

## Recycling Subcommittee Special Meeting Minutes 30 AUG 2018

Attendees: Barb Wolf, Jay Lewin, Beth Falder, Frank Wargo, Katy Francis, Pete Bass

Guests: B. Hanna, M. Zarba

*Minutes are in draft form until they are approved.*

The meeting was called to order at 6:35 and the pledge was recited. There were no Mayoral or public comments. The August 7<sup>th</sup> minutes were approved unanimously. Election of officers took place. Beth nominated Jay Lewin, Frank seconded and he was unanimously voted in as Chairperson. Jay nominated Barbara Wolf, Frank seconded and she was unanimously approved as recording secretary.

Although the committee was slated to meet at least quarterly, there are upcoming changes to policies affecting the Recycling Center so another special meeting date was chosen and approved for 9/25 at 7:00 in the E. Paul Martin room. There was no public comment but two guests included Bob Hanna and Mike Zarba, who were able to shed light on the changes being considered by HRRRA.

### Operations:

Bob Hanna spoke about his recent meeting with All American Waste and Mayor Bass regarding the HRAA PILOT program proposal of eliminating glass from the single stream. Glass would no longer be picked up curbside and would have to be policed in the centers now taking in single stream recycling. There is a meeting in Brookfield on Thursday, 9/7 to lock this and other details down before implementation, such as costing and ways to make the public aware of the changes. It was agreed that we should have representation at the meeting.

China is buying much less recycling from the USA and they are requiring < 0.5% contamination rates. Since dirty recycling and glass would likely be thrown into regular garbage, it would be a problem.

New Milford may choose to petition to withdraw from HRRRA, although our contract is up by year 2020. We only provide 500 tons of MSW and 500 tons of recycling but as part of a coalition of towns, our quota requirements are met. HRRRA has just signed a contract for 7 years to haul garbage at a set price and provide our bins.

Pros of staying include low tipping fees, free hauling, no charge for recycling, glass can still go into the stream.

Cons include having to charge for recycling, having to buy a truck to haul our garbage, long wait times at the transfer stations and being obligated to pay a fee if our tonnage isn't reached, per sec. 304. Our Center permit would have to be amended to accommodate the change and MSW & recycling would not be added to the coalition weight aggregate.

The past proposal of weighing garbage was re-visited. Bob has the required weighing certifications in place and there is a calibration SOP for the instrumentation. Charges would be based upon weight ranges rather than the color of the bags people use. Jay Lewin made a motion toward implementing

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weighing of MSW and recycling for the center, which is a change that has to be approved by Town Council.

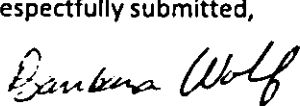
Motion: That the Town Council authorize the implementation of a system of weighing MSW and charging for it by weight as proposed by the Department of Public Works. Frank Wargo seconded the motion and it passed by unanimous vote.

The topic of repealing town ordinance sections 7-58 of the New Milford code was discussed. This ordinance authorizes a municipality to dispose of MSW and recyclables and to charge accordingly. The fees collected at the center, including the new fee structures being considered, and the 50 cents a ton that would go into the royalty fund would go instead to the general fund. There is currently no money in that fund and there has not been for some time. The town attorney recommended that the sections of the ordinance be repealed without replacing (opinion attached).

Jay Lewin made a motion to follow the recommendation. Motion: That the necessary steps be taken to repeal, *in toto*, Section 7-58 of the New Milford Code of Ordinances, for the reasons which were discussed at the August 7<sup>th</sup> meeting with the Director of Finances and Town Attorney Randy DiBella and for the reasons set forth in the latter's letter dated August 30, 2018 (attached). The motion was seconded by Frank Wargo and passed unanimously.

It was agreed that no moves could be made to change operations or withdrawal from HRRRA until clarification and questions could be addressed at the upcoming meeting in Brookfield. A motion to adjourn was made by B. Wolf and seconded by J. Lewin.

Respectfully submitted,

 (B)

B. Wolf

Encl/bmw



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August 30, 2018

VIA E-Mail  
Jay Lewin, Esquire  
Chairman, New Milford Recycling Committee  
New Milford, CT 06776

**Re: Recycling Committee**

Dear Chairman Lewin:

Conn. Gen. Stats. §22a-220 (a) authorizes a municipality to arrange for the safe disposal of solid waste and recyclables and to levy charges for that service and facility by way of an ordinance or other enforceable legal instrument. The contents of Chapter 7 of the Code of New Milford provide for the establishment of rules and regulations with regard to those items by the Town Council. Accordingly, the Town has in place, by virtue of that Ordinance scheme, the necessary overall enablement.

It is my understanding that it is the Town Council that establishes and revises the fee structure from time to time.

If the Committee concurs with the Finance Director and me that the Special Fund provided by Ordinance §7-58 is no longer necessary, then the ordinance (7-58) needs simply to be repealed and a new ordinance is not required. In that event, the Special Fund would be terminated and the fees and expenses that are collected at and for the Recycling Center can be deposited to the General Fund as Mr. Osipow described at your August 7, 2018 Meeting.

Thus, if that is the model that the members of the Committee envision, I believe that the current Ordinance may be repealed *in toto*.

Regards.

Very truly yours,  
CRAMER & ANDERSON LLP

D. Randall DiBella  
New Milford Town Attorney

Jay Lewin, Chairman  
Recycling Center Subcommittee  
Town of New Milford  
10 Main Street  
New Milford, Connecticut 06776

August 31, 2018

Honorable Pete Bass, Mayor  
Town of New Milford  
10 Main Street  
New Milford, Connecticut 06776

Re: Committee Recommendations

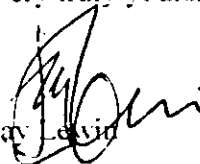
Honorable Sir:

Because you participated in the discussions at our Meeting yesterday evening, you are aware that Committee Members made the following unanimous recommendations to the Town Council:

(1) That the Town Council authorize the implementation of a system of weighing MSW and charging for it by weight as proposed by the Department of Public Works; and

(2) That the necessary steps be taken to repeal, *in toto*, Section 7-58 of the New Milford Code of Ordinances for the reasons that were discussed at our August 7, 2018 Meeting with the Director of Finance and Town Attorney Randy DiBella and for the reasons set forth in the latter's letter dated August 30, 2018.

Very truly yours,

  
Jay Lewin

VIA E-Mail  
Cc: Randy DiBella  
Greg Osipow  
Committee Members  
Mike Zarba  
Bob Hanna