

MATERIALS INNOVATION AND RECYCLING AUTHORITY

FIVE HUNDRED AND FORTY-ONE

MARCH 9, 2022

A Regular Telephonic (Zoom) Board meeting of the Materials Innovation and Recycling Authority Board of Directors was held on Wednesday, March 9, 2022. Present via audio or video conferencing were:

Directors:

Chairman Stein
Vice Chairman Jim Hayden
Carl Fortuna, Jr.
Bert Hunter
Susan Weisselberg
Leonard Assard
Dave Steuber
Richard Soderman
Luke Bronin (left 11:00 a.m.)

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
Cheryl Kaminsky, Manager of Accounting and Financial Reporting
Dave Bodendorf, Senior Environmental Engineer
Roger Guzowski, Contract and Procurement Manager

Others Present:

Ann Catino, Halloran & Sage

Chairman Stein called the meeting officially to order at 9:34 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.

1. Approval of the Minutes of the February 23, 2022 Board Meeting.

Chairman Stein requested a motion to accept the minutes of the February 23, 2022 Board meeting. The motion to approve the minutes was made by Director Fortuna and seconded by Director Soderman. Ms. Hunt said that there was a typo in the minutes: the chart showing the roll call vote on the minutes of the January 24, 2022 Board Meeting indicates that Director Mone voted to approve and Director Assard did not vote. As recorded in the text of the vote on those minutes, the reverse was true: Director Assard voted, and Director Mone did not. Ms. Hunt said the correction would be noted in the minutes of this board meeting.

The motion previously made and seconded was approved by roll call vote. Chairman Stein, Vice Chairman Hayden, Director Fortuna, Director Hunter, Director Weisselberg, Director Assard, Director Steuber, Director Soderman, and Ad Hoc Bronin voted yes.

Directors	Aye	Nay	Abstain
Chairman Stein	X		
Vice Chairman Hayden	X		
Carl Fortuna	X		
Bert Hunter	X		
Sue Weisselberg	X		
Leonard Assard	X		
Dave Steuber	X		

Richard Soderman	X		
Ad Hoc Members	Aye	Nay	Abstain
Luke Bronin	X		

2. Resolution Approving an Agreement with CWPM LLC for Operation and Maintenance of the Essex Transfer Station, and, for Transportation and Disposal of MSW and Recycling from the Essex Transfer Station.

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

WHEREAS: At its May 28, 2020 special telephonic meeting, the Materials Innovation and Recycling Authority (MIRA) Board of Directors adopted a resolution directing management to immediately commence planning and contracting activities necessary to transition the Connecticut Solid Waste System (“CSWS”) Waste to Energy Facility to transfer operations and to continue to evaluate the feasibility of refurbishing the Waste to Energy Facility for longer term operation, which resolution was necessitated by the unsuccessful conclusion of the Department of Energy and Environmental Protection’s “Resource Rediscovery” initiative to redevelop the CSWS; and

WHEREAS: on May 14, 2021 MIRA issued two Requests For Proposals for the Transportation and Disposal of Municipal Solid Waste i) at Regional Facilities and ii) at Out of State Landfills which RFPs permitted proposals for transportation only, disposal only or combined transportation and disposal service, and requested alternative pricing structures under the presumption that i) the CSWS Municipal Service Agreements remained subject to existing “Opt Out” clauses or ii) that the existing Opt Out clauses would be amended out of the agreements; and

WHEREAS: on June 16, 2021 MIRA issued a Request For Proposals for Operation, Maintenance and Optional Redevelopment of the Connecticut Solid Waste System Transfer Stations which RFP permitted fixed cost proposals to include maximum tonnage values and excess tonnage fees, alternative direct cost reimbursement proposals, optional recycling transportation services, optional facility capacity sharing arrangements and an optional facility development amendment; and

WHEREAS: MIRA received proposals for the Transportation and Disposal of Municipal Solid Waste from seven proposing entities offering transportation and/or disposal capacity at seven Regional Facilities and ten Out of State Landfills; and

WHEREAS: MIRA received proposals for the Operation, Maintenance and Optional Redevelopment of the Connecticut Solid Waste System Transfer Stations from six proposing entities offering operation, maintenance and / or redevelopment services for the Torrington, Watertown and Essex Transfer Stations and the Waste to Energy Facility; and

WHEREAS: MIRA evaluated such proposals pursuant to published evaluation criteria which included i) MIRA's objective to continue providing for the least cost, lowest risk, environmentally responsible processing of MSW at least through the June 30, 2027 expiration of the Municipal Service Agreements, ii) MIRA's objective to provide the necessary CSWS Transfer Facility operating and maintenance services while at the same time leveraging the private use and development thereof to lower MIRA's overall cost of service and advance the State's long term goals for environmentally responsible treatment of MSW, iii) Transportation and Disposal Capacity and Price (With and Without the existing Municipal Service Agreement Opt Out clauses), iv) Transfer Station O&M Cost (net of potential Capacity Share Arrangements), v) Demonstrated Experience, vi) Reasonableness of Transition and Operating Plans, Environmental Compliance History and Business Exceptions and vii) Operational, Market and Economic Risks; and

WHEREAS: On August 25, 2021 CWPM LLC submitted a proposal to MIRA for the transportation and disposal of municipal solid waste from the Essex Transfer Station, and on September 20, 2021 CWPM LLC submitted a proposal to MIRA for the Operation and Maintenance of the Essex Transfer Station; and

WHEREAS: At its December 20, 2022 meeting MIRA's Board of Directors directed the President to issue a Notice of Award to CWPM LLC for operation of the Essex Transfer Station and to undertake further negotiations with CWPM LLC to address i) business exceptions set forth in the CWPM LLC proposals, ii) the fixed cost Operation and Maintenance Fee for the Essex Transfer Station with optional recycling transportation, and iii) Transportation of Municipal Solid Waste from the Essex Transfer Station to the Covanta Waste to Energy Facility in Preston CT, in order to finalize terms and conditions of a final agreement with CWPM LLC; and

WHEREAS: MIRA staff have completed negotiations with CWPM LLC and have finalized terms and conditions of a final agreement with CWPM LLC, and the President is recommending to the Board that MIRA execute a contract with CWPM LLC on the terms and conditions set forth herein for the operation of the Essex Transfer Station and the transportation of such municipal solid waste to the Covanta Waste to Energy Facility in Preston CT, or other designated facilities.

Now therefore be it:

RESOLVED: That the Board of Directors authorizes the President to execute a contract with CWPM LLC for Operation, Maintenance and Transportation Services at MIRA's Essex Transfer Station, substantially as presented and discussed at this meeting.

The motion previously made and seconded was approved by roll call vote. Chairman Stein, Vice Chairman Hayden, Director Fortuna, Director Hunter, Director Weisselberg, Director Assard, Director Steuber, Director Soderman, and Ad Hoc Bronin voted yes.

Directors	Aye	Nay	Abstain
Chairman Stein	X		
Vice Chairman Hayden	X		
Carl Fortuna	X		
Bert Hunter	X		
Sue Weisselberg	X		
Leonard Assard	X		
Dave Steuber	X		
Richard Soderman	X		
Ad Hoc Members	Aye	Nay	Abstain
Luke Bronin	X		

3. Resolution Regarding the Replacement of Weigh Scales at MIRA’s Torrington, Watertown, and Essex Transfer Stations.

President Kirk informed the Board that MIRA was not ready to request Board approval of this matter, and would likely be recommending a special board meeting to consider this item in the next week or two. Mr. Egan indicated that he would like to discuss this pending RFP with the Board in Executive Session.

4. Motion to Add an Item Regarding a Consulting Contract with Darren Wright to the Agenda.

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

The motion previously made and seconded was approved by roll call vote. Chairman Stein, Vice Chairman Hayden, Director Fortuna, Director Hunter, Director Weisselberg, Director Assard, Director Steuber, Director Soderman, and Ad Hoc Bronin voted yes.

Directors	Aye	Nay	Abstain
Chairman Stein	X		
Vice Chairman Hayden	X		
Carl Fortuna	X		
Bert Hunter	X		
Sue Weisselberg	X		
Leonard Assard	X		
Dave Steuber	X		
Richard Soderman	X		
Ad Hoc Members	Aye	Nay	Abstain
Luke Bronin	X		

5. RESOLUTION REGARDING A CONSULTING CONTRACT WITH DARREN WRIGHT FOR BILLING ANALYSIS SERVICES

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

RESOLVED: That the President is hereby authorized to enter into a contract with Darren Wright for customer billing analysis services, substantially as discussed and presented at this meeting.

The motion previously made and seconded was approved by roll call vote. Chairman Stein, Vice Chairman Hayden, Director Fortuna, Director Hunter, Director Weisselberg, Director Assard, Director Steuber, and Director Soderman voted yes.

Directors	Aye	Nay	Abstain
Chairman Stein	X		
Vice Chairman Hayden	X		
Carl Fortuna	X		
Bert Hunter	X		
Sue Weisselberg	X		
Leonard Assard	X		
Dave Steuber	X		
Richard Soderman	X		
Ad Hoc Members	Aye	Nay	Abstain
Luke Bronin			

6. Informational.

Chairman Stein and President Kirk reported on the Environment Committee and the Energy Committee legislative hearings on March 7 and 8 respectively, in which they, Vice-Chairman Hayden, and Director Bronin participated. They said that the Committee members appear to have a good grasp of the urgency of the current solid waste disposal situation, and the necessity for developing a state-wide solution. Mayor Bronin agreed that a true state-wide strategy with funding is required.

President Kirk reported on the operational and financial status of the CSWS for the period ending January 31, 2022, including an update on MIRA’s electric power production and prices.

7. Executive Session.

Chairman Stein requested a motion to go into Executive Session to discuss Pending RFPs and Feasibility Estimates and Evaluations relative to prospective public supply contracts, including MIRA RFP’s and prospective contracts for Connecticut Solid Waste System transfer facilities, transportation and disposal of acceptable solid waste at alternate disposal facilities and operation of MIRA’s Jets and the potential impact of same upon MIRA operating and capital budgets and its Municipal Service Agreements.

Chairman Stein requested a motion to add discussion of MIRA’s pending RFP for the replacement of weigh scales at MIRA’s transfer stations. The motion was made by Director Hunter, seconded by Director Hayden, and approved by roll call vote. Chairman Stein, Vice Chairman Hayden, Director Fortuna, Director Hunter, Director Weisselberg, Director Assard, Director Steuber, Director Soderman and Ad Hoc Bronin voted yes.

Directors	Aye	Nay	Abstain
Chairman Stein	X		
Vice Chairman Hayden	X		
Carl Fortuna	X		
Bert Hunter	X		
Sue Weisselberg	X		

Leonard Assard	X		
Dave Steuber	X		
Richard Soderman	X		
Ad Hoc Members	Aye	Nay	Abstain
Luke Bronin	X		

Chairman Stein asked Mr. Kirk, Mr. Daley, Mr. Egan, Ms. Hunt, Mr. Gaffey, Mr. Guzowski and Attorney Catino to participate in the discussion. Chairman Stein, Vice Chairman Hayden, Director Fortuna, Director Hunter, Director Weisselberg, Director Assard, Director Steuber, Director Soderman and Ad Hoc Bronin voted yes.

Directors	Aye	Nay	Abstain
Chairman Stein	X		
Vice Chairman Hayden	X		
Carl Fortuna	X		
Bert Hunter	X		
Sue Weisselberg	X		
Leonard Assard	X		
Dave Steuber	X		
Richard Soderman	X		
Ad Hoc Members	Aye	Nay	Abstain

Luke Bronin	X		
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Executive Session began at 10:20 and ended at 11:48. Chairman Stein noted that no motions were made and no votes were taken in Executive Session, and adjourned the meeting.