

**MIRA**  
**REGULAR BOARD MEETING**  
**APRIL 20, 2017**

## **Materials Innovation and Recycling Authority**

200 Corporate Place, Suite 202

Rocky Hill, CT 06067

Telephone (860)757-7700 - Fax (860)757-7743

# **MEMORANDUM**

**TO:** MIRA Board of Directors

**FROM:** Moira Kenney, Assistant HR Manager/Board Administrator

**DATE:** April 13, 2017

**RE:** Notice of Regular Board Meeting

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There will be a Regular Meeting of the Materials Innovation and Recycling Authority Board of Directors on Thurs. April 20, 2017, at 9:30 a.m. The meeting will be available to the public in the Board Room at 200 Corporate Place, Suite 202, Rocky Hill, CT 06067.

Please notify this office of your attendance at (860) 757-7787 at your earliest convenience.

Materials Innovation Recycling Authority  
Regular Board of Directors Meeting  
April 20, 2017  
9:30 AM

I. Pledge of Allegiance

II. Public Portion

A ½ hour public portion will be held and the Board will accept written testimony and allow individuals to speak for a limit of three minutes. The regular meeting will commence if there is no public input.

III. Minutes

1. Board Action will be sought for Approval of the Regular March 23, 2017 Board Meeting Minutes (Attachment 1).

IV. Policies & Procurement Committee Report

1. Board Action will be sought for the Resolution Regarding Revisions to the Connecticut Solid Waste System Permitting Disposal & Billing Procedures (Attachment 2).
2. Board Action will be sought for the Resolution Regarding Spot Waste Deliveries (Attachment 3).
3. Board Action will be sought for the Resolution Regarding Three-Year Legal Services Agreements (Attachment 4).
4. Board Action will be sought for the Resolution Regarding Repeal of the Authority's Telephonic Meeting Policy & Procedure Agreements (Attachment 5).

V. Finance Committee Report

5. Board Action will be sought for Resolution Increasing FY 2017 Authorized Distributions to the Tip Fee Stabilization Fund (Attachment 6).

VI. Chairman and President's Reports

VII. Executive Session

An Executive Session will be held to discuss pending litigation, trade secrets, personnel matters, security matters, pending RFP's, pending RFP responses, real estate matters, and feasibility estimates and evaluations including Strategic Plan updates.

# TAB 1

**MATERIALS INNOVATION AND RECYCLING AUTHORITY**

**FOUR HUNDRED AND SIXTY-SECOND**

**MARCH 27, 2017**

A regular meeting of the Materials Innovation and Recycling Authority Board of Directors was held on Thurs. March 27, 2017, in the Board Room at 200 Corporate Place, Suite 202, Rocky Hill, CT 06067. Those present were:

Directors: Chairman Don Stein  
Vice-Chairman Dick Barlow  
John Adams  
Ralph Eno  
Jim Hayden  
Bob Painter  
Scott Shanley (present beginning 9:40 a.m.)  
Patricia Widlitz

Present from MIRA in Hartford:

Tom Kirk, President  
Mark Daley, Chief Financial Officer  
Jeffrey Duvall, Director of Budgets and Forecasting  
Peter Egan, Director of Operations and Environmental Affairs  
Laurie Hunt, Director of Legal Services  
Moira Kenney, Assistant HR Manager/Board Administrator

Others Present: Ann Catino, Esq., and John Pizzimenti, USA Hauling.

Chairman Stein called the meeting to order at 9:30 a.m. and said a quorum was present.

**PUBLIC PORTION**

Chairman Stein said the agenda allowed for a public portion in which the Board would accept written testimony and allow individuals to speak for a limit of three minutes. As there were no members of the public who wished to address the Board the regular meeting commenced.

**APPROVAL OF THE FEB. 23, 2017 MEETING MINUTES**

Chairman Stein requested a motion to approve the minutes of the Feb. 23, 2017, Board Meeting. Director Adams made the motion which was seconded by Director Painter.

The motion to approve the minutes as amended was approved by roll call. Chairman Stein, Vice-Chairman Barlow, Director Adams, Director Eno, Director Hayden, Director Painter and Director Widlitz voted yes.

Directors	Aye	Nay	Abstain
Chairman Stein	X		
Vice-Chairman Barlow	X		
John Adams	X		
Ralph Eno	X		
Jim Hayden	X		
Bob Painter	X		
Patricia Widlitz	X		

**RESOLUTION REGARDING MARKET DRIVEN PURCHASE – DIVERSION OF MSW**

Chairman Stein requested a motion on the above referenced item. The motion was made by Director Adams and seconded by Director Painter.

**RESOLVED:** That the President is hereby authorized to enter into agreements for transportation and disposal of Municipal Solid Waste (MSW) that must be diverted from the CSWS system due to elevated MSW inventory levels at the CSWS Resource Recovery Facility (RRF) that were a result of several unscheduled boiler outages and the inability of the RRF to timely consume the quantities of MSW, substantially as discussed and presented at this meeting and;

**FURTHER RESOLVED:** that the President is authorized to enter into an agreement with Casella Waste Management, Inc. for disposal of MSW from the CSWS Watertown Transfer Station to the Southbridge, Massachusetts landfill and;

**FURTHER RESOLVED:** that the President is authorized to enter into an agreement with CWPM, LLC to transport MSW from the CSWS Watertown Transfer Station to the Southbridge, Massachusetts landfill and;

**FURTHER RESOLVED:** that the President is authorized to enter into an agreement with Complete Disposal for the transportation and disposal of MSW from the CSWS Waste Processing Facility in Hartford to the United Waste Management transfer station located in Holyoke, Massachusetts and;

**FURTHER RESOLVED:** that the President is authorized to enter into an agreement with the Southeastern Connecticut Regional Resource Recovery Authority for disposal of MSW from the CSWS Essex Transfer Station to Covanta's resource recovery facility located in Preston, Connecticut as provided for under MIRA's agreement with the Southeastern Connecticut Regional Resource Recovery Authority and;

**FURTHER RESOLVED:** that the President is authorized to enter into an agreement with CWPM, LLC to transport MSW from the CSWS Essex transfer station to Covanta's resource recovery facility located in Preston, Connecticut under MIRA's agreement with CWPM for the Operation, Maintenance and Transportation at the Essex Transfer Station;

**FURTHER RESOLVED:** that the President is authorized to enter into an agreement with Wheelabrator Technologies, Inc. for the disposal of MSW from the CSWS Essex Transfer Station to Wheelabrator's resource recovery facility located in Lisbon, Connecticut and

**FURTHER RESOLVED:** that the President is authorized to enter into an agreement with CWPM, LLC to transport MSW from the CSWS Essex transfer station to Wheelabrator's resource recovery facility located in Lisbon, Connecticut under MIRA's agreement with CWPM for the Operation, Maintenance and Transportation at the Essex Transfer Station.

Mr. Kirk said MIRA's short term agreements will be expiring on June 30, 2017. He said management has put together two renewal options for the municipalities which wish to keep patronizing MIRA. Mr. Kirk said there is one significant change to the contract concerning insurance and noted that the towns were notified of the change about a year ago. He explained that in the event of a diversion situation the original contract placed those associated costs onto the towns. However, MIRA was also paying insurance premiums to protect MIRA from that risk. Mr. Kirk said management was concerned that insurance carriers would not cover diversion costs if the contract continued to put responsibility on the towns and as a result that language was removed from the contract.

The motion previously made and seconded was approved by roll call. Chairman Stein, Vice-Chairman Barlow, Director Adams, Director Eno, Director Hayden, Director Painter and Director Widlitz voted yes. Director Shanley abstained.

Directors	Aye	Nay	Abstain
Chairman Stein	X		
Vice-Chairman Barlow	X		
John Adams	X		
Ralph Eno	X		
Jim Hayden	X		
Bob Painter	X		
Scott Shanley			X
Patricia Widlitz	X		

**RESOLUTION REGARDING MUNICIPAL SOLID WASTE MANAGEMENT SERVICES AGREEMENTS**

Chairman Stein requested a motion on the above referenced item. The motion was made by Director Adams and seconded by Director Eno.

**RESOLVED:** The President is hereby authorized to enter into Tier 1 Short-Term, and Tier 2 Municipal Solid Waste Management Services Agreements ("MSAs") for the provision of acceptable solid waste and acceptable recyclables services with Connecticut municipalities, substantially as presented and discussed at this meeting.

Mr. Kirk said this item concerns acknowledgment by the Board of a market driven procedure to divert waste from the facility which management is authorized to make when there is too much

inventory and there is concern regarding MIRA's permit requirements. He said management has contracts available to call on in short notice because of the dynamic nature of receipts and consumption. He explained the plant has very little storage capacity and an unexpected outage can result in too much waste. He said MIRA's permits restrict how much waste can be stored.

Mr. Kirk said the Connecticut Department of Energy and Environmental Protection (hereinafter referred to as "CT DEEP") has been very understanding and cooperative concerning the receipts issues. He said this resolution acknowledges that in January MIRA diverted tons to a number of different disposal options. He said MIRA received the revenue associated with the tip fee for each ton received, however MIRA has to then pay the tip fee and transportation costs associated with the disposal.

Mr. Kirk said January was a difficult month for MIRA and management made a decision to advance a portion of the April boiler 11 outage into January because of the struggling performance of Unit 11. He said that complicated MIRA's receipts such that there was the unusual step of having to divert in January. He said diversion typically occurs in the summer as deliveries are higher.

Director Painter asked if there are alternative options to utilizing the Southbridge landfill. Mr. Kirk replied that MIRA has a number of alternatives however the selection is based on the best timing and price at the time the diversion is needed. Mr. Kirk said the SCRRA facility is the first choice as it is cost effective, however when the other plants can't take the waste Southbridge is a least cost remaining option. Mr. Egan said there is roughly twelve to eighteen months of deliveries left at the Southbridge landfill but he is not sure how much capacity is left. He said there is not a lot of capacity left in Southern New England as a whole.

Vice-Chairman Barlow asked what impact these diversion have on MIRA's budget. Mr. Daley said MIRA paid about \$405,000 to divert the waste. Mr. Kirk said there should be relief from diversion costs in the month of February. Mr. Egan said there were a number of unscheduled problems in December and January and this diversion situation was unusual in that aspect and is not expected to occur again.

The motion previously made and seconded was approved unanimously by roll call. Chairman Stein, Vice-Chairman Barlow, Director Adams, Director Eno, Director Hayden, Director Painter, Director Shanley, and Director Widlitz voted yes.

Directors	Aye	Nay	Abstain
Chairman Stein	X		
Vice-Chairman Barlow	X		
John Adams	X		
Ralph Eno	X		
Jim Hayden	X		
Bob Painter	X		
Scott Shanley	X		
Patricia Widlitz	X		

**RESOLUTION REGARDING STANDARD HAULER AGREEMENT FOR PERIOD JULY 2017 THROUGH JUNE 2018**

Chairman Stein requested a motion on the above referenced item as amended. The motion was originally made by Director Adams and seconded by Director Painter.

**RESOLVED:** The President is authorized to enter into revenue contracts with commercial haulers for the delivery of Acceptable Solid Waste and Acceptable Recyclables to the Connecticut Solid Waste System, substantially as presented and discussed at this meeting.

Mr. Kirk said this is essentially a renewal of MIRA’s existing private hauler contracts. He said the put or pay requirements with the hauling customers are important to insure the counter parties deliver what is expected and critical as the same haulers are invited from time to time to provide interruptible waste. He explained the put or pay is designed to avoid the substitution of lower priced interruptible waste tons instead of firm capacity full price waste.

Mr. Kirk said management rarely charges or penalizes its customers for missing the deliveries and provides an opportunity to adjust that commitment on a quarterly basis based on lost business and route issues. He said there are one year contracts for commercial haulers and smaller haulers. The Board undertook a discussion on management’s discretion concerning the option to charge for penalizations for short deliveries.

The motion previously made and seconded to approve the resolution above as amended was approved unanimously by roll call. Chairman Stein, Vice-Chairman Barlow, Director Adams, Director Eno, Director Hayden, Director Painter and Director Shanley voted yes.

Directors	Aye	Nay	Abstain
Chairman Stein	X		
Vice-Chairman Barlow	X		
John Adams	X		
Ralph Eno	X		
Jim Hayden	X		
Bob Painter	X		
Scott Shanley	X		
Patricia Widlitz	X		

**RESOLUTION REGARDING PROJECTED LANDFILL DIVISION LEGAL EXPENDITURES**

Chairman Stein requested a motion on the above referenced item as amended. The motion was originally made by Director Shanley and seconded by Director Hayden.

**WHEREAS:** the FY 2017 Landfill Division budget, adopted by the Board at its December 17, 2015 meeting, does not include a line item for legal expenses; and

**WHEREAS:** MIRA now expects to incur legal costs in connection with the Solar Facility located at the Hartford Landfill and with the proposed Clean Energy Facility to be located on MIRA property adjacent to Wallingford Landfill; and

**WHEREAS**, MIRA now seeks Board authorization to expend funds from the Landfill Divisions operating account to pay these anticipated legal costs;

**NOW THEREFORE**, it is

**RESOLVED**: That MIRA is authorized to expend up to \$25,000 for projected Landfill Division legal fees and costs to be incurred during fiscal year 2017; and

**FURTHER RESOLVED**: That any portion of the anticipated Landfill Division legal fees which is reimbursed to MIRA by a third party shall be returned to the Landfill Division operating account.

Ms. Hunt said this resolution contains two pieces. She said there is no legal budget in the landfill division however MIRA's statutes and policies require that un-budgeted services over \$5,000 require Board approval. She said the first item concerns the issues at the Hartford Landfill with the solar project and repairs associated with a lightning strike to the inverter. She said secondly a company called Land lease is proposing a solar project to the MIRA property adjacent to the Waterbury Landfill.

Ms. Hunt said MIRA gave Land Lease (pursuant to a bid process) an option for a lease if they received a contract from CT DEEP, which they did. She said they have come back to management and said that the lease was put together quickly and they require several revisions to receive funding from a lender. Ms. Hunt said the requested changes look to be typical in terms of what a lender would require. She said Land Lease has proposed covering up to \$10,000 of MIRA's associated legal costs and half of up to \$5,000 of any additional costs. Ms. Hunt said that should be sufficient for this process.

Ms. Hunt said the question of the repair costs and ongoing repair to the Hartford Landfill is still being addressed from a legal perspective. She said MIRA has already incurred roughly \$3,000 on this matter.

The motion previously made and seconded to approve the resolution above as amended was approved unanimously by roll call. Chairman Stein, Vice-Chairman Barlow, Director Adams, Director Eno, Director Hayden, Director Painter and Director Shanley voted yes.

<b>Directors</b>	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>
Chairman Stein	X		
Vice-Chairman Barlow	X		
John Adams	X		
Ralph Eno	X		
Jim Hayden	X		
Bob Painter	X		
Scott Shanley	X		
Patricia Widlitz	X		

**CHAIRMAN'S REPORT**

Chairman Stein said he has been working with Director Eno, Director Widlitz, Mr. Kirk, and Ann Catino, Esq, and the Legislature concerning REC's. He said the folks in charge of the Energy Committee have been hearing the group out and have had several conversations although forward movement is elusive. Director Widlitz said a meeting to address several proposed bills should be held when she returns from vacation. The Board discussed the impact of several proposed Legislative bills and their impact to MIRA.

## **PRESIDENT'S REPORT**

Mr. Kirk said MIRA facilities operated during the reporting period without any environmental, public safety or health impacts. The unscheduled outage in January resulted in 380 hours of unscheduled boiler down time, with another 390 hours of scheduled down time mostly due to super heater work which was moved forward from April.

Mr. Kirk said power pricing and the trends for future power pricing continue to be disappointing. He said MIRA is protected to some degree through the end of this month due to a commitment to sell 30 megawatts of power. Mr. Kirk said that this arrangement will change on April 1, 2017, when MIRA will be selling 20 megawatts of power at a lower price in its new contract. He said the sale of 10 MW was made the afternoon of the Finance Committee meeting and a week later another sale for 10 MW was made but the delay did not help the price.

Mr. Kirk said the sale of the Stratford facility has been concluded for \$4.9 million in cash. He said management expects CT DEEP to authorize the removal of the ammonia monitoring equipment which continuously samples MIRA's emissions, and has for the last five years, for excess ammonia. Mr. Kirk said this is good news. He said the requirement to install an ammonia CEMS (Continuous Emission Monitoring System) was a result of MIRA's prior contractor Covanta making a mistake during an annual stack testing event, which caused an emission exceedance, which in-turn resulted in DEEP requiring MIRA to install the monitoring device. Mr. Kirk stated that the ammonia CEMS had to be installed by MIRA after the incident, with Covanta paying for the cost of purchase and installation. Mr. Egan said a public notice concerning the removal of the equipment will be placed in the paper.

## **EXECUTIVE SESSION**

Chairman Stein requested a motion to enter into Executive Session to discuss pending litigation. The motion was made by Director Shanley and seconded by Director Eno and was approved unanimously.

Chairman Stein asked the following people to join the Directors in the Executive Session:

Tom Kirk  
Mark Daley  
Peter Egan  
Laurie Hunt

The motion previously made and seconded was approved unanimously by roll call. Chairman Stein, Vice-Chairman Barlow, Director Adams, Director Eno, Director Hayden, Director Painter, Director Shanley, and Director Widlitz voted yes.

Directors	Aye	Nay	Abstain
Chairman Stein	X		
Vice-Chairman Barlow	X		
John Adams	X		
Ralph Eno	X		
Jim Hayden	X		
Bob Painter	X		
Scott Shanley	X		
Patricia Widlitz	X		

The Executive Session began at 11:00 a.m. and concluded at 12:20 p.m. Chairman Stein noted that no votes were taken in Executive Session.

The meeting was reconvened at 12:20 p.m. The door was opened, and the Board Secretary and all members of the public were invited back in for the continuation of public session.

### ADJOURNMENT

Chairman Stein requested a motion to adjourn the meeting. The motion to adjourn was made by Director Shanley seconded by Director Hayden and was approved unanimously

The motion previously made and seconded was approved unanimously by roll call. Chairman Stein, Vice-Chairman Barlow, Director Adams, Director Eno, Director Hayden, Director Painter, Director Shanley, and Director Widlitz voted yes.

Directors	Aye	Nay	Abstain
Chairman Stein	X		
Vice-Chairman Barlow	X		
John Adams	X		
Ralph Eno	X		
Jim Hayden	X		
Bob Painter	X		
Scott Shanley	X		
Patricia Widlitz	X		

There being no other business to discuss, the meeting adjourned at 12:20 p.m.

Respectfully Submitted,



Moira Kenney  
Assistant HR Manager/Board Administrator

**TAB 2**

**RESOLUTION REGARDING AMENDMENTS TO THE  
MATERIALS INNOVATION AND RECYCLING  
AUTHORITY'S  
CONNECTICUT SOLID WASTE SYSTEM  
PERMITTING, DISPOSAL AND BILLING PROCEDURES**

**RESOLVED:** That the Board of Directors hereby approves amendments to the CONNECTICUT SOLID WASTE SYSTEM PERMITTING, DISPOSAL AND BILLING PROCEDURES, as presented and discussed at this meeting.

# Materials Innovation and Recycling Authority Connecticut Solid Waste System

## Amending Connecticut Solid Waste System Permitting, Disposal and Billing Procedures

*April 20 2017*

### Discussion

The CONNECTICUT SOLID WASTE SYSTEM PERMITTING, DISPOSAL AND BILLING PROCEDURES (“Procedures”) prescribe various procedures and rules with which MIRA and its customers must comply regarding the delivery and associated billing of solid waste and recyclables to MIRA’s facilities.

At this time MIRA management recommends that the Procedures be amended. Attached is a red-line version of the relevant pages of the current Procedures which show the proposed updated language. These revisions are proposed for the following reasons:

Include the Manual Weight Determination Procedure which are to be followed when any CSWS scales or computers in the scale houses are inoperable in the following situations:

- a) If the scale is operable but the computer is not, MIRA and/or its contractor will handwrite tickets with live scale weights. The handwritten tickets will be entered into the computer at a later time when the computer is operable and;
- b) If the scale is not operable, then historical average weights will be used. MIRA and/or its contractor shall keep historical hauling load records for each vehicle or container which has been permitted by MIRA for disposal at CSWS facilities. Historical load records shall include all vehicle or container transactions over a reasonable disposal history period.

These changes to the Procedures require approval by the MIRA Board of Directors. MIRA is also required by statute to publish a notice in the Connecticut Law Journal 30 days in advance of MIRA’s Board of Directors taking action in this regard. A copy of the notice, published in the Connecticut Law Journal on February 28, 2017, is attached.

MIRA management recommends that the Board of Directors adopt these changes as proposed.



**CONNECTICUT SOLID WASTE SYSTEM  
PERMITTING, DISPOSAL AND BILLING  
PROCEDURES**

Effective December 18, 2014

**MATERIALS INNOVATION AND RECYCLING AUTHORITY**  
**CONNECTICUT SOLID WASTE SYSTEM**  
**PERMITTING, DISPOSAL AND BILLING PROCEDURES**

**TABLE OF CONTENTS**

1.	GENERAL .....	1
1.1	Definitions .....	1
1.2	Preamble.....	9
1.3	General Principles of Interpretation .....	10
2.	PERMITTING .....	10
2.1	Permit Application .....	10
2.2	Submission of Permit Application .....	11
2.3	Guaranty of Payment.....	11
2.4	Issuance and Renewal of Permit.....	12
2.5	Short-Term Customers .....	13
2.6	Tare Weights.....	14
2.7	Miscellaneous .....	15
2.8	Municipal Permits .....	15
3.	INSURANCE .....	15
3.1	Insurance .....	15
3.2	Indemnification.....	18
4.	OPERATING AND DISPOSAL PROCEDURES.....	18
4.1	Delivery of Acceptable Solid Waste .....	18
4.2	Delivery of Acceptable Recyclables .....	20
4.3	Access to the Facility .....	20
4.4	Access to the Recycling Facility .....	20
4.5	Temporary Emergency Access to the Facilities .....	21
4.6	Hours for Delivery .....	21
4.7	Vehicle Standards for Deliveries to the Facilities .....	21
4.8	Disposal Procedures.....	<del>22</del> 21
4.9	Weight Tickets .....	24
4.10	Delivery of Mixed Loads of Acceptable Solid Waste From Multiple Participating Municipalities .....	25
4.11	Recycling Facilities Load Rejection Policy .....	<del>26</del> 25
5.	BILLING.....	27
5.1	Payment of Invoices .....	27
5.2	Liability for Payment of Invoices .....	27
5.3	Past Due Invoices .....	<del>28</del> 27
5.4	Miscellaneous .....	28
5.5	Return Check Policy .....	28
5.6	Disputes on Billing .....	28
6.	SANCTIONS .....	<del>29</del> 28
6.1	Sanctions .....	<del>29</del> 28
6.2	Appeal Process.....	29

7. LEGAL .....	3130
7.1 Consistent with Municipal Solid Waste Management Services Contract .....	3130
7.2 Governing Law.....	31

APPENDIX A: Examples of Violations and Sanctions .....	A-1
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APPENDIX B: Manual Weight Determination For Billing Purposes.....	B-1
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- (w) Anyone violating any provision of Sections 22a-220, 22a-220a(f) or 22a-250 of the *Connecticut General Statutes* or any other federal, state or local law or regulation shall be reported by MIRA to the appropriate authorities.
- (x) Foul language and inappropriate behavior, including, but not limited to, spitting, swearing, lewd behavior, indecent exposure, urinating in public and littering, are not permitted on site at any of the Facilities.
- (y) Loads in which Commingled Container Recyclables are mixed with Paper Fiber Recyclables will be accepted for processing as Single Stream Recyclables at the Recycling Facilities.
- (z) Operators of rear-dumping vehicles delivering Commingled Container Recyclables and Paper Fiber Recyclables in separate compartments in the same vehicle will be required to sweep clean all materials from the empty compartment before proceeding to the next tipping area.
- (aa) Mechanical densifying of aluminum containers and plastic containers is allowed (non-aluminum metal cans may be crushed or flattened) unless, subject to approval by MIRA, such containers are commingled with Paper Fiber Recyclables and delivered as Single Stream Recyclables.
- (bb) Loads of Commingled Container Recyclables may contain any combination of acceptable container materials except loads containing solely mixed-color (any color combination) glass will not be accepted for delivery.
- (cc) Loads of Commingled Container Recyclables and Single Stream Recyclables may not be delivered in bags of any type. All Commingled Container Recyclables and Single Stream Recyclables must be delivered in loose form to the Recycling Facilities.
- (dd) Due to poor quality of pre-sorted bottles and cans previously delivered, MIRA does not encourage delivery of pre-sorted containers. Any municipality or waste hauler wishing to deliver presorted containers must first obtain written approval from MIRA.
- (ee) Other procedures for the Facilities may be promulgated over time by MIRA and, when issued, must be strictly obeyed.

#### 4.9 Weight Tickets

- (a) The driver of each truck disposing of waste shall be presented a weight ticket from the scale house attendant. The ticket shall indicate date, hauler's company name, vehicle Permit Number and trailer/roll-off box decal number, gross weight, tare weight, net weight, origin of waste and time. Each driver will be responsible for identifying the municipality for which he/she is hauling. At any CSWS facility if the scale is operable but the computer in the scalehouse is not operable or if the scale system used for determining weights is down for repairs or

calibration and not operable, a manual weight determination will be used. The manual weight determination procedure is presented in Appendix B.

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- (b) If a driver fails to sign for or receive a weight ticket, the appropriate hauling company shall be billed for such delivery for the gross weight of the load delivered, at MIRA's discretion.
- (c) Drivers are responsible for checking weight tickets for accuracy. All discrepancies should be brought to the attention of MIRA and/or the scale house attendant as soon as possible. MIRA assumes no responsibility for unreported errors.
- (d) At the discretion and request of MIRA, the Permittee/hauler shall disclose to MIRA the quantity of Acceptable Solid Waste from each Participating Municipality in the Acceptable Mixed Load(s) for which Permittee/hauler is hauling.
- (e) The Permittee/hauler shall use its best efforts to identify and provide MIRA notice of the origins of the Acceptable Solid Waste in its Acceptable Mixed Loads to enable MIRA to properly determine each Participating Municipality's volume of delivered Acceptable Solid Waste.

#### **4.10 Delivery of Mixed Loads of Acceptable Solid Waste From Multiple Participating Municipalities**

- (a) Delivery of Mixed Loads of Acceptable Solid Waste from multiple Participating Municipalities ("Acceptable Mixed Loads") will be accepted by MIRA only if the following criteria are met:
  - (1) The entire Acceptable Mixed Load must contain only Acceptable Solid Waste that is charged the same tip fee. Any Acceptable Mixed Load that contains Acceptable Solid Waste subject to different tip fees shall be charged the highest tip fee that is charged to any of the Participating Municipalities from which the waste originated.
  - (2) The Permittee/hauler shall use its best efforts to identify and provide MIRA notice of the origins of the Acceptable Solid Waste in its Acceptable Mixed Loads to enable MIRA to properly determine each Participating Municipality's volume of delivered Acceptable Solid Waste.
  - (3) Permittee/hauler shall not deliver any Acceptable Mixed Load to any Waste Facility unless all of the Acceptable Solid Waste in the Acceptable Mixed Load is authorized by MIRA to be disposed of at such Waste Facility.
  - (4) Any delivery of an Acceptable Mixed Load must be billed in its entirety to the Permittee/hauler that delivers the Acceptable Mixed Load to the Waste Facility.

## APPENDIX B

### MANUAL WEIGHT DETERMINATION FOR BILLING PURPOSES

The following procedure is to be utilized during those periods that the weighing scale and/or the scale computer is not available and computerized tickets cannot be issued at the time of transaction.

(a) If the scale is operable but the computer is not, MIRA and/or its contractor will handwrite tickets with live scale weights. The handwritten tickets will be entered into the computer at a later time when the computer is operable.

(b) If the scale is not operable then historical average weights will be used. MIRA and/or its contractor shall keep historical hauling load records for each vehicle or container, which has been permitted by MIRA for disposal at Connecticut Solid Waste System facilities. Historical load records shall include all vehicle or container transactions over a reasonable disposal history period.

Historical load records shall be recorded as two (2) averages:

(b.1) the average load weight (xx.xx Tons) of waste material hauled by each vehicle or container over its disposal history while permitted by MIRA.

(b.2) the average load weight (xx.xx Tons) of waste material hauled by each vehicle or container during the previous calendar month.

During those periods that the weighing scale is not available, the greater of the two historical load records (b.1 & b.2), for that vehicle or container shall be used to determine the estimated load weight for billing and all other contractual requirements between MIRA and the permittee.

(c) For those vehicles or containers that have not established a historical record, MIRA shall predetermine estimated load weights to be used until actual load records can be established. A minimum of ten (10) transactions with MIRA by that specific vehicle or container shall constitute an acceptable and approved historical record. Historical records shall become effective as outlined in (b) above. All transactions of this type shall be based on MIRA's predetermined estimated load weight. Predetermined

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estimated load weights shall be periodically reviewed by MIRA. MIRA shall determine if future predetermined estimated load weights should be adjusted. Transactions prior to the implementation of an adjustment shall not be affected by any adjustments to the predetermined estimated load weights.

(d) Each weighing transaction requiring the use of historical load records, shall be documented on the weight ticket. This ticket shall be completed by an authorized weight recorder and shall be signed by both the recorder and the deliverer of the waste load.

The information to be recorded on the transaction weight ticket shall be as follows:

Name of the Permit holder (hauler);

Permit number;

Container number (if applicable);

Time;

Date;

Material Type;

Origin;

Signature of Driver; and

Signature of Recorder.

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**TAB 3**

**RESOLUTION REGARDING MARKET DRIVEN SALE OF  
SPOT WASTE DISPOSAL CAPACITY FOR MUNICIPAL SOLID  
WASTE FOR THE CONNECTICUT SOLID WASTE SYSTEM  
RESOURCES RECOVERY FACILITY DURING A FUEL  
SHORTAGE PERIOD**

**RESOLVED:** That the President is hereby authorized to select Spot Waste delivery offers that are responsive to the needs of the CSWS resources recovery facility during a Fuel Shortage Period in accordance with Internal Management Procedure No. 140 to ensure the desired optimal operation of the facility, substantially as discussed and presented at this meeting and;

**FURTHER RESOLVED:** that the President is authorized to select a Spot Waste delivery offer from John's Refuse and Recycling LLC for delivery of MSW to the CSWS Resources Recovery Facility and;

**FURTHER RESOLVED:** that the President is authorized to select a Spot Waste delivery offer from AJ Waste Systems LLC for delivery of MSW to the CSWS Resources Recovery Facility and;

**FURTHER RESOLVED:** that the President is authorized to select a Spot Waste delivery offer from CWPM LLC for delivery of MSW to the CSWS Resources Recovery Facility and;

**FURTHER RESOLVED:** that the President is authorized to select a Spot Waste delivery offer from Patterson Enterprises LLC for delivery of MSW to the CSWS Resources Recovery Facility and;

**FURTHER RESOLVED:** that the President is authorized to select a Spot Waste delivery offer from Covanta Projects of Wallingford LLC for delivery of MSW to the CSWS Resources Recovery Facility and;

**FURTHER RESOLVED:** that the President is authorized to select a Spot Waste delivery offer from All American Waste LLC for delivery of MSW to the CSWS Resources Recovery Facility.

# **Materials Innovation & Recycling Authority**

## **Summary for: MARKET DRIVEN SALE OF SPOT WASTE DISPOSAL CAPACITY FOR MUNICIPAL SOLID WASTE FOR THE CSWS DURING A FUEL SHORTAGE PERIOD**

Presented to the CRRA Board on:	April 20, 2017
Vendor/ Contractor(s):	Johns Refuse and Recycling LLC
Effective date:	February 20, 2017
Contract Type/Subject matter:	Market Driven Purchase: Spot Disposal Capacity Sale of 155.80 tons of MSW
Facility (ies) Affected:	CSWS Resources Recovery Facility
Term:	February 20, 2017 through March 31, 2017
Contract Dollar Value:	\$8,257.40 (\$53.00/ton tip fee)
Amendment(s):	None
Term Extensions:	Fuel Shortage Period may be extended by the President
Scope of Services:	Delivery of 155.80 tons of MSW to the CSWS Resources Recovery Facility
Other Pertinent Provisions:	None

# Materials Innovation & Recycling Authority

## Summary for: MARKET DRIVEN SALE OF SPOT WASTE DISPOSAL CAPACITY FOR MUNICIPAL SOLID WASTE FOR THE CSWS DURING A FUEL SHORTAGE PERIOD

Presented to the CRRRA Board on:	April 20, 2017
Vendor/ Contractor(s):	AJ Waste Systems LLC
Effective date:	February 20, 2017
Contract Type/Subject matter:	Market Driven Purchase: Spot Disposal Capacity Sale of 51.30 tons of MSW
Facility (ies) Affected:	CSWS Resources Recovery Facility
Term:	February 20, 2017 through March 31, 2017
Contract Dollar Value:	\$2,667.60 (\$52.00/ton tip fee)
Amendment(s):	None
Term Extensions:	Fuel Shortage Period may be extended by the President
Scope of Services:	Delivery of 51.30 tons of MSW to the CSWS Resources Recovery Facility
Other Pertinent Provisions:	None

# Materials Innovation & Recycling Authority

## Summary for: MARKET DRIVEN SALE OF SPOT WASTE DISPOSAL CAPACITY FOR MUNICIPAL SOLID WASTE FOR THE CSWS DURING A FUEL SHORTAGE PERIOD

Presented to the CRRRA Board on:	April 20, 2017
Vendor/ Contractor(s):	CWPM LLC
Effective date:	February 20, 2017
Contract Type/Subject matter:	Market Driven Purchase: Spot Disposal Capacity Sale of 928.98 tons of MSW
Facility (ies) Affected:	CSWS Resources Recovery Facility
Term:	February 20, 2017 through March 31, 2017
Contract Dollar Value:	\$43,662.06 (\$47.00/ton, tip fee)
Amendment(s):	None
Term Extensions:	Fuel Shortage Period may be extended by the President
Scope of Services:	Delivery of 928.98 tons of MSW to the CSWS Resources Recovery Facility
Other Pertinent Provisions:	None

# **Materials Innovation & Recycling Authority**

## **Summary for: MARKET DRIVEN SALE OF SPOT WASTE DISPOSAL CAPACITY FOR MUNICIPAL SOLID WASTE FOR THE CSWS DURING A FUEL SHORTAGE PERIOD**

Presented to the CRRRA Board on:	April 20, 2017
Vendor/ Contractor(s):	Patterson Enterprises LLC
Effective date:	February 20, 2017
Contract Type/Subject matter:	Market Driven Purchase: Spot Disposal Capacity Sale of 396.32 tons of MSW
Facility (ies) Affected:	CSWS Resources Recovery Facility
Term:	February 20, 2017 through March 31, 2017
Contract Dollar Value:	\$17,834.40 (\$45.00/ton tip fee)
Amendment(s):	None
Term Extensions:	Fuel Shortage Period may be extended by the President
Scope of Services:	Delivery of 396.32 tons of MSW to the CSWS Resources Recovery Facility
Other Pertinent Provisions:	None

# Materials Innovation & Recycling Authority

## Summary for: MARKET DRIVEN SALE OF SPOT WASTE DISPOSAL CAPACITY FOR MUNICIPAL SOLID WASTE FOR THE CSWS DURING A FUEL SHORTAGE PERIOD

Presented to the CRRA Board on:	April 20, 2017
Vendor/ Contractor(s):	Covanta Project of Wallingford LLC
Effective date:	February 20, 2017
Contract Type/Subject matter:	Market Driven Purchase: Spot Disposal Capacity Sale of 1,076.13 tons of MSW
Facility (ies) Affected:	CSWS Resources Recovery Facility
Term:	February 20, 2017 through March 31, 2017
Contract Dollar Value:	\$37,664.55 (\$35.00/ton tip fee)
Amendment(s):	None
Term Extensions:	Fuel Shortage Period may be extended by the President
Scope of Services:	Delivery of 1,076.13tons of MSW to the CSWS Resources Recovery Facility
Other Pertinent Provisions:	None

# **Materials Innovation & Recycling Authority**

## **Summary for: MARKET DRIVEN SALE OF SPOT WASTE DISPOSAL CAPACITY FOR MUNICIPAL SOLID WASTE FOR THE CSWS DURING A FUEL SHORTAGE PERIOD**

Presented to the CRRA Board on:	April 20, 2017
Vendor/ Contractor(s):	All American Waste LLC
Effective date:	February 20, 2017
Contract Type/Subject matter:	Market Driven Purchase: Spot Disposal Capacity Sale of 2,349.68 tons of MSW
Facility (ies) Affected:	CSWS Resources Recovery Facility
Term:	February 20, 2017 through March 31, 2017
Contract Dollar Value:	\$77,539.44 (\$33.00/ton tip fee)
Amendment(s):	None
Term Extensions:	Fuel Shortage Period may be extended by the President
Scope of Services:	Delivery of 2,349.68 tons of MSW to the CSWS Resources Recovery Facility
Other Pertinent Provisions:	None

# **Materials Innovation & Recycling Authority**

## **Market Driven Sale of Spot Waste Disposal Capacity for Municipal Solid Waste for the CSWS**

*April 20, 2017*

### **Executive Summary**

Due to very low MSW and refuse-derived fuel (RDF) inventory levels at the CSWS Resource Recovery Facility (RRF) during late February through March 2017, which were a result of a sharp decline in customer deliveries that started in the beginning of February, forecasted deliveries of MSW were not sufficient for the desired optimal operation of the RRF.

Due to the urgency to bring in additional tons of MSW, MIRA conducted a Spot Disposal Capacity Solicitation and Sale in accordance with Internal Management Procedure No. 140 (Spot Waste Procedure). These Spot Disposal Capacity Solicitations and Sales were conducted in accordance with Section 5.11 (Market Driven Purchases and Sales) of MIRA's Procurement Policies and Procedures.

### **Discussion**

As is typical during winter months, by the second week of February, 2017 the RDF inventory at the WPF was extremely low. The sharp decline in MSW deliveries experienced at the beginning of the month combined with the fact that the boilers were operating at or close to maximum combustion rate due to the substantial repair and maintenance work that occurred during January, created an acute need to bring in additional MSW. To bring in needed additional MSW to keep the RRF boilers running at optimal desired levels, MIRA emailed all known potential customers a solicitation for Spot Waste in accordance with the Spot Waste Procedure and obtained pricing for the number of tons needed to attain desired optimal operation of the RRF. MIRA's Spot Waste Evaluation Team reviewed all the responses to the solicitation and made recommendations to MIRA's President as to the responsive customers, number of tons committed by each and the prices that were offered. MIRA's President agreed with the recommendations of the Evaluation Team and the following companies were selected to deliver Spot Waste:

### Market Driven Purchases and Sales Spot Waste Capacity

Hauler	Tons/Week	Price
John's Refuse and Recycling LLC	75	\$53
AJ Waste Systems LLC	60	\$52
CWPM LLC	300	\$47
Patterson Enterprises LLC	125	\$45
Covanta Wallingford LLC	400	\$35
All American Waste LLC	600-1000	\$33

Through March 25, 2017 MIRA accepted a total of 4,958.21 tons of Spot Waste from the customers listed above.

### Financial Summary

The total revenue for accepting 4,958.21 Spot Waste tons through March 25, 2017 was \$187,625.45. Attached is a spread sheet that lists all the customers MIRA accepted spot waste from, the number of tons delivered, associated prices and revenue.

Spot Waste - February/March 2016

Spot Turned Off

Hauler	Price per ton	Tons per week	Week of 2/19/17 - 2/25/17	Week of 2/26/17 - 3/04/17	Week of 3/5/17 - 3/11/17	Week of 3/12/17 - 3/18/17	Week of 3/19/17 - 3/25/17
John's Refuse and Recycling LLC	\$53.00	75.00	27.66 \$1,465.98	69.54 \$3,685.62			58.60 \$3,105.80
AJ Waste Systems LLC	\$52.00	60.00	21.81 \$1,134.12	0.00 \$0.00			29.49 \$1,533.48
CWPM LLC	\$47.00	300.00	303.67 \$14,272.49	299.55 \$14,078.85			325.76 \$15,310.72
Patterson Ent LLC	\$45.00	125.00	141.95 \$6,387.75	144.18 \$6,488.10			110.19 \$4,958.55
Covanta Projects of Wallingford LLC	\$35.00	400.00	384.69 \$13,464.15	430.83 \$15,079.05			260.61 \$9,121.35
All American Waste LLC	\$33.00	600.00	600.91 \$19,830.03	675.14 \$22,279.62			1,073.63 \$35,429.79
<b>Total</b>		<b>1,560.00</b>	<b>1,480.69 \$56,554.52</b>	<b>1,619.24 \$61,611.24</b>	<b>0.00</b>	<b>0.00</b>	<b>1,858.28 \$69,459.69</b>

1

1 = increased to 1,000 per week 3/20/17

**TAB 4**

*Recommended* RESOLUTION REGARDING THREE-YEAR LEGAL SERVICES AGREEMENTS

**RESOLVED:** That the President is hereby authorized to execute, deliver, and perform on behalf of the Authority, Legal Services Agreements as were substantially set forth in the Request for Qualifications dated January 30, 2017, for a period of three years commencing on July 1, 2017 and terminating on June 30, 2020, with the law firms listed below. Except for the General Counsel position, all counsel positions will be “on call”.

GENERAL COUNSEL

Halloran & Sage

CONSTRUCTION

Halloran & Sage  
Carmody Torrance  
Pullman & Comley  
Robinson & Cole

EMPLOYMENT

Halloran & Sage  
Kainen, Escalera  
Berchem, Moses & Devlin  
Carmody Torrance  
Cohn Birnbaum  
Pullman & Comley  
Robinson & Cole

ENERGY/DPUC

Halloran & Sage  
Carmody Torrance  
Day Pitney  
Pullman & Comley  
Robinson & Cole

ENVIRONMENTAL

Halloran & Sage  
Carmody Torrance  
Cohn Birnbaum  
Day Pitney  
Pullman & Comley  
Robinson & Cole

LITIGATION

Halloran & Sage  
Berchem, Moses & Devlin  
Carmody Torrance  
Cohn Birnbaum  
Day Pitney  
Kainen, Escalera  
Pullman & Comley  
Robinson & Cole

REAL ESTATE

Halloran & Sage  
Carmody Torrance  
Cohn Birnbaum  
Day Pitney  
Pullman & Comley  
Robinson & Cole

SOLID WASTE

Halloran & Sage  
Carmody Torrance  
Cohn Birnbaum  
Robinson & Cole

**Materials Innovation and Recycling Authority**  
**Policies and Procurement Committee**  
**Solicitation of Legal Services**  
**For a Three Year Term beginning July 1, 2017**

**Executive Summary**

This is to request that the MIRA Board of Directors authorize the President to enter into agreements with the firms identified on the attached list to provide legal services as described herein for the three-year period beginning July 1, 2017 and ending June 30, 2020.

**Discussion**

In the course of conducting its business, MIRA requires the assistance of attorneys and law firms to provide various legal services and legal representation. MIRA's "Procurement Policies and Procedures" establishes a "Request for Qualifications" ("RFQ") process to obtain such services. The RFQ process is "a process by which MIRA identifies persons to perform services on behalf of . . . MIRA through the solicitation of qualifications, experience, [and] prices." MIRA has historically used the RFQ process to pre-qualify firms for a variety of legal services that it requires. MIRA makes no financial commitment to any firm in the three year services Agreements that are executed as an outcome of the RFQ process. The RFQ process simply qualifies a firm as eligible to undertake work for MIRA at a later date and for an agreed upon billing rate, when a specific need is actually identified during the term of the Agreement. Any such future work would be procured through a Request for Services ("RFS").

In accordance with its Procurement Policies and Procedures, and the Connecticut General Statutes, MIRA is required to solicit for technical and professional services (including legal services) once every three years. Legal Services Agreements currently in effect will expire on June 30, 2017.

Accordingly, MIRA issued an RFQ for Legal Services on January 30, 2017 in order to solicit firms with which to contract for a new three year period beginning July 1, 2017.

The availability of the RFQ was advertised on the Department of Administrative Services State Contracting Portal website and on the MIRA website. In addition:

- The availability of the RFQ was advertised on-line via the Connecticut Law Journal.

- A notice regarding the availability of the RFQ was sent to firms who submitted a notice of interest form to the Authority 3 years ago when the authority last issued an RFQ for these services.
- A classified notice regarding the availability of the RFQ was advertised in the following Connecticut newspapers:
  - Hartford Courant
  - La Voz Hispana
  - Northeast Minority News.

Eight packages were received and determined by the MIRA Contract and Procurement Manager, in consultation with the Legal Department, to be administratively complete. The P&P Committee designated the Management group to evaluate the responsive firms for all panel counsel positions. Management reviewed each firm's experience, qualifications and expertise, state presence, and proposed rates, and considered each in light of MIRA's anticipated legal requirements during Fiscal Years 2018 through 2020.

In accordance with legislation enacted in 2014, the Department of Energy and Environmental Protection has issued a Request for Proposals for the re-development of MIRA's Connecticut Solid Waste System Project, pursuant to which DEEP may select a proposal on or before December 31, 2017, and direct MIRA enter into an agreement for the implementation thereof. Management believes that the Authority will be best served during this period by continuing to rely upon the advice of counsel who have served it well in the past and who are familiar with our existing contracts and business arrangements, and by supplementing our potential pool of available counsel in anticipation of changes to MIRA's mission and business model.

**TAB 5**

*Recommended* **RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
MATERIALS INNOVATION AND RECYCLING AUTHORITY REPEALING THE  
AUTHORITY'S TELEPHONIC MEETING POLICY AND PROCEDURE**

RESOLVED: That the Board hereby repeals in its entirety the Authority's Telephonic Meeting Policy and Procedure.

**Materials Innovation and Recycling Authority  
Policies and Procurement Committee**

***Repeal of Telephonic Meeting Policy and Procedure***

**Executive Summary**

This is to request that the P&P Committee recommend to the Board of Directors the repeal of the Authority's Telephonic Meeting Policy and Procedure addressing telephonic participation of Directors in Regular Board Meetings.

**Discussion**

MIRA's predecessor, CRRA, adopted a Telephonic Meeting Policy and Procedure in 2005 to codify when and how CRRA does business by telephone. The main purpose of the Policy, as amended in 2007 – to require a quorum of the Board of Directors to be present in the board room during Regular Meetings – is only applicable at times when the Board has its full complement of eleven duly appointed and qualifying Directors, and has therefore been largely irrelevant for the majority of the time since the Policy's adoption. One other pertinent provision – the requirement that all Board meetings include time reserved for public comment with regard to agenda items – was added to the Authority's Bylaws in January 2017.

**Schedule**

Notification that the repeal of the Authority's Telephonic Meeting Policy and Procedure will come before the Board for action at the April Board Meeting was published in the Connecticut Law Journal on February 28, 2017.

**TAB 6**

DRAFT RESOLUTION FOR THE MATERIALS INNOVATION AND RECYCLING AUTHORITY BOARD OF DIRECTORS

**REGARDING AN INCREASE TO FY 2017 AUTHORIZED DISTRIBUTIONS TO THE TIP FEE STABILIZATION FUND**

**WHEREAS**, The Materials Innovation and Recycling Authority (“Authority”) adopted its Fiscal Year 2017 Operating and Capital Budgets for the Property Division at its November 19, 2015 meeting; and

**WHEREAS**, The resolution adopting such Property Division budgets authorized management to disburse Property Division receipts remaining within the Property Division Clearing Account (after executing required disbursements to the Property Division Operating and Improvement funds) directly to the CSWS Tip Fee Stabilization Fund in lieu of the Property Division General Fund which disbursements were not to exceed three million dollars without further Board authorization (“Maximum Disbursements”); and

**WHEREAS**, The Authority has experienced production and pricing challenges within the CSWS Resource Recovery Facility throughout Fiscal Year 2017 resulting in significant revenue budget shortfalls and necessitating an increase in such Maximum Disbursement.

**NOW THEREFORE, be it**

**RESOLVED: That the Maximum Disbursement of net Property Division receipts of three million dollars established in the Authority’s November 19, 2015 resolution attached hereto as Exhibit A is hereby increased to a maximum of four million dollars.**

RESOLUTION FOR THE MATERIALS INNOVATION AND RECYCLING AUTHORITY BOARD OF DIRECTORS

**REGARDING ADOPTION OF THE FISCAL YEAR 2017 PROPERTY DIVISION OPERATING AND CAPITAL BUDGETS**

**WHEREAS**, The Authority has previously established a tip fee stabilization fund within its Property Division intended to be drawn upon by the Connecticut Solid Waste System (CSWS) during periods of relatively low wholesale energy prices and refunded to the Property Division during periods of relatively high energy prices as a means to mitigate inflationary pressures on CSWS solid waste disposal fees; and

**WHEREAS**, Effective with the disbursement of receipts for the period ending September 30, 2015 and continuing through and including the disbursement of receipts for the period ending June 30, 2016, the Authority authorized all Property Division receipts remaining within the Property Division Clearing Account after disbursement to the Property Division Operating STIF to be transferred directly to the CSWS Tip Fee Stabilization Fund in lieu of the Property Division general fund, and further increased the maximum tip fee stabilization fund value by the amount of such transfers, in recognition of CSWS budgetary pressures associated with declining energy output and low wholesale energy prices; and

**WHEREAS**, The Authority anticipates that declining energy output and low wholesale energy prices will continue to put added pressure of CSWS tip fees in its fiscal year 2017 operating and capital budget.

**NOW THEREFORE, be it**

**RESOLVED: That the Fiscal Year 2017 Materials Innovation and Recycling Authority Operating and Capital Budgets for the Property Division attached hereto as Exhibit A be adopted substantially in the form as presented in Exhibit B attached hereto and discussed at this meeting; and**

**RESOLVED: That effective with the disbursement of receipts for the period ending July 31, 2016 and continuing through and including the disbursement of receipts for the period ending June 30, 2017, the Board of Directors authorizes Property Division receipts remaining within the Property Division Clearing Account after disbursement to the Property Division Operating STIF and Improvement Fund to be transferred directly to the CSWS Tip Fee Stabilization Fund in lieu of the Property Division General Fund, and the maximum Tip Fee Stabilization Fund value is hereby increased by the amount of such transfers. Management is directed to report monthly to the Board on the status of such transfers to the Tip Fee Stabilization Fund which shall not exceed three million dollars during this period without further Board authorization.**