leaves, grass clippings. He also explained if there was a year that was wetter than another that it would change the numbers.

Ald. Blacketter stated she was trying to better understand and looking to protect the City's minimums.

Mayor Richetelli responded he did not have the specific breakdown of numbers with him.

Ald. Blacketter asked about the SWDA schedule 5.01 and asked how much it compares to previously and some of the higher umbrella amounts.

Mr. Kirk explained it takes into consideration the minimum and maximum 10%.

Ald. Blacketter commented solid wastes are trending down.

Mr. Kirk responded it is actually a trend upward and explained.

Ald. Giannattasio asked the advantage of dealing with Wheelabrator. He also asked where the ash ends up and a follow-up on the audited site and if they go out to the site to make sure it meets all of the environmental standards and are being maintained properly.

Mr. Kirk explained the volume is 5-7% of the original value. He responded the landfill currently being used is in Putnam and that the CRRA is currently in the process of developing a land fill facility in Franklin, Connecticut, and that it is on track for 2011. He also stated they adhere to strict landfill standards.

Ald. Giannattasio asked who owns the facility.

Mr. Kirk responded Wheelabrator owns Putnam and the Franklin facility will be owned by the public and operated by CRRA. He stated it would be a \$7-8.00 advantage to each of the towns.

Ald. Manning commented East Haven broke away and decided to deal directly with Wheelabrator. She stated in making her decision she wants to make sure they are getting the best deal for the taxpayers.

Mr. Kirk pointed out pages 14-15 of the contract and explained many of those items. He also noted with regard to East Haven that their agreement is similar in year one of their contract but changes significantly after the first year and in the long run over 5 years they will be paying more.

Ald. Toohey spoke as to the towns and cities in the agreement and some of the positives. She also addressed usable energy resources, no methane, which means lower health risks and the reduced landfill, which is also a positive. She commented after looking at the presentation and the environmental issues, Milford needs to do its own work. She stated environmentally this is a sound proposal with minimal risk.

Mr. Kirk spoke as to reduce, reuse, recycle and the use of trash to energy and it being done in a qualified manner.

Ald. Lambert asked if the recycling would be done in a different manner than currently.

Mr. Kirk responded the difference is in the tons and how it is handled. He stated they encourage recycling. He went on to explain the difference of curbside recycling versus recycling in general.

Mr. Lorimer explained the two important differences.

Ald. Blacketter spoke as to the importance of promoting reducing the amount of waste people generate. She asked if there would be any latitude given if they work with people to reduce more.

Mr. Kirk responded you can reduce by 10% without any issues, but that would be dramatic and unprecedented. He also explained the 5-year average of tonnage.

Ald. Veccharelli asked if bulk pick up is separate.

Mr. Kirk responded the numbers he has quoted are total tons. He stated he was not aware of what the local Public Works does.

Mayor Richetelli explained the oversized bulky waste is an item in the budget that has a revenue side and expense side. He explained some of the typical items.

Ald. Veccharelli asked about the process of large commercial trucks that deliver waste.

Mr. Kirk explained the numbers and process.

Ald. Veccharelli asked about safety as to what is being dumped.

Mr. Egan explained some of the Connecticut DEP regulations that are enforced.

Ald. Veccharelli stated his line of questioning pertains to the cleanliness of the air and burning, etc.

Mr. Egan stated they continually monitor the facilities. He also pointed out there are controls in place and explained some of those protocols that are in place.

Ald. Toohey stated she wished to clarify Milford has their own employees on site. She also pointed out Milford conducts specific days dedicated to Waste Disposal and that Milford has their own wickets in place.

Ald. Blacketter asked about the change in the minimum from the five-year average. She stated the numbers did not seem to correspond and asked if it would be possible to revise the numbers.

Mr. Kirk responded they could adjust the numbers within reason. He stated the numbers in all likelihood do not include direct deliveries, which go toward the numbers. He also stated there is the opportunity to recycle down the number. He pointed out you can always reduce your number but could not jeopardize the other towns. He cautioned reducing the number so low you could exceed the 10% deliveries and then end up paying a premium price.

Ald. Manning asked for clarification that technically they would not have to pay overage.

Mr. Kirk responded yes and stated under delivery is not an issue, but over delivery could be.

Ald. Ditchkus commented it is his understanding trucks out of Milford are weighed in Bridgeport.

Mr. Kirk responded they have the option at either facility.

Mr. Egan pointed out the numbers they were given were from Milford's scale.

Ald. Ditchkus stated the bottom line is they have to meet the 265,000 for all 12 towns and if Milford lowers its number someone else would have to increase theirs.

Mr. Kirk responded yes, but they might have to find another town to change.

Ald. Ditchkus stated it is his understanding the current contact is at 265,000.

Mr. Kirk responded yes.

Ald. Blacketter asked how they quantify what a town recycles. She also asked about recycling machines and the possibility of recycling water bottles.

Mr. Kirk explained the town would not get credit for any increase in recycling machines. He explained the intent was for anti-littering not recycling and also explained curbside recycling.

Chairman Blake thanked the panel for being on hand to answer questions. He announced a 5-minute recess at 9:54 p.m.

Chairman Blake reconvened the Board at 10:06 p.m.

Ald. Vetro and Ald. Ditchkus made and seconded a motion to approve the request for Municipal Solid Waste Management Services Agreement between Connecticut Resources Recovery Authority and the City of Milford, a municipality of the State of Connecticut, for the Delivery and Disposal of Waste and to authorize the Mayor to sign said agreement or an agreement in substantially the same form and any and all other documents and take all steps necessary to effectuate said agreement and to further effectuate the removal, transportation, delivery and disposal of Waste within the City of Milford during the terms of said agreement.

Ald. Manning and Ald. Veccharelli made and seconded a motion to amend the minimum 43 tonnage to 40 tons.

Ald. Vitali commented in the direction the Board was going. He stated the experts were brought in tonight and now this Board is taking the risk in reducing the tonnage putting the City and the other municipalities in a position we are not sure guarantees the same bottom line. He also commented the Board continues in the direction of overkill with regard to amendments and discussions. He asked the affect this would have on the bottom line and the other municipalities. He stated he could not understand the amendment especially since they have heard tonight it is recycling effective and they are now squabbling over pennies and putting the other communities at risk.

Ald. Toohey added part of what was discussed was that they would have to go back to the other 11 towns that could essentially affect the bottom line of this contract, which could be a problem. She added there could also be an issue with the cost if this Board chooses to go lower and that they were looking for trouble doing this. She also referred to last month's meeting and what was discussed, but tonight garbage became about Republicans and Democrats and not garbage.

Ald. Lambert stated they were not squabbling but trying to save the taxpayers money in a responsible manner. She stated this is a bipartisan decision and that they asked bipartisan questions tonight.

Ald. Giannattasio commented the numbers were based on a 5-year average and they were real numbers. He stated doing this would put the taxpayer in jeopardy and this seems like an unknown number. He stated they should not gamble with taxpayer money.

Ald. Blacketter stated it was asked if they could modify this number and the response tonight was it could be reduced. She stated this provides an incentive to recycle. She also stated the 40 ton minimum cannot be met.

Mayor Richetelli asked the Board to keep things in perspective. He stated this is an arrangement that has worked for the most part noting there have been some ups and downs, but it has worked. He spoke as to the contract, which the negotiating Committee has worked out stating it is better than the previous and it is lower and gives more control over recycling. He stated if the Board chooses to lower the minimum tonnage to 40 knowing the average is 42 is just unacceptable and will affect the taxpayers.

Chairman Blake asked if there were any assurances going with the lower number.

Mr. Kirk reiterated the number is 265,000 so some other towns may have to come up with it. He stated it still will be t \$61.00 so it would be within the ban. He stated 40,000 put us before the collective number.

Mayor Richetelli asked how that would affect the agreement with Wheelebrator.

Mr. Kirk responded it is not effective without the 265,000 so they would find another town to change their commitment. He stated no other town has indicated it desired to change.

Mayor Richetelli expressed concern the whole agreement could fall be the wayside and the \$61.00 rate may no longer be available.

Mr. Kirk stated it could be \$5.00 to \$8.00 higher if some other town does not change.

Mayor Richetelli stated the Board needed to consider the citizens of Milford if this falls by the wayside. He stated the 42 number is the average and it is a safe number and does not impede the City in its efforts to recycle more.

Chairman Blake asked the maximum amount they can go down and still stay above the 265,000 for the full 12 towns.

Mr. Kirk responded 1,100 tons is what would be available, but he would have to double check that number.

Ald. Manning asked Mr. Kirk what he meant when he stated “you have some room” and stated her amendment was based on this statements throughout the night.

Ald. Manning withdrew her amendment and Ald. Veccharelli withdrew his second.

Ald. Manning and Ald. Veccharelli made and seconded a motion to amend the main motion to 41,457 tons.

Ald. Toohey commented as to the discussion tonight concerning the motion based on the recycling issue, yet this proposal encourages recycling and it has not been hurt. She spoke as to the information brought before the Board tonight and also commented she takes very seriously the taxpayers of Milford and the burdens they face every day. She asked if this would now have to go back to the other 11 municipalities and if it would be an issue.

Mr. Kirk responded no as long as they are at 265,000, unless any of the other towns are inclined to lower their number.

Ald. Ditchkus stated it was this Board that gave the authority to this consortium to put this together. He also stated there were a lot of questions tonight that were not germane to the issue. He stated he was also concerned with the comment he heard tonight regarding the experts. He stated the people before this Board are the people this Board hired to do this and we gave them that authority. He also pointed out they can recycle more and not be penalized.

Chairman Blake stated they were not here to disagree with the work done on this Board's behalf. He stated there was some question as to the numbers which seemed to present the conflict. He thanked the members of the panel for their time and efforts.

By roll call vote the amendment carried 9 yes (Blacketter, Blake, Hardiman, Lambert, Manning, Nunno, Toohey, Veccharelli, Vetro) and 3 no (Ditchkus, Giannattasio, Vitali).

On the main motion, motion carried unanimously.

Ald. Vetro and Ald. Ditchkus made and seconded a motion to approve the request for "Agreement for Services" by and between the City of Milford and Enviro Express, Inc., 55 Wordin Avenue, Bridgeport, CT 06605 for the Operation and Maintenance of the City's Transfer Station located at 755 Oronoque Road, Milford and the transportation and Disposal of Waste from the Transfer Station to the Wheelabrator Plant (Trash-to-Energy Plant) in Bridgeport, CT and to authorize the Mayor to sign said agreement or an agreement in substantially the same form and any and all other documents and take all steps necessary to effectuate said agreement.

Ald. Blacketter asked about the minimum and maximum numbers reflected stating she wanted to make sure they would be reflected.

Chairman Blake asked if the legislative intent was sufficient.

Attorney Case responded it authorizes this document or document in substantially the same form.

Motion carried unanimously.

Ald. Vetro and Ald. Ditchkus made and seconded a motion to approve the request for the "Notice and Agreement of Termination of Lease" between the City of Milford and the Connecticut Resources Recovery Authority for the termination of a land lease for certain real property located at 755 Oronoque Road, Milford (known as the Transfer Station) dated November 5, 1987 and expiring on December 31, 2008, and to authorize the Mayor to sign said Notice and Agreement of Termination of Lease or an agreement in substantially the same form and sign any and all other documents and take all steps necessary to effectuate said Notice and Agreement of Termination of Lease. Motion carried unanimously.

Ald. Vetro and Ald. Ditchkus made and seconded a motion to approve the request for the Agreement (Indemnification Agreement and General Release) between the City of Milford and Connecticut Resources Recovery Authority in connection with the termination of a land lease for certain Real Property located at 775 Oronoque Road (known as the Transfer Station) dated November 5, 1987 and expiring on December 31, 2008 and to authorize the Mayor to sign said Indemnification Agreement and General Release or an agreement in substantially the same form and to sign any and all other documents and take all steps necessary to effectuate said Agreement and General Release. Motion carried unanimously.

Ald. Vetro and Ald. Ditchkus made and seconded a motion to approve the request to authorize the Mayor to sign any and all documents and take all steps necessary to effectuate the "Permit Transfer Application – Transfer of Solid Waste Permit to Establish and the Permit to Operate for the Milford Transfer Station" from Connecticut Resources Recovery Authority to the City of Milford or an agreement in substantially the same form per Department of Environmental Protection application process. Motion carried unanimously.

Ald. Vetro and Ald. Ditchkus made and seconded a motion to approve the request to authorize the Mayor to sign any and all documents and take all steps necessary to effectuate the attached "Permit Transfer Application – Transfer of the UIC Permit for the Milford Transfer Station" from the Connecticut Resources Recovery Authority to the City of Milford or an agreement in substantially the same form per State of Connecticut Department of Environmental Protection application process. Motion carried unanimously.

Ald. Vetro and Ald. Veccharelli made and seconded a motion to adjourn at 10:37 p.m. Motion carried unanimously.

Respectfully submitted,

Kathleen K. Huber
Recording Secretary