



Dissolution Authority

300 Maxim Road, Hartford, Connecticut 06114

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MEMORANDUM

TO: CSWS Transition Committee
FROM: Carl Fortuna, Committee Chairperson
DATE: May 6, 2024
RE: Notice of Meeting

There will be a regular meeting of the CSWS Transition Committee of the MIRA Dissolution Authority Board of Directors on *Thursday, May 9, 2024 at 11:00 a.m. Members of the public may attend the meeting in person in the Board Room at 300 Maxim Road Hartford CT 06114 or telephonically by calling (929) 205-6099, entering Meeting ID 834 7274 9600 and then entering the Passcode 127050 when prompted. (NOTE - there is very limited physical space in the Board Room - consequently, virtual public attendance is encouraged).* The meeting is scheduled to conclude at 12:00 p.m. The purpose of this meeting will be:

1. Call to order; Chair's Welcome
2. Public Comment (3 minutes per speaker).
3. Adoption of the March 11th meeting minutes
4. Executive session to discuss documents exempt from disclosure under CGS 1-210(b)(10) – attorney client privileged memorandum from Halloran Sage LLP

cc: Bert Hunter
Mark Daley
Tom Gaffey
Ann Catino

CSWS TRANSITION COMMITTEE OF THE MIRA DISSOLUTION AUTHORITY

MINUTES OF MARCH 11, 2024 MEETING

ATTACHMENT 1

A meeting of the CSWS Transition Committee of the MIRA Dissolution Authority Board of Directors was held in person and via Zoom on Monday, March 11, 2024. Present in person or via audio or video conferencing were:

Appointed Directors who are members of the Committee:

Committee Chairman Carl Fortuna via Zoom
Board Chairman Bert Hunter (Ex Officio) via Zoom
Joseph DeNicola
Bill Beccaro via Zoom

Appointed Members of the Board of Directors

Bill DiBella

Present from the MIRA Dissolution Authority (“Authority”):

Mark Daley, President & CFO
Thomas Gaffey, Director of Recycling & Enforcement
Roger Guzowski, Supply Chain Manager
Cheryl Kaminsky, Comptroller via Zoom
David Bodendorf, Manager of Engineering, Construction and Power Assets

Others Present via Zoom:

Jennifer Perry, CT DEEP
Ely Moore, CT DEEP
Brian Popovich, USA Recycle
Emma Cimino

The meeting was recorded via Zoom conferencing and is posted on the Authority’s website at <https://www.ctmira.org/mira-dissolution-authority-csws-transition-committee>”.

1. Call to Order, Chair’s Welcome, Roll Call & Confirmation of Quorum, Agenda Item 1

Committee Chairman Fortuna called the meeting officially to order at 10:03 A.M. and welcomed all in attendance. Mr. Gaffey called the roll and Committee Chairman Fortuna, Directors DeNicola and Beccaro and Board Chairman Hunter were present via Zoom

which constitutes a quorum. Mr. Gaffey then announced the other people present including the CT DEEP team.

2. Request for Public Comment, Agenda Item 2

Committee Chairman Fortuna asked if there was any member of the public who wished to comment. No member of the public requested to comment.

3. Review and approve Minutes of the November 30, 2023 meeting, Agenda Item 3, (Attachment 1)

Chairman Fortuna made a motion to approve the minutes, which was seconded by Director DeNicola. The motion passed unanimously.

4. Status of Threshold Issues Needed to Advance Committee Objectives - Agenda Item 4:

March 12, 2024 Board Discussions of Transition Goals; Progress on CSWS Budgets and DEEP Grant Funding of Regional Waste Authorities (RWA's); Northwest Hills COG Letter of Interest/RRDD1 Statement; Potential Joint Meeting of CT River COG and N W Hills COG; Additional Support to Establish Regional Waste Authorities; Virtual meeting of CSWS Participating Municipalities

Committee Chairman Fortuna stated that it is the Authority's Board of Directors strong desire that the towns in the Essex and the Northwest regions seek to move on. Chairman Fortuna asked President Daley to comment. Mr. Daley said that the goal that will be discussed at the full Board meeting tomorrow is transitioning the current 23 CSWS participating towns to entities other than the Authority within 16 months. Mr. Daley asked Board Chairman Hunter if he wished to comment further on the Board's position.

Board Chairman Hunter discussed the position of some Board members and representatives from the City of Hartford that favor retaining the majority of Authority reserve funds for the purpose of remediating the South Meadows site and that the trajectory of those reserves would reduce from \$54 million down to inside of \$30 million if the Municipal Services Agreements (MSA's) went to the full term ending June 30, 2027. He said reducing reserves to that level is clearly a point of contention amongst Board members. Chairman Hunter explained that the towns entered into the MSA's with MIRA in good faith and the bargain was struck. He said that the towns need a sustainable way to deal with their municipal solid waste, recycling and organics. Board Chairman Hunter explained that the majority of the Board believes that the best way to achieve that is for the Authority to assign the contracts that they are party to, to the towns by June 30, 2025 and redouble our efforts with the towns to make that happen.

Committee Chairman Fortuna emphasized that the contracts with the towns go through June 30, 2027 and that the Authority Legal Counsel noted that and noted the obligation to use the tip fee stabilization funds to the benefit of the remaining towns to the extent possible. Chairman Fortuna discussed the DEEP grant authorization to the CT River COG. He reminded the committee that the Essex transfer station sits on land owned by the town of Essex and that state Senator and First Selectman Norm Needleman may have some environmental concerns. He said that Senator Needleman has had pretty lengthy conversations with the current operator of the transfer station, CWPM. Chairman Fortuna

said that Senator Needleman is very busy during the legislative session and will not be able to focus on the Essex transfer station and transition issues until the session ends.

Director DeNicola suggested that the committee move over to the DEEP team's presentation on the RWA Grant Program. Chairman Fortuna agreed and asked Jennifer Perry to begin the presentation. Jennifer asked Ely Moore to run through a high-level, overview of RWA's and the grant program.

Ely Moore went over the origins of the RWA grant program and how the state set aside \$1.5 million to fund administrative, legal and technical assistance to establish RWA's. She also explained a number of programs and functions that RWA's perform for member towns such as contracting for recycling and diversion programs, DEEP reporting, public education and outreach and funding recycling coordinators.

Jennifer Perry reported that DEEP received 8 grant applications and five were selected. She said that DEEP was able to increase grant funds available from \$1.5 to \$2 million to fund the five successful applications from Council of Governments (COGs) that they are currently working on scopes for.

Director DeNicola asked Jennifer to comment on existing RWA's. Jennifer cited the Bristol Resource Recovery Facility Operating Committee, the Housatonic Resource Recovery Authority and the Central CT Solid Waste Authority which is being built up by the Capitol Region COG. She said that she expects both existing RWA's will expand and new RWA's be developed.

Member DiBella asked if any of the COGs had any experience in solid waste. Jennifer responded that many of them have some experience in pieces of solid waste management such as providing recycling coordinators.

Committee Chairman Fortuna noted that there remains a fair amount of work involved in establishing the RWA's.

Board Chairman Hunter commented that it seems that it will take longer than a year to establish RWA's and asked Jennifer her opinion on that. Jennifer responded that it is dependent upon each of the COG's and how long it takes them to inventory their assets staff up and identify next steps and tasks to complete. Chairman Hunter asked if there were any existing RWA's that can share best practices and diversion projects with new RWA's. Jennifer responded DEEP has hosted a couple of educational opportunities for municipalities to hear from current RWA's to learn how they were formed and the services that they provide but she was not aware of any organization that exists that can share best practices.

Director DeNicola added that one of the challenges is that most of the regions that are receiving grants do not have the same time pressure that the towns served by the Essex and Torrington transfer stations have. He said there is the possibility that DEEP can share the legal analysis amongst these COG's once completed. He said that the grant recipients would have to agree to share the legal analysis but he sees no reason why they wouldn't. Chairman Fortuna agreed with that.

Member DiBella asked what the legal analysis would be comprised of. Director DeNicola replied that the legal issues would include the legal documents required to form an RWA, and any changes to local ordinances that may be necessary. Jennifer Perry offered that the legal analysis may include sample Memorandums of Understanding between municipalities and sample ordinances. Jennifer said that the legal documents required to form an RWA would be a deliverable to DEEP and then DEEP would share those documents with other towns forming RWA's.

Committee Chairman Fortuna asked Mr. Daley to take up the next Agenda item. Mr. Daley discussed the FY 25 budget development. He said that the Board adopted a tip fee of \$131 which is the highest the tip fee could be set before the towns could opt out of the MSA's. Mr. Daley also stated that the \$131 tip fee required using \$3.66 million of reserves use of reserves and the Authority did receive a formal written opinion from legal counsel that addresses the use of reserves as required in the MSA's in relation to the new language contained in Public Act 23-170. Mr. Daley explained that the use of reserves had been a challenge for this committee for moving forward in terms of framing the context of discussions with the parties to receive control of the transfer stations. Mr. Daley said that resolving that issue is a big step forward to start having actual discussions with the third parties to receive control of the transfer stations. He added that the Board did include a statement in the resolution to adopt the FY 25 budget that sets a 16-month goal for the Authority to cede control of the transfer stations. Mr. Daley reported that the FY 25 budget also includes \$550,000 for repairs that are needed at the transfer stations and also a Phase I environmental review at both Essex and Torrington.

Mr. Daley stated that the Authority received a non-binding letter of interest from the Northwest Hills COG to become an RWA and take ownership of the Torrington transfer station. He said that the COG requested any environmental reports that the Authority has and the terms that would be required for them to assume control of the transfer station. Mr. Daley also reported that the Authority received a letter from Regional Refuse Disposal District I that stated that it is in their best interests to retain flow control preferably through an RWA.

Mr. Daley suggested a two-step transition of control of the transfer stations by first ceding control to the COG while the RWA is being established and then transferring control to the RWA once it is established to meet the 16-month goal to complete the transitions.

Committee Chairman Fortuna pointed out that a number of the COG towns are not contracted with the Authority for solid waste services and probably would want anything to do with the transfer station transition.

Board Chairman Hunter asked if it made sense for Authority staff to work with legal counsel on evaluating the process of assigning contracts and terms of the transfer of ownership. Committee Chairman Fortuna agreed to do that on a surface level at least to explore the outline of what needs to be accomplished and if it is feasible.

Chairman Fortuna said that the next agenda item regarding a joint meeting between the Northwest Hills COG and the CT River COG should be useful. He said that the function

of the stations won't change and it is the administrative duties that need to be considered. He also opined that we are a very small state and may not need to set up as many RWAs.

Mr. Daley agreed that getting an understanding where each COG is with their evaluation of assuming control of the transfer stations. Mr. Daley said that there seems to be a lot of duplicative effort in setting up the RWA's and agreed that there was potential for one entity possibly overseeing both stations.

Director DeNicola stated that the actual formation documents to establish an RWA is not that complicated but what each town needs to do may take longer.

Mr. Daley discussed additional steps the Authority can take including providing background documents of existing RWAs. He said that the letter that was sent to all the CSWS towns outlined the issues of ceding control of the transfer stations including the goals and objectives and that a virtual meeting with the towns would be scheduled.

Chairman Fortuna asked Mr. Daley if either CWPM in Essex or Enviro in Torrington had contacted the Authority. Mr. Gaffey responded that Enviro contacted him to ask what the process would be for the sale of the Torrington transfer station and that Jason Manafort has had a number of conversations with Senator Needleman regarding the future of the Essex station. Mr. Gaffey said that it is important that everyone understands the Operating Agreements and that there are obligations that the Authority has and obligations that the contractors have. He recommended that those obligations be clearly delineated so that the towns understand what roles they would have to assume upon accepting control of the transfer stations.

Mr. Daley said that management sent to the contractors the report to the legislature required by Public Act 23-70 that establishes the Authority's initial objectives and goals with respect to ceding control of the transfer stations.

Board Chairman Hunter stated that he wants to be clear that staff would move forward with Attorney Catino reviewing all of the issues revolving around assignment of contracts and what the obligations would be which would be discussed at the joint meeting of the Northwest Hills COG and the River COG. Committee Chairman Fortuna agreed. Chairman Hunter stated that he would recommend to the Board of Directors to have that review work be done.

Committee Chairman Fortuna made a motion to adjourn and Director Beccaro seconded the motion. The meeting was adjourned at 11:03 AM.