

MATERIALS INNOVATION AND RECYCLING AUTHORITY

FIVE HUNDRED AND FOURTEEN

May 13, 2020

A Regular Telephonic meeting of the Materials Innovation and Recycling Authority Board of Directors was held on Wednesday, May 13, 2020. Present via video or audio conferencing were:

Directors:

Chairman Stein
Vice-Chairman Dick Barlow
John Adams
Edward Bailey
Carl Fortuna, Jr.
Jim Hayden
Scott Shanley
Pat Widlitz
Thomas Swarr, CSWS Project Ad Hoc
Luke Bronin, CSWS Ad Hoc

Present from MIRA:

Tom Kirk, President
Mark Daley, Chief Financial Officer
Laurie Hunt, Director of Legal Services
Peter Egan, Director of Operations and Environmental Affairs
Thomas Gaffey, Director of Recycling & Enforcement
David Bodendorf, Senior Environmental Engineer
Jeff Duvall, Director of Budgets and Forecasting
Roger Guzowski, Manager of Contracts and Procurement
Christopher May, IT Manager

Public Present:

Ann Catino, General Counsel, H&S (on the Telephone)

Chairman Stein called the meeting officially to order at 9:30 a.m. and said that 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 meeting commenced.

APPROVAL OF THE APRIL 8, 2020 BOARD MEETING MINUTES

Chairman Stein requested a motion to approve the minutes of the April 8, 2020 Board meeting. Director Widlitz made the motion which was seconded by Director Barlow.

The motion previously made and seconded was approved unanimously. Chairman Stein, Vice-Chairman Barlow, Director Adams, Director Bailey, Director Hayden, Director Fortuna, Director Shanley, Director Widlitz, Ad Hoc Swarr and Ad Hoc Bronin voted yes.

Directors	Aye	Nay	Abstain
Chairman Stein	X		
Vice Chairman Barlow	X		
John Adams	X		
Edward Bailey	X		
Jim Hayden	X		
Scott Shanley	X		
Carl Fortuna	X		
Pat Widlitz	X		
Ad Hoc Members	Aye	Nay	Abstain
Tom Swarr, CSWS Ad Hoc	X		
Luke Bronin, CSWS Ad Hoc	X		

REVIEW AND RECOMMEND RESOLUTION REGARDING COOPERATIVE SERVICES AGREEMENT BETWEEN THE MATERIALS INNOVATION AND RECYCLING AUTHORITY AND THE UNITED STATES DEPARTMENT OF AGRICULTURE ANIMAL AND PLANT HEALTH INSPECTION SERVICES / WILDLIFE SERVICE.

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

RESOLVED: That the President is hereby authorized to execute an agreement with the United States Department of Agriculture Animal and Plant Health Inspection Services - Wildlife Services, for the control of nuisance birds at the South Meadows Waste Processing Facility, substantially as presented and discussed at this meeting.

The motion previously made and seconded was approved unanimously. Chairman Stein, Vice-Chairman Barlow, Director Adams, Director Bailey, Director Hayden, Director Fortuna, Director Shanley, Director Widlitz, Ad Hoc Swarr and Ad Hoc Bronin voted yes.

Directors	Aye	Nay	Abstain
Chairman Stein	X		
Vice Chairman Barlow	X		
John Adams	X		
Edward Bailey	X		
Jim Hayden	X		
Scott Shanley	X		
Carl Fortuna	X		
Pat Widlitz	X		
Ad Hoc Members	Aye	Nay	Abstain
Tom Swarr, CSWS Ad Hoc	X		
Luke Bronin, CSWS Ad Hoc	X		

REVIEW AND RECOMMEND RESOLUTION REGARDING THE CONNECTICUT SOLID WASTE SYSTEM SOLID WASTE AND RECYCLABLES DELIVERY AGREEMENT (COMMERCIAL HAULER AGREEMENT)

Chairman Stein requested a motion on the above referenced item. The motion to approve was made by Director Barlow and seconded by Director Widlitz.

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.

The motion previously made and seconded was approved unanimously. Chairman Stein, Vice-Chairman Barlow, Director Adams, Director Bailey, Director Hayden, Director Fortuna, Director Shanley, Director Widlitz, Ad Hoc Swarr and Ad Hoc Bronin voted yes.

Directors	Aye	Nay	Abstain
Chairman Stein	X		
Vice Chairman Barlow	X		
John Adams	X		
Edward Bailey	X		
Jim Hayden	X		
Scott Shanley	X		
Carl Fortuna	X		
Pat Widlitz	X		
Ad Hoc Members	Aye	Nay	Abstain
Tom Swarr, CSWS Ad Hoc	X		
Luke Bronin, CSWS Ad Hoc	X		

REVIEW AND RECOMMEND RESOLUTION REGARDING REPAIR OF DAMAGE TO MIRA'S SOLAR ELECTRICITY GENERATING FACILITY AT THE HARTFORD LANDFILL.

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

RESOLVED: That the President is hereby authorized to issue a Purchase Order to Ameresco, Inc. for the repair of MIRA’s Solar Electricity Generating Facility (“Solar EGF”) at the Hartford Landfill, substantially as presented and discussed at this meeting.

The motion previously made and seconded was approved unanimously. Chairman Stein, Vice-Chairman Barlow, Director Adams, Director Bailey, Director Hayden, Director Fortuna, Director Shanley, and Director Widlitz voted yes.

Directors	Aye	Nay	Abstain
Chairman Stein	X		
Vice Chairman Barlow	X		
John Adams	X		
Edward Bailey	X		
Jim Hayden	X		
Scott Shanley	X		
Carl Fortuna	X		
Pat Widlitz	X		

EXECUTIVE SESSION

Chairman Stein requested a motion to enter into Executive Session to discuss pending litigation and pending RFP responses, potential lease of MIRA real estate, trade secrets, personnel matters, security matters, and feasibility estimates and evaluations. The motion was made by Director Shanley and seconded by Director Widlitz. Chairman Stein requested that the following people remain for the Executive Session, in addition to the Board members:

Tom Kirk
 Mark Daley
 Peter Egan
 Laurie Hunt
 Ann Catino, Legal Counsel

The motion previously made and seconded was approved unanimously. Chairman Stein, Vice-Chairman Barlow, Director Adams, Director Bailey, Director Hayden, Director Fortuna, Director Shanley, Director Widlitz, Ad Hoc Swarr and Ad Hoc Bronin voted yes.

Directors	Aye	Nay	Abstain
Chairman Stein	X		
Vice Chairman Barlow	X		
John Adams	X		
Edward Bailey	X		
Jim Hayden	X		
Scott Shanley	X		
Carl Fortuna	X		
Pat Widlitz	X		
Ad Hoc Members	Aye	Nay	Abstain
Tom Swarr, CSWS Ad Hoc	X		
Luke Bronin, CSWS Ad Hoc	X		

The Executive Session commenced at 10:00 a.m.

The meeting was reconvened at 11:50 a.m. Chairman Stein noted that no votes were taken.

REVIEW AND RECOMMEND RESOLUTION REGARDING THREE-YEAR LEGAL AND/OR BOND COUNSEL SERVICES AGREEMENTS

Chairman Stein requested a motion on the above referenced item. The motion to approve was made by Director Shanley and seconded by Director Widlitz.

RESOLVED: That the President is hereby authorized to execute, deliver, and perform on behalf of the Authority, Legal and/or Bond Counsel Services Agreements as were substantially set forth in the Request for Qualifications dated January 6, 2020, for a period of three years commencing on July 1, 2020 and terminating on June 30, 2023, with the law firms listed below. Except for the General Counsel position, all counsel positions will be “on call”.

GENERAL COUNSEL

Halloran & Sage

BOND COUNSEL

Day Pitney

CONSTRUCTION

Halloran & Sage
Carmody Torrance
Robinson & Cole
Updike, Kelly & Spellacy

EMPLOYMENT

Halloran & Sage
Kainen, Escalera
Carmody Torrance
Cohn Birnbaum
Robinson & Cole
Updike, Kelly & Spellacy

ENERGY/PURA

Halloran & Sage
Carmody Torrance
Day Pitney
Robinson & Cole
Updike, Kelly & Spellacy

ENVIRONMENTAL

Halloran & Sage

Carmody Torrance
Cohn Birnbaum
Day Pitney
Robinson & Cole
Updike, Kelly & Spellacy

LITIGATION

Halloran & Sage
Carmody Torrance
Cohn Birnbaum
Day Pitney
Kainen, Escalera
Robinson & Cole
Rosenberg, Whewell, & Hite
Updike, Kelly & Spellacy

REAL ESTATE

Halloran & Sage
Carmody Torrance
Cohn Birnbaum
Robinson & Cole
Updike, Kelly & Spellacy

SOLID WASTE

Halloran & Sage
Carmody Torrance
Cohn Birnbaum
Robinson & Cole
Updike, Kelly & Spellacy

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

Directors	Aye	Nay	Abstain
Chairman Stein	X		
Vice Chairman Barlow	X		
John Adams	X		

Edward Bailey	X		
Jim Hayden	X		
Scott Shanley	X		
Carl Fortuna	X		
Pat Widlitz	X		

REVIEW AND RECOMMEND RESOLUTION REGARDING RECOMMENDED COURSE OF ACTION CONCERNING THE CSWS REDVELOPMENT.

Chairman Stein requested a motion to table the above-referenced item. The motion to table was made by Director Shanley and seconded by Director Hayden.

The motion previously made and seconded was approved unanimously. Chairman Stein, Vice-Chairman Barlow, Director Adams, Director Bailey, Director Hayden, Director Fortuna, Director Shanley, Director Widlitz and Ad Hoc Swarr voted yes.

Directors	Aye	Nay	Abstain
Chairman Stein	X		
Vice Chairman Barlow	X		
John Adams	X		
Edward Bailey	X		
Jim Hayden	X		
Scott Shanley	X		
Carl Fortuna	X		
Pat Widlitz	X		
Ad Hoc Members	Aye	Nay	Abstain
Tom Swarr, CSWS Ad Hoc	X		

ADJOURNMENT

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

The motion previously made and seconded was approved unanimously. Chairman Stein, Vice-Chairman Barlow, Director Adams, Director Bailey, Director Hayden, Director Fortuna, Director Shanley, Director Widlitz and Ad Hoc Swarr voted yes.

Directors	Aye	Nay	Abstain
Chairman Stein	X		
Vice Chairman Barlow	X		
John Adams	X		
Edward Bailey	X		
Jim Hayden	X		
Scott Shanley	X		
Carl Fortuna	X		
Pat Widlitz	X		
Ad Hoc Members	Aye	Nay	Abstain
Tom Swarr, CSWS Ad Hoc	X		

There being no other business to discuss, the meeting adjourned at 12:00 p.m.

Respectfully Submitted,

Kanchan Arora
Consultant