

**MATERIALS INNOVATION AND RECYCLING AUTHORITY**

**FIVE HUNDRED AND TWENTY- EIGHT**

**February 24, 2021**

A Regular Telephonic (Zoom) Board meeting of the Materials Innovation and Recycling Authority Board of Directors was held on Wednesday, February 24, 2021. Present via audio or video conferencing were:

Directors:

Chairman Stein  
Vice-Chairman Dick Barlow  
John Adams  
Scott Shanley  
Jim Hayden  
Edward Bailey  
Carl Fortuna, Jr.  
Susan Weisselberg  
Bert Hunter  
Marcia Leclerc  
Tom Swarr, 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  
Roger Guzowski, Contracts and Procurement Manager  
Jeff Duvall, Director of Budgets and Forecasting  
Cheryl Kaminsky, Manager of Accounting and Financial Reporting

Public Present:

Commissioner Dykes, DEEP  
Deputy Commissioner Wingfield, DEEP  
Ann Catino, Halloran & Sage

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

**PUBLIC PORTION**

Chairman Stein welcomed DEEP Commissioner Katie Dykes, and invited her to address the Board. Commissioner Dykes said that DEEP and MIRA should collaborate to address diversion opportunities and cost-effective alternatives to disposal. She emphasized the importance of keeping the MIRA towns together in order to achieve the aggregation of waste necessary to make the development of new projects feasible, to keep transaction costs down, and to scale up sustainable materials management strategies. She suggested that MIRA could run RFPs for new development, and DEEP would participate in a consulting/supporting role.

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.

**1. APPROVAL OF THE JANUARY 20, 2021 BOARD MEETING MINUTES**

Chairman Stein requested a motion to approve the minutes of the January 20, 2021 Board meeting. Director Leclerc made the motion, which was seconded by Director Adams.

The motion previously made and seconded was approved by roll call. Chairman Stein, Vice-Chairman Barlow, Director Adams, Director Shanley, Director Hayden, Director Bailey, Director Fortuna, Director Weisselberg, Director Hunter, Director Leclerc, and Ad Hoc Swarr voted yes.

<b>Directors</b>	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>
Chairman Stein	X		
Vice Chairman Barlow	X		
John Adams	X		
Jim Hayden	X		
Scott Shanley	X		
Edward Bailey	X		

Carl Fortuna	X		
Susan Weisselberg	X		
Bert Hunter	X		
Marcia Leclerc	X		
<b>Ad Hoc Members</b>	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>
Tom Swarr, CSWS Ad Hoc	X		

**2. APPROVAL OF THE FEBRUARY 1, 2021 BOARD MEETING MINUTES**

Chairman Stein requested a motion to approve the minutes of the February 1, 2021 Board meeting. Director Hayden made the motion, which was seconded by Director Adams.

The motion previously made and seconded was approved by roll call. Chairman Stein, Vice-Chairman Barlow, Director Adams, Director Shanley, Director Hayden, Director Bailey, Director Fortuna, Director Weisselberg, Director Hunter, Director Leclerc, and Ad Hoc Swarr voted yes.

<b>Directors</b>	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>
Chairman Stein	X		
Vice Chairman Barlow	X		
John Adams	X		
Jim Hayden	X		
Scott Shanley	X		
Edward Bailey	X		
Carl Fortuna	X		
Susan Weisselberg	X		
Bert Hunter	X		
Marcia Leclerc	X		
<b>Ad Hoc Members</b>	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>
Tom Swarr, CSWS Ad Hoc	X		

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.**

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

**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 Covanta Bristol, Inc. for delivery of MSW to the CSWS Resources Recovery Facility.

The motion previously made and seconded was approved by roll call. Chairman Stein, Vice-Chairman Barlow, Director Adams, Director Shanley, Director Hayden, Director Bailey, Director Fortuna, Director Weisselberg, Director Hunter, Director Leclerc, and Ad Hoc Swarr voted yes.

<b>Directors</b>	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>
Chairman Stein	X		
Vice Chairman Barlow	X		
John Adams	X		
Jim Hayden	X		
Scott Shanley	X		
Edward Bailey	X		
Carl Fortuna	X		
Susan Weisselberg	X		
Bert Hunter	X		
Marcia Leclerc	X		
<b>Ad Hoc Members</b>	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>

Tom Swarr, CSWS Ad Hoc	X		
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4. **RESOLUTION REGARDING CONTINUATION OF ACCESS AND SCALE USE AGREEMENT**

Committee Chairman Adams requested a motion on the above-referenced item. The motion was made by Director Barlow and seconded by Director Bailey.

**RESOLVED:** That the President is authorized to execute an amendment to the Access and Scale Use Agreement with Murphy Road Recycling, LLC and Murphy Road Realty, LLC, substantially as presented and discussed at this meeting.

The motion previously made and seconded was approved by roll call. Chairman Stein, Vice-Chairman Barlow, Director Adams, Director Shanley, Director Hayden, Director Bailey, Director Fortuna, Director Weisselberg, Director Hunter, Director Leclerc, and Ad Hoc Swarr voted yes.

<b>Directors</b>	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>
Chairman Stein	X		
Vice Chairman Barlow	X		
John Adams	X		
Jim Hayden	X		
Scott Shanley	X		
Edward Bailey	X		
Carl Fortuna	X		
Susan Weisselberg	X		
Bert Hunter	X		
Marcia Leclerc	X		
<b>Ad Hoc Members</b>	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>
Tom Swarr, CSWS Ad Hoc	X		

5. **EXECUTIVE SESSION**

**EXECUTIVE SESSION**

Chairman Stein requested a motion to enter into Executive Session to discuss the following:

- a) Personnel employment matters, including the pending retirement of Mr. Peter Egan and the hiring of a new Director of Operations and Environmental Affairs, pursuant to Conn. Gen. Stat. Section 1-200(6); and
- b) Pending RFPs pursuant to Conn. Gen. Stat. Section 1-210(b)(24) and Feasibility Estimates and Evaluations relative to prospective public supply contracts, pursuant to Conn. Gen. Stat. Section 1-210(b)(7), including MIRA RFP’s and prospective contracts for Operation, Maintenance and Optional Redevelopment of the CSWS Recycling Facility; Brokerage of Recycled Commodities from the CSWS Recycling Facility; property insurance renewals; and the potential impact of same upon the FY 2021 and draft FY2022 CSWS operating and capital budget scenarios; and Trade Secrets, pursuant to Conn. Gen. Stat. Section 1-210(b)(5)(A), regarding MIRA’s economic challenges, competitive requirements, and budgetary planning.

The motion was made by Director Adams and seconded by Director Hunter. 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  
Tom Gaffey  
Ann Catino

The motion previously made and seconded was approved by roll call. Chairman Stein, Vice-Chairman Barlow, Director Adams, Director Shanley, Director Hayden, Director Bailey, Director Fortuna, Director Weisselberg, Director Hunter, Director Leclerc, and Ad Hoc Swarr voted yes.

<b>Directors</b>	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>
Chairman Stein	X		
Vice Chairman Barlow	X		
John Adams	X		
Jim Hayden	X		
Scott Shanley	X		

Edward Bailey	X		
Carl Fortuna	X		
Susan Weisselberg	X		
Bert Hunter	X		
Marcia Leclerc	X		
<b>Ad Hoc Members</b>	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>
Tom Swarr, CSWS Ad Hoc	X		

The Executive Session commenced at 10:32 a.m. and concluded at 1:02 p.m. The meeting was re-convened at 1:07 p.m. Chairman Stein said that no motions were made and no votes were taken in Executive Session.

**6. RESOLUTION APPROVING FILLING THE DIRECTOR OF OPERATIONS AND ENVIRONMENTAL AFFAIRS POSITION**

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

**WHEREAS**, Mr. Peter Egan, the Authority's longtime Director of Operations and Environmental Affairs, has submitted his resignation; and

**WHEREAS**, the Authority's Hiring, compensation, Promotion and Dismissal Procedure ("Procedure") requires the President to obtain the approval of the Directors, by a majority vote, prior to filling the position of Director of Operations and hiring the President's recommended candidate; and

**WHEREAS**, the Procedure also provides for the posting and advertising of vacant positions, and for any deviations from the Procedure to be subject to approval by a majority of the voting members of the Directors present at a scheduled meeting; and

**WHEREAS**, Mr. Egan's pending resignation warrants expedited hiring of an experienced and qualified candidate to work alongside Mr. Egan for a few weeks prior to assuming full responsibility for the Authority's operations and environmental affairs;

**NOW, THEREFORE**, it is hereby:

**RESOLVED:** That this Board authorizes the President to fill the position of Director of Operations and Environmental Affairs as an exception to the Authority's Procedure regarding the posting and advertising of vacant positions, and approves the hiring of the recommended candidate, as discussed at this meeting.

**MOTION TO AMEND THE RESOLUTION**

Director Shanley moved that the Resolution be amended to read:

**RESOLVED:** That this Board authorizes the President to fill the position of Director of Operations and Environmental Affairs as an exception to the Authority's Procedure regarding the posting and advertising of vacant positions, and approves the hiring of the recommended candidate, as discussed at this meeting, subject to final approval by the Authority's OS&HR Committee of the specifics of the offer letter for the employment of such candidate.

The Motion to Amend the Resolution was seconded by Director Barlow, and approved by roll call. Chairman Stein, Vice-Chairman Barlow, Director Adams, Director Shanley, Director Hayden, Director Bailey, Director Fortuna, Director Weisselberg, Director Hunter, and Director Leclerc voted yes.

<b>Directors</b>	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>
Chairman Stein	X		
Vice Chairman Barlow	X		
John Adams	X		
Jim Hayden	X		
Scott Shanley	X		
Edward Bailey	X		
Carl Fortuna	X		
Susan Weisselberg	X		
Bert Hunter	X		
Marcia Leclerc	X		
<b>Ad Hoc Members</b>	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>
Tom Swarr, CSWS Ad Hoc			

Amended **RESOLUTION APPROVING FILLING THE DIRECTOR OF OPERATIONS**

**AND ENVIRONMENTAL AFFAIRS POSITION**

The motion to approve the resolution as amended, previously made and seconded, was approved by roll call. Chairman Stein, Vice-Chairman Barlow, Director Adams, Director Shanley, Director Hayden, Director Bailey, Director Fortuna, Director Weisselberg, Director Hunter, and Director Leclerc voted yes.

<b>Directors</b>	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>
Chairman Stein	X		
Vice Chairman Barlow	X		
John Adams	X		
Jim Hayden	X		
Scott Shanley	X		
Edward Bailey	X		
Carl Fortuna	X		
Susan Weisselberg	X		
Bert Hunter	X		
Marcia Leclerc	X		
<b>Ad Hoc Members</b>	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>
Tom Swarr, CSWS Ad Hoc			

**RESOLUTION REGARDING A PERSONAL SERVICES AGREEMENT WITH MR. PETER EGAN**

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

**WHEREAS**, Peter Egan, MIRA’s Director of Operations and Environmental Affairs, has indicated that he intends to retire; and

**WHEREAS**, Mr. Egan has been employed by the Authority in various senior level positions since 2001, including as Director of Environmental Affairs since 2001 and as Director of Operations and Environmental Affairs since 2011, and has unduplicated and irreplaceable institutional knowledge of those aspects of the Authority’s business; and

**WHEREAS**, Mr. Egan has agreed to be available to the Authority as a consultant as the President may deem necessary;

**NOW, THEREFORE,** it is

**RESOLVED:** That the President is authorized to enter into a Personal Services Agreement with Peter Egan substantially as presented and discussed at this meeting.

The motion previously made and seconded was approved by roll call. Chairman Stein, Vice-Chairman Barlow, Director Adams, Director Shanley, Director Hayden, Director Bailey, Director Fortuna, Director Weisselberg, Director Hunter, and Director Leclerc voted yes.

<b>Directors</b>	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>
Chairman Stein	X		
Vice Chairman Barlow	X		
John Adams	X		
Jim Hayden	X		
Scott Shanley	X		
Edward Bailey	X		
Carl Fortuna	X		
Susan Weisselberg	X		
Bert Hunter	X		
Marcia Leclerc	X		
<b>Ad Hoc Members</b>	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>
Tom Swarr, CSWS Ad Hoc			

**RESOLUTION REGARDING ADOPTION OF THE FISCAL YEAR 2022 CSWS DIVISION OPERATING AND CAPITAL BUDGETS**

Chairman Stein requested a motion on the above referenced item. The motion to approve was made by Director Shanley and seconded by Director Hayden. At the request of Chairman Stein, Attorney Hunt read the proposed resolution into the record.

**RESOLVED:** That the Board of Directors hereby approves and establishes the following CSWS tip fees for FY 2022:

- Tier 1 Long Term - \$105.00 per ton
- Tier 1 Short Term - \$107.00 per ton
- Tier 2 - \$109 per ton
- Waste Hauler (Non-Participating Town MSW): Averaging \$93 per ton and subject to cancellation
- Waste Hauler (Non-Participating Town Recycling): No deliveries currently authorized
- Municipal Bulky Waste Deliveries - \$120.00 per ton

The motion previously made and seconded was approved by roll call. Chairman Stein, Director Shanley, Director Hayden, Director Bailey, Director Fortuna, Director Weisselberg, Director Hunter, Director Leclerc, and Ad Hoc Swarr voted yes. Vice-Chairman Barlow voted no, and said that, given the uncertainty regarding the condition of the W-T-E Facility, he was opposed to using the Tip Fee Stabilization Fund to subsidize the tip fee. He said he believes that the moneys should be set aside for emergency maintenance needs of the Facility, and a tip fee of \$120/ton – the actual cost of the waste processing – should be established.

<b>Directors</b>	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>
Chairman Stein	X		
Vice Chairman Barlow		X	
John Adams			
Jim Hayden	X		
Scott Shanley	X		
Edward Bailey	X		
Carl Fortuna	X		
Susan Weisselberg	X		
Bert Hunter	X		
Marcia Leclerc	X		
<b>Ad Hoc Members</b>	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>
Tom Swarr, CSWS Ad Hoc	X		

**ADJOURNMENT**

Chairman Stein declared the meeting adjourned at 1:15 p.m.