

MATERIALS INNOVATION AND RECYCLING AUTHORITY

July 25, 2022

A Special Board meeting of the Materials Innovation and Recycling Authority Board of Directors was held on Monday, July 25, 2022. Present were:

Appointed Directors:

Chairman Stein
Vice Chairman Jim Hayden
Carl Fortuna, Jr.
Bert Hunter
Susan Weisselberg
Ed Mone
Leonard Assard
Dave Steuber
Rich Soderman
Tom Swarr
Luke Bronin (arrived (9:57 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
Tom Gaffey, Director of Recycling and Enforcement
Dave Bodendorf, Senior Environmental Engineer/Manager of Construction and Power Products

Others Present:

Ann Catino, Halloran & Sage

Chairman Stein called the meeting officially to order at 9:35 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, Chairman Stein proceeded with the meeting.

1. RESOLUTION REGARDING A 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 to approve the foregoing resolution. The motion was made by Director Mone and seconded by Director Hunter.

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 Fuel Shortage Periods 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 the Spot Waste delivery offer from Paine's Inc. for delivery of MSW to the CSWS Resources Recovery Facility; and,

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

FURTHER RESOLVED: that the President is authorized to select the 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 the Spot Waste delivery offer from HQ Dumpsters and Recycling LLC for delivery of MSW to the CSWS Resources Recovery Facility; and,

FURTHER RESOLVED: that the President is authorized to select the Spot Waste delivery offer from Hometown Waste & Recycling Services, Inc. for delivery of MSW to the CSWS Resources Recovery Facility; and,

FURTHER RESOLVED: that the President is authorized to select the Spot Waste delivery offer from Willimantic Waste Paper Co., Inc. for delivery of MSW to the CSWS Resources Recovery Facility, substantially as presented and discussed at this meeting.

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

Directors	Aye	Nay	Abstain
Chairman Stein	X		
Jim Hayden	X		
Carl Fortuna	X		
Bert Hunter	X		
Sue Weisselberg	X		
Ed Mone	X		
Leonard Assard	X		
Dave Steuber	X		
Rich Soderman	X		
Ad Hoc Members	Aye	Nay	Abstain
Tom Swarr	X		
Luke Bronin			

2. RESOLUTION REGARDING MARKET DRIVEN PURCHASE OF TRANSPORTATION AND DISPOSAL SERVICES FOR PRE-COMBUSTION FERROUS METAL.

Chairman Stein requested a motion to approve the foregoing resolution. The motion was made by Director Mone and seconded by Director Weisselberg.

RESOLVED: that the President is authorized to enter into market driven purchase of transportation and disposal services with Austin Environmental Corp for the pre-combustion ferrous metal that is generated at the CSWS Waste Processing Facility, substantially as discussed and presented at this meeting.

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

Directors	Aye	Nay	Abstain
Chairman Stein	X		
Jim Hayden	X		
Carl Fortuna	X		
Bert Hunter	X		
Sue Weisselberg	X		
Ed Mone	X		
Leonard Assard	X		
Dave Steuber	X		
Rich Soderman	X		
Ad Hoc Members	Aye	Nay	Abstain
Tom Swarr	X		
Luke Bronin			

3. RESOLUTION REGARDING THE PURCHASE OF JET FUEL FOR THE SOUTH MEADOWS JET TURBINE FACILITY.

Chairman Stein requested a motion to approve the foregoing resolution. The motion was made by Director Mone and seconded by Director Soderman.

RESOLVED: That the President is hereby authorized to enter into a market driven purchase with East River Energy, Inc. for the purchase of Ultra Low Sulfur No. 1 Diesel Fuel to support operation of the South Meadows Jet Turbine Facility, during Fiscal Year 2022, substantially as presented and discussed at this meeting; and

FURTHER RESOLVED: That the President is hereby authorized to execute a purchase order with East River Energy, Inc., and/or Santa Buckley Energy, LLC for the purchase of Ultra Low Sulfur No. 1 Diesel Fuel to support operation of the South Meadows Jet Turbine Facility during Fiscal Year 2023, substantially as presented and discussed at this meeting.

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

Directors	Aye	Nay	Abstain
Chairman Stein	X		
Jim Hayden	X		
Carl Fortuna	X		
Bert Hunter	X		
Sue Weisselberg	X		
Ed Mone	X		
Leonard Assard	X		
Dave Steuber	X		
Rich Soderman	X		

Ad Hoc Members	Aye	Nay	Abstain
Tom Swarr			
Luke Bronin			

4. RESOLUTION REGARDING A NEW AGREEMENT FOR PAYMENT IN LIEU OF TAXES WITH THE CITY OF HARTFORD.

Chairman Stein requested a motion to approve the foregoing resolution. The motion was made by Director Hunter and seconded by Director Weisselberg.

WHEREAS, the Fiscal Year 2022 CSWS Operating and Capital Budget approved by this Board on February 24, 2021, included a line item for payment of a PILOT to the City of Hartford; and

WHEREAS, the Term of the Authority’s prior PILOT Agreement with the City expired on June 30, 2021; and

WHEREAS, the Parties now wish to enter into a new Agreement for Payment In Lieu Of Taxes, with a Term commencing upon execution and ending on June 30, 2022;

NOW THEREFORE, be it

RESOLVED: That the President is hereby authorized to execute a new Agreement for Payment In Lieu Of Taxes in the amount of \$1.5 million with the City of Hartford, with terms and conditions substantially as discussed at this meeting.

The motion previously moved and seconded was approved by roll call vote. Chairman Stein, Director Hayden, Director Fortuna, Director Hunter, Director Weisselberg, Director Mone, Director Assard, Director Soderman, and Ad Hoc Swarr voted yes. Director Steuber abstained.

Directors	Aye	Nay	Abstain
Chairman Stein	X		
Jim Hayden	X		
Carl Fortuna	X		

Bert Hunter	X		
Sue Weisselberg	X		
Ed Mone	X		
Leonard Assard	X		
Dave Steuber			X
Rich Soderman	X		
Ad Hoc Members	Aye	Nay	Abstain
Tom Swarr	X		
Luke Bronin			

5. EXECUTIVE SESSION.

Chairman Stein requested a motion to go into Executive Session to discuss Pending Litigation in the matter of *Zurich American Insurance Company et al. v. NAES Corporation*. He noted that an Executive Session discussion of Agenda Items VI.a. and VI.c. was not necessary.

The motion was made by Director Weisselberg, seconded by Director Hunter, and approved by roll call vote. Chairman Stein asked Mr. Kirk, Mr. Daley, Mr. Egan, Ms. Hunt, Mr. Gaffey, and Attorney Catino to participate in the discussion. Chairman Stein, Director Hayden, Director Fortuna, Director Hunter, Director Weisselberg, Director Mone, Director Assard, Director Steuber, Director Soderman, and Ad Hoc Swarr voted yes.

Directors	Aye	Nay	Abstain
Chairman Stein	X		
Jim Hayden	X		
Carl Fortuna	X		

Bert Hunter	X		
Sue Weisselberg	X		
Ed Mone	X		
Leonard Assard	X		
Dave Steuber	X		
Rich Soderman	X		
Ad Hoc Members	Aye	Nay	Abstain
Tom Swarr	X		
Luke Bronin			

Executive Session began at 9:55 a.m. and concluded at 10:34 a.m. Chairman Stein noted that no motions were made and no votes were taken in Executive Session, and open session resumed.

6. DISCUSSION REGARDING MIRA’S PRESENT DIRECTION AND FUTURE PLANNING.

The Board reviewed MIRA’s current operations, obligations, and expenses, including closure of the South Meadows W-T-E Facility in accordance with regulatory requirements and continued operation of the Torrington and Essex transfer stations to serve remaining CSWS Participating Municipalities. Board members discussed with management the anticipated use of MIRA reserves through June 30, 2027, and the potential savings and penalties of withdrawing from provision of services prior thereto. It was agreed that the appropriate course for the Authority is to encourage the municipalities to address their options for post-MIRA solid waste and recycling management without waiting for MSA expiration. The Board determined to draft a letter to each of the Participating Municipalities, which, while acknowledging MIRA’s obligation to continue to serve through the remaining term of the MSAs, would offer to assist the town in undertaking an accelerated transition to alternative service options, with Authority assistance and assets available as necessary to facilitate such transition. Director Soderman offered to undertake a first draft, to be sent to President Kirk for review by management. Chairman Stein reminded the Board that the August regular board meeting is scheduled for August 10th, and said that the proposed letter would be forwarded to the board for discussion at the meeting.

The meeting adjourned at 12:40 p.m.