

TOWN OF WALLINGFORD, CONNECTICUT

TOWN COUNCIL MEETING

July 25, 2006

6:30 P.M.

MINUTES

The following is a record of the minutes of the Wallingford Town Council at a regular meeting held on Tuesday, July 25, 2006, in the Robert Earley Auditorium of the Wallingford Town Hall. Town Council Chairman Robert F. Parisi Called the Meeting to Order at 6:43 P.M. Responding present to the Roll Call given by Town Clerk Barbara Thompson were Councilors Michael Brodinsky, Vincenzo M. Di Natale, Lois Doherty, Gerald E. Farrell, Jr., Stephen W. Knight, Iris F. Papale, Robert F. Parisi, Rosemary Rascati, and Vincent F. Testa, Jr., Town Attorney Janis Small and Comptroller James Bowes were also present. Mayor William W. Dickinson, Jr. arrived at the meeting at 6:57 P.M.

A Moment of Silence began the meeting. The Pledge of Allegiance was said and the Roll Call taken.

2. Correspondence

No correspondence.

3. Consent Agenda

3a. Consider and Approve Tax Refunds (#1- # 48) totaling \$11,352.00 Acct. # 001-1000-010-1170 - Tax Collector

3b. Consider and Approve request for use of the Parade Grounds, Town Hall Parking Lot and 88 South Main Street Parking Lot for the *Celebrate Wallingford* festival to be held September 30 and October 1, 2006 – Wallingford Center, Inc.

- 3c. Consider and Approve an Appropriation in the Amount of \$3,600 to Donations – Y & SS Special Fund Acct. # 213-1042-070-7010 and to Expenditures - Y & SS Special Fund Acct. # 213-3070-600-6000 – Youth and Social Services
- 3d. Consider and Approve an Appropriation in the Amount of \$1,073 to Donations – Young Astronaut Club Special Fund Acct. # 226-1042-701-7010 and to Expenditures - Young Astronaut Club Special Fund Acct. # 226-3070-611-6500 – Youth and Social Services
- 3e. Consider and Approve a Budget Amendment in the Amount of \$2,271.72 to Expenditure – Mayor's Council on Substance Abuse Prevention Acct. # 232-3070-608-9061 and to Revenue - Mayor's Council on Substance Abuse Prevention Acct. # 232-1043-900-1001 – Youth & Social Services
- 3f. Consider and Approve an Appropriation in the Amount of \$48,474 to Expenditure – Buffer Zone Protection Grant Acct. # 200-2005-999-9956 and to Expenditures - Buffer Zone Protection Grant Acct. # 200-1050-050-5001 – Police Department
- 3g. Approve Town Council minutes of April 25, 2006.
- 3h. Approve Town Council minutes of June 27, 2006.
- 3i. Approve Town Council minutes of July 5, 2006.
- 3j. Approve Town Council minutes of April 11, 2006

CONSENT AGENDA ADDENDUM

- 3k. Approve Town Council minutes of December 13, 2005

Mr. Knight made a motion to accept Consent Agenda Items 3a. – 3k.
Mr. Farrell seconded.

VOTE: Farrell, Knight, Papale, Testa, and Parisi voted yes;
Doherty voted no; and Brodinsky and Rascati
abstained from the vote. 5-yes; 1-no; 2 abstain.

The motion passed.

- 4. Items Removed from the Consent Agenda

None

5. PUBLIC QUESTION AND ANSWER PERIOD

Phil Wright, Sr., 160 Cedar Street, asked about the status of the American Legion Building. **Janis Small, Town Attorney**, responded that it is still pending in court in New Haven and no determination has been made at this time as to whether it will be demolished or not.

Bob Gross, Long Hill Road, brought up concerns regarding traffic on Center Street considering planned projects with the Simpson School property, Constitution Street and the Wooding Caplan property. He asked what the Town's plans are regarding the traffic. **Chairman Parisi** said that all of those projects will move forward through Planning and Zoning, which may require some sort of traffic study, Inland Wetlands and right down the line, and they will be adequately dealt with through the normal process of approval or disapproval. **Mr. Gross** asked why Channel 20, Government Access Television, doesn't have email or the capabilities of putting these meetings online and wanted to know if the Council could give them the ability to do that. **Chairman Parisi** said that a proposal hasn't come forward to his knowledge and that it would be contingent on the cost.

Ken Daly, 594 North Elm Street, brought up and discussed his concerns regarding the process of the Town Council's selection of a developer for the Wooding Caplan property development project and gave examples and explanations to support his opinions.

6. Report from CRRA Regarding Waste Disposal for the Five Town Project Following Contract Termination in 2010 – Mayor

Floyd M. Gent, CRRA, Operations Director
Virginia Raymond, CRRA, Senior Analyst
Chris Fancher, CRRA, Senior Engineer
Doreen Zaback, Wallingford Resource Recovery Project
Coordinator

Don Roe was also in attendance.

Mayor Dickinson said that this is to give a general idea of where this project stands. The contracts come to an end in 2010, and it's necessary for the five towns to be in a position to plan for and be ready to implement a program for the continuation of disposal of

municipal waste. There is not a lot of time for us to be able to put something together and be ready for the contract termination.

Floyd M. Gent, CRRA, Operations Director, said that they have a disclaimer and that it has been discussed with their General Counsel and with the Wallingford Town Attorney. He said part of the planning process includes commercially sensitive information and that they are not able to disclose the details of that information at this time. He said that the reason for that is that CRRA is actively involved in negotiations with several parties, including the present operator of the facility, and if the detailed information was disclosed, it could put the project towns that they represent at a commercial disadvantage. He said that by protecting the detail information that CRRA can give the process the best chance of succeeding, providing the best financial gain for the towns that they represent. He said that no decision has been made regarding any specific waste disposal option and that they are in the early stages of planning and that when they are ready to make final recommendations to the policy board regarding any specific option that the details of their analysis would be disclosed to the public at that time.

He said that in the mid-1980s five municipalities, Cheshire, Hamden, North Haven, Meriden and Wallingford, entered into long-term contracts called municipal service agreements with CRRA to provide disposal services on a long-term basis. He said that with that commitment for the five municipalities, CRRA entered into various project agreements with various parties and issued tax-exempt bonds to finance the construction of the facility, which is located at 530 South Cherry Street in Wallingford. He said that the plan commenced operations in 1990 and has been providing economical and reliable service over the past sixteen years.

He said that looking into the future, the tax-exempt bonds that were issued will be paid off in November 2008 and that by June 30, 2010, the majority of the project agreements that CRRA had entered into to make this project possible will expire. The expiration of the project agreements is critical, two specifically that will have a major impact on tipping fees that expire in 2009-2010, and those are the electric energy purchase agreement with CL & P and the waste disposal services contract with Convanta, which they call the operator agreement. He said that the reason that these have a big impact on tipping fees is the way they set their budgets for tipping fees. He said on an annual budgetary basis they go to the policy board and set

the revenues that they receive from tipping fees, equal to what their total project costs are less what the project receives from electric revenues. He said that based on that calculation, all of the electric revenues that the project receives are from that electric purchase agreement, and the majority of the project costs are costs that they pay Covanta under the operator agreement. He said that that is critical to know because when those agreements expire, and they go to renew those agreements, it could have a big impact on tip fees.

The Energy Purchase Agreement with CL & P obligates CL & P to purchase all the power from the project and that expires June 30, 2009, and there is a one-year renewal option. Through June 2009, the project is receiving very favorable rates from CL & P that are substantially higher than market rates. Market rates right now are in the \$.06 to \$.08 range and the project is receiving over \$.22 per kilowatt hour. When that agreement expires June 30, 2009, if they extend the contract to CL & P, it will go to market so they expect to see a substantial reduction in electric revenues. This means that the tipping fees would have to go up to offset that reduction in electric revenues.

He said that the agreement with Covanta provides that either party can extend. If CRRA exercised its option to extend, the operation fee that they pay Covanta may increase significantly and that also would have an impact on tip fees. He said there is a mitigating effect in that they do have some reduction in that the debt service goes away but the debt service alone doesn't offset the loss in electric revenue or the increased cost of operating the plant. What CRRA is in the process of doing now is negotiating with Covanta to restructure the agreement to provide for a lower fee than what they feel they are entitled to under the agreement if we exercise the option to extend.

He posed a question - Can we negotiate to make the project economically viable post 2010? He said, as they define it, economic viability is a rate that is at market. If the rate at which they have to set the tipping fees is substantially above market, the waste won't flow to the project. Four of the five towns in the region are subscription services where private haulers bring the waste to the project. The waste flows to the project because it's the lowest price in the State of Connecticut of the six waste-to-energy operating plants. The Wallingford project and the member towns currently enjoy the lowest tip fee so the problem that they have is trying to

prevent non-member waste from coming into the project because of the low tipping fee.

He said they may have the opposite problem if they have a tip fee that is substantially above market because the waste won't come into the project. There is a concern about the economic viability and because of that, the policy board has asked them to look at future options, and they have started that planning process by investigating alternative disposal options. He said that the objective of the planning process is to try to secure a long-term, environmentally sound and competitively priced disposal option to serve the needs of the five member towns. He said the CRRA through the planning process is determined to avail themselves to other disposal options that there would be a need for a regional transfer station. He said unfortunately there are no transfer stations in the five-member towns that could support the waste that is generated by the region. He said that in their view in order to send the waste either to an out-of-state facility or to send it to another waste-to-energy facility here in the state, it would require the use of a transfer station, so they have recommended to the policy board that they start the process of permitting that regional transfer station. He said that the reason they are talking about starting it now, as the Mayor pointed out, is that 2010 is right around the corner, and the DEP permitting process can be very lengthy.

He said that they envision that going through the DEP process and Planning and Zoning could take 18 months or longer to get the permits. He said that at the last policy board, the Wallingford policy board authorized CRRA to start the process of permitting the transfer station, and he said that their recommendation to the policy board is that the best place to site the regional transfer station is at the Barbarino property. He said that property is adjacent to the Wallingford landfill and was purchased in the 2000-2001 timeframe and the reason the site was purchased is that there was some ground water migration from the landfill, and in order to control that migration and control the liability, CRRA acquired that on behalf of the project towns with funds that were set up from reserves within the project. He said that that property is currently vacant and is undeveloped and based on their preliminary investigation is suitable for siting a transfer station. He said that no final decision has been made regarding the actual construction but that they are just talking about being authorized by the policy board and that they are going to their board so that can start the permitting.

He said in their resolution the policy board asked them to not have two solid waste disposal facilities here in the Town of Wallingford. He read what will be presented to their board and what they will be acting on the next day, 7/26/06 -

RESOLUTION

CRRA commits to the Policy Board the continued operation of the existing waste-to-energy facility serving the five project municipalities by either extending the existing agreements or the construction and operation of a transfer station serving the five municipalities and committing that only one of the two facilities will operate in the town region.

He said that if they are successful in negotiating a favorable contract with Covanta and electric rates continue to go up, there is a possibility that the waste-to-energy facility may continue to operate post 2010. He said, if that's the case, and they have a definitive agreement with Covanta with the approval of the five towns, then they would stop the permitting process of the transfer station. If they are unsuccessful with Covanta and the project does not make economic sense, they feel that it is prudent to start the permitting process so that they have that option available to serve the towns' need in the future. He said that's the body of his comments and offered to answer questions.

Mr. Knight asked how long it would take for a transfer station to be constructed, and **Mr. Gent** said it would be fairly straightforward and would take about a year and that the overall process, which includes the permitting process and talking to the towns about a recycling component, would take about 3 years from this fall, which puts us at the fall of 2009 to construct a transfer station. He said that this is not a lot of latitude since the contracts expire 6/30/2010.

Mr. Knight asked if they had a date regarding the completion of negotiations with Covanta. **Mr. Gent** said over the next 3 or 4 months and before the end of this year. He said that if the terms of the transaction are resolved, then the detail drafting of that, and then if they had an agreement that made sense to the towns, they would go back to the individual towns to make sure that they are willing to extend their municipal service agreements beyond 2010 before they could sign with Covanta. He said that the threshold question is can

they come to an arrangement with Covanta that makes economic sense for the five towns.

Mr. Knight asked if part of that would be to know what the costs are for disposing of trash once it leaves the transfer station. **Mr. Gent** said that if they had a deal from Covanta that they could recommend to the policy board that they would also present it and compare it with other options to assure the towns and the policy board that it would be the right decision to make. They have looked but have not negotiated any final agreements with any other facilities. They have estimated prices, and they know what the approximate cost of building a transfer station, and they have a budget for that. They know what the O & M (Operations & Maintenance) costs would be for operating that. He said that CRRA currently operates 12 transfer stations. He said that they have a good feel for what the market rates would be in 2010, and they have laid the framework of that to Covanta to say that these are the challenges and that they'd like to have a rate that's within market if it is to be successful.

Mr. Knight asked if the Connecticut market rate is going to drive this rather than what true costs are to operate a transfer station and actually dispose of the product coming out of there. **Mr. Gent** said the issue with continued operation is with cost. Covanta is operating the facility at a loss right now. He said that the contract provides that if they extend that they are entitled to increase the service fee to 125% of their cost. Given that, it's put us at a range that is out of market, and they know that, and we know that, so that is why they are looking at re-structuring the agreement to get to a lower fee. He said it will be compared to what it would take to build and operate a transfer station and the costs to take it to another facility whether it's an out-of-state landfill, or if there's space available, at one of the other waste-to-energy facilities.

Mr. Knight asked if they were operating 10 in the state right now and **Mr. Gent** said there through either ownership or contract that CRRA controls four. **Mr. Knight** asked where the trash is going. **Mr. Gent** said it's going to the waste-to-energy plants and some of it goes out of state or to the Windsor landfill. **Mr. Knight** asked about trash trucks that are coming in and that a transfer station would result in more, larger trucks going out. **Mr. Gent** said that there has to be a traffic study and that they have done some estimates that shows some increase in traffic.

Mr. Knight asked if the volume is conducive to another mode of transportation. **Mr. Gent** said that there is rail at the existing facility, and that there are issues with trying to use the existing facility as a transfer station and some are contractual in nature, and there are physical site constraint issues. He said if we are going to build a transfer station there that they also need to be operating it and have a seamless transfer. He said that those issues do not make it a desirable approach to take.

Mr. Knight asked if it would all be trucked out of town at least on a temporary basis, and **Mr. Gent** said that was correct and on large transfer trailers that would carry between 20 to 22 tons per load so that the route trucks from the five towns would be coming into the transfer station as they are now coming into the waste-to-energy facility, and then those loads would come in at six tons, eight tons, ten tons would then be loaded into the larger trailers and shipped out of the town. **Mr. Knight** asked if there would be any compaction or sorting or any other processing done. **Mr. Gent** said that one of the things they are looking at is recycling.

Ms. Papale asked what would happen to the trash if there wasn't a transfer station and wouldn't it be worth it to pay a little more and keep it at the CRRA plant? **Mr. Gent** said they could but that it would be a number substantially higher than market, and **Ms. Papale** asked wouldn't it be worth it to the haulers since it's going to cost them less money to go through the transfer station. She said that she is looking at the haulers who have been working so closely with CRRA. **Ms. Papale** asked what would happen to these haulers. **Mr. Gent** said that their intent is to build a transfer station and that the truckers will be indifferent whether they go to the facility or the transfer station. **Ms. Papale** asked if they would be doing the same thing and **Mr. Gent** said that they would.

Ms. Papale asked about how many more trucks would be on the road and on South Cherry Street. She said it's not the most pleasant street to be on, and it's not easy for the people who live there and that she wants people to be aware that they are going to have larger trucks. **Mr. Gent** said that the process is to let the Council know that their intent is to provide information to the public at large, to explain what they are trying to do, to assess the impacts, to seek local approvals, to deal with the concerns that any host town has about impacts and to address those impacts to the towns' satisfaction

and to go to the DEP to deal with their concerns from an environmental perspective. **Ms. Papale** said that what she is hearing is that there really is no choice to which **Mr. Gent** agreed.

Ms. Papale asked **Mr. Gent** how a transfer station works. **Mr. Gent** said that smaller trucks, the route and the packer trucks that pick up garbage, come in to the transfer station and dump their material on the floor and that material is loaded into larger trailers and shipped elsewhere. In the economics of a transfer station there are transportation costs savings, so if you ship waste 200 miles, it wouldn't be practical for a route truck, which is making several turns in a day. He said that once a truck is more than 25 miles from a location, the transfer station makes economic sense so that is why there are transfer stations at the other projects because the communities are more than 25 miles away from the project. Here the advantage that the Wallingford project towns have enjoyed is that the facility is centrally located and the distance is reasonable for a route truck. A transfer station provides flexibility to go to any number of different locations with the waste, including out-of-state with the large transfer trailers.

Ms. Papale asked what would happen to the plant. **Mr. Gent** said that there is funding set aside to dismantle the facility at the end of the project life.

Chairman Parisi asked if the discussion they are having is about finding a system that is more efficient and more rewarding to the proper parties. **Mr. Gent** responded essentially, yes. **Chairman Parisi** said so now when we come up with a concept of a transfer station to him that tells him that it's going to be a more efficient and less expensive process and asked if he is correct in that assumption. **Mr. Gent** said that it is the cost of doing business. **Chairman Parisi** said but it's a lower cost, a transfer station. **Mr. Gent** responded as they currently see it, yes. **Chairman Parisi** stated that Covanta is saying that they are not making any money, and they are giving CRRA a price, and CRRA is saying it's too expensive. He asked what is CRRA going to do, negotiate? **Mr. Gent** said that the intent is to try to get a lower fee. **Mr. Fancher** said that currently the facility is a very good price and that they are not currently paying a high price. When the power contract goes away, that's what's going to kick it up.

Chairman Parisi said so now we are looking for an alternate way to make it more efficient and really just less expensive because we are in a bind. **Mr. Fancher** said CRRA has the contract with the operator and in that contract one of the provisions is to adjust the agreement and that it is going to go too high so we are looking at alternate ways. **Chairman Parisi** said but the point is going to remain that we have to have an agreement with somebody. **Mr. Gent** said yes, and that they think Covanta also has an interest in trying to make this thing work.

Chairman Parisi said that it's really negotiating of how much do you need me and how much do I need you. Right? **Mr. Gent** said that's part of the dynamic. **Chairman Parisi** said that to him that is the dynamic of it. **Ms. Raymond** said how far can they come down and still make a reasonable profit. **Chairman Parisi** said and how much can you expiate the taxpayers? **Mr. Gent** said that the ultimate answer to that is probably going to be the five towns saying are you willing to pay this higher price, and you're going to want to know what are our other options, and we are going to say . . . **Chairman Parisi** asked if CRRA is going to have other options, other plans. **Mr. Gent** said that they would have other options that are reasonable that they will present. **Chairman Parisi** said that CRRA are on a tight time frame, and if they are negotiating with this one, then they had better be negotiating with two others too. **Mr. Gent** said that they are doing things in parallel.

Chairman Parisi said that when this was negotiated originally and the town accepted it, there were specific routes for trucks to follow in and out of the Town of Wallingford. He said that a lot of work went into them, and they were included in the agreement, and they were never, ever, to the best of his knowledge, followed. He said that he would make the point that this town has turned into a miniature dump in a lot of respects with the trash that is just strewn all over the streets of Wallingford to the point that there is an anti-garbage group that goes out to pick up trash. He said that he is not saying that it's all from the contract trucks. He said that he hopes that this type of approach could be taken again because there are ways to keep trash off the main streets and the center of town.

Mr. Gent said that CRRA will work with the town to ensure that those concerns are addressed. He referred to using town ordinances where a trucker can be fined and that the difficulty CRRA has is that the control is at the facility. He said that CRRA can say

contractually that the haulers have to have things covered, etc. but that they don't have anyone out on the road issuing tickets.

Chairman Parisi said that the town shares some responsibility too. He said that he raises the concern because he thinks that it's important to a lot of people as it is to him. **Mr. Gent** said that all of the haulers are permitted and that they can send a letter and that they also have quarterly meetings with the haulers. **Ms. Zaback** said that they do act on complaints from residents when they get them about any kind of violation. She said that they call the haulers and remind them of the routes, and the routes are specified in the town's ordinance and in the CRRA hauler permitting procedures and in their annual permit renewal. She said that they had a hauler meeting last week but unfortunately only two haulers attended.

Mr. Testa asked why the plant in Wallingford is so much more expensive to operate. He asked if it's due to the technology that's there. **Mr. Gent** said yes, that it's a small unit, 420 tons per day, and that the Bridgeport project is processing 2,000 tons per day, which is also what the Mid-Conn facility handles. He said there is an economy of scale. He also said that it is a less efficient unit in the amount of electricity it produces per ton of garbage coming in, so it's roughly 20% to 30% less efficient compared to some of the large units in the state. He said when you talk about a small plant a lot of the fixed costs are higher, so it's a combination of the technology and the size.

Mr. Testa asked if retrofitting our facility has been discussed to make it more efficient. **Mr. Gent** said that CRRA doesn't know of any retrofitting that would drive the numbers down. He said that Covanta was looking at an expansion at the facility but if the facility is debt free, it doesn't make economic sense to incur the expense of an expansion. **Mr. Testa** he doesn't quite follow because if we're leaving it to them to try to find a way to make this thing work economically, they're considering an expansion, and it doesn't make sense – is that from their position? **Mr. Gent** said their position at one time was let's build an expansion and bring in other towns besides the member five towns.

Mr. Testa said so you are looking at the alternative options, which could be incineration somewhere else, or landfill, and asked how long they anticipated the new contracts to be for. **Mr. Gent** said that the term would be a function of what the towns are willing to do. He

said that right now under the current contract with Covanta that the contract only provides for a five-year renewal, which to CRRA is short-term. He said that CRRA is looking to negotiate a longer term than five years. He said they are looking at a minimum of another ten years.

Mr. Testa asked if they would be looking for something similar in the alternative contracts. **Mr. Gent** said that it depends on the disposal option, for instance some landfills may not be willing to commit capacity to 20 years and that the option may be five or ten years. CRRA is looking at starting its own out-of-state landfill but there is a question mark on the timeframe of such a facility. He said that they are also looking at an expansion at Mid-Conn as another option. He said that the DEP feels that the solution is by recycling and that they are not inclined to encourage any expansions, and in the plan, the DEP is saying that if there is any new capacity, they would want some sort of advance thermo-conversion technology to be used.

Mr. Testa asked if CRRA anticipated having the long-term, alternative, option contracts in place before starting to build a transfer station. He said that he would hope that CRRA would because it seems that it would have to be done that way. **Mr. Gent** said that the intent is that before CRRA would start the construction that they would have one or more disposal options in place, and there may be a shorter term arrangement tied into a longer term facility. **Mr. Testa** said that he hopes that there would come a time where we would see something side-by-side – here is what it's going to cost you to keep burning it in Wallingford, and here's what it's going to cost you when CRRA builds a new transfer station.

Mr. Testa asked if there will come a time when the Council will have that opportunity? **Mr. Gent** said, yes, and that he wished he could share more with the Council. **Mr. Testa** asked ...and that opportunity will come before we say, "Yes or no, let's go"? **Mr. Gent** said, "Yes." He said that in order for us to sign up any of the options, CRRA is going to need the towns to commit to an extension, and you're not going to approve an extension unless you know what you are going to pay. **Mr. Testa** said it seems to be taken for granted that the plant is going to stay in Wallingford and asked if it's because CRRA already has the land, or is there talk about putting it in another town. **Mr. Gent** said that they have looked at the other town transfer stations and none of them are as

viable as the Barbarino site and that the advantage of that is that there isn't the cost of acquiring a site. CRRA looked at each town building their own transfer station and just dealing with the waste in that town and loading it onto transfer trailers and picking up from five transfer stations. He said that they have looked at commercial transfer stations elsewhere.

Mr. Testa asked if our current facility would be suitable to serve as a transfer station if Wallingford decided to go it alone. **Mr. Gent** said that this is one of the areas where he is not able to disclose certain details. **Mr. Testa** brought up increased traffic with more trucks taking out more loads of trash than is now occurring with ash. He asked about rail and said he understands that the current facility wouldn't be an adequate facility for a transfer station but what about trucking from the transfer station to the economy of train as opposed to taking the trash on the road. **Mr. Gent** said that they have had preliminary investigations but from a rail perspective, it's not a lot of waste, and you need a staging area and sealed containers, so there are a lot of logistical problems with rail.

Ms. Doherty asked about recycling, and if there has been a cost analysis by increasing the amount of recycling that Wallingford does. **Mr. Gent** said that CRRA as part of looking at the recycling component at the transfer station that they would want to meet with each of the towns and talk about possibilities of services to the towns for recycling but that an economic analysis has not been done to compare recycling more waste and disposing the waste.

Ms. Doherty said that if we go to a transfer station it would be important to her that the amount of recycling be increased, which would decrease the amount transported out, and she questioned why more hasn't been done with the recycling component. **Mr. Gent** said that part of this has to do with the State's Solid Waste Management Plan and what mandates the State is going to require of generators and the towns. He said the DEP plans on putting together a legislative agenda with a series of workshops and public hearings. He encouraged people to participate.

Ms. Raymond said that historically CRRA has not been involved with the managing or the collection of the recycling process of the five towns and that this would be a first for CRRA to investigate a recycling component. She said each of the individual communities on their own have handled their recyclables. She said that a

successful result for the five towns would be able to raise the recycling rates by having a more coordinated program between the five communities. **Ms. Doherty** asked if that's an option that CRRA would look into.

Ms. Raymond said that they are investigating that as part of the transfer station. **Mr. Gent** said that the Mid-Conn Project is in the process of putting in a new recycling facility replacing the existing one and that facility will have the ability to take in additional recyclables for non-member towns. He said that CRRA would like to discuss an opportunity to serve the recycling needs of the five towns at that new state-of-the-art facility and would be able to expand the menu of the materials that it can take. **Ms. Doherty** asked where this would be. **Mr. Gent** said that it's in the Hartford area off Murphy Road.

Mr. Brodinsky asked when the time comes, what is the nature of the agreements that the Town Council would sign. He asked what authority does the Town Council have and on what subjects would CRRA have to come to the Council for in terms of a contract or permission. **Mr. Gent** said that there are host impacts with respect to the facility and that CRRA would come to the Council with regard to the impacts. He said that the biggest thing for Wallingford and the other towns would be in terms of a contract extension since the agreement expires with CRRA in June of 2010. He said that if they are going to commit to take the waste until 2020 that they will be in front of the Council to approve a new contract or an extension of an the existing one.

Mr. Brodinsky said that right now from the perspective of the resident that they have a private hauler who picks up the trash and the trash goes to the CRRA facility, and the trash is processed. He asked if the facility is owned by CRRA and not by the Town of Wallingford and that Wallingford has no jurisdiction over how or where CRRA operates. **Mr. Gent** said that's close and that there is a policy board that approves the budget and any changes in the contracts. **Mr. Brodinsky** said he is searching for the role of the Wallingford Town Council.

Mayor Dickinson said that the contract for us to commit to a project be it an extension of the trash burning plant or a transfer station would require the approval of a contract by the Town Council. He

said that to his knowledge it would have to be a contract that would commit the town to one or the other or some other option.

Mr. Brodinsky asked what would be the obligation of the town under that contract if CRRA owns everything. **Mayor Dickinson** said that we are committing the waste generated by Wallingford to a given site being part of a process, otherwise, we would have to find some other place for the waste generated by Wallingford to go. **Mr. Brodinsky** asked did he mean the waste generated by Wallingford homeowners and the **Mayor** said that he did mean all of the waste generated within the boundary of Wallingford. He said that his understanding of the state statutes is that each municipality is obligated to provide a place for the disposal of waste generated within its boundaries.

Mr. Brodinsky said that the haulers are obligated under that contract. He said that he is trying to get a list of how the change may impact Wallingford, and that one of them is that trash isn't burned anymore, and another impact includes traffic and that tipping fees are going to go up. He asked what the magnitude will be for tipping fees and is there an estimate. **Mr. Gent** said that this is part of the territory that is sensitive at this time. **Mr. Brodinsky** asked when will the time come when that information is no longer sensitive. **Mr. Gent** said when CRRA is in a position to make some sort of final recommendations, and it could happen in the next six months. He said that it might not be in the final form of an agreement but that it might be close and that they would ask the policy board if it makes sense. If it does make sense, then they would start to educate each town of what CRRA is trying to do.

Mr. Brodinsky said that the agreement that the town makes obligates the haulers to use your facility and so a homeowner has no option to negotiate some other way to get the trash taken away because the town will sign this contract and the die will be cast. **Mr. Gent** said it's a little more complicated than that, and in that it depends on how the town's ordinances are structured and the permitting process. He said that there is a famous case where you can't mandate a hauler to take the waste to any one facility. There are ways around that in that a town can franchise to require that anyone who serves in a franchise area has to deliver to a certain facility. **Mr. Brodinsky** commented that we don't have that ordinance now. **Mr. Gent** said no. **Mr. Brodinsky** asked if under the new system a hauler finds the tipping fees are too high and goes

to competing facility, then what would be the adverse consequences. **Mr. Gent** said that if they don't have a contract with us, there would be no adverse impact to them, and the waste would just leak outside the system.

Mr. Brodinsky asked if someone comes to the facility, are they signed up for an exclusive contract, or they can't come? **Mr. Gent** said that when they sign up the haulers, CRRA commits that they will take all the waste that they collect within the project towns, so there is no minimum tonnage or maximum limitation but they do make a commitment that if they collect project waste that they will bring it to the facility. He said that haulers have to commit.

Mr. Brodinsky wanted to know about taxes. **Mr. Gent** said that there is payment in lieu of taxes under the current pilot agreement with the town. **Mr. Brodinsky** asked how that would be impacted, wanting to know if the town would get more or less pilot money and **Mr. Gent** said that would be a matter of negotiations between CRRA and the Town of Wallingford. **Mr. Brodinsky** asked if the Town Council would be the required signatory to that agreement.

Mayor Dickinson said that would be an element in a contract that the town would be requested to sign as far as the commitment of the waste generated in Wallingford. **Mr. Brodinsky** asked if the payment in lieu of taxes would be in that agreement that would come in front of the Town Council for approval. **Mr. Gent** said that is correct.

Mr. Brodinsky asked if the local dump would continue to operate like it does now. **Ms. Raymond** asked if he meant the residential drop-off. She said as far as she knows, no, and said it might come into play when they start looking at the contract. She said they haven't looked at that yet. **Mr. Gent** said that normally, if they have a lot of commercial, truck traffic at the transfer station, they don't like to mix it with residential traffic and that they would probably recommend, leaving it where it is now. He said if Wallingford wants to continue the residential drop-off as most towns do, they would recommend that they leave it in its current location where containers would be provided to take it to the transfer station. **Mr. Brodinsky** said from the perspective of the resident that take their own trash to the dump, it would be business as usual. **Mr. Gent** said that is what they envision unless the town wants to do something different and said that is part of the pilot negotiations.

Mayor Dickinson said that right now for senior citizens there is a subsidized program and for everyone else, the cost is \$1.65 per bag. **Mr. Brodinsky** asked if a resident takes their trash to the dump, what is the interest of CRRA in that? **Mayor Dickinson** said that there could be an impact if the tipping fees go up and the price for dropping off bags for non-seniors could be affected by a change by Wallingford, and that's not CRRA.

Mr. Brodinsky said if the Mayor's Office or the Town Council approve an increase that it has nothing to do with CRRA, that it would be a local determination. **Mr. Fancher** said, no, that the garbage that is dropped off there will come to the facility, so there will be a disposal cost at the facility. **Mr. Gent** added that right now the town does not pay for the cost of CRRA taking the waste from the drop-off center to the facility. CRRA has a contract with waste management and that cost is a project cost and is not something that CRRA bills the town directly for so there is some economic benefit that the town is receiving to move the waste. **Mr. Brodinsky** asked if the town gets charged in any way for anything, and **Mr. Gent** said the actual tonnage.

Mr. Brodinsky asked if in the other CRRA trash burning facilities that are in Connecticut, are there instances where the host town gets a special benefit other than a payment in lieu of taxes. **Mr. Gent** said that it is structured as a pilot payment. He said that generally the main form is pilot payment. **Mr. Brodinsky** asked if CRRA in Wallingford has built up some reserves or some surpluses over time, and that if CRRA were to dissolve operation, would this be distributed to the town. **Mr. Gent** said it is a decision by the towns through the policy board whether it's distributed or whether the funds be used to absorb the rate shock that Wallingford may see. **Mr. Brodinsky** asked how much money has been built up and how much of that is Wallingford's share. **Mr. Gent** asked the Mayor if he knew Wallingford's percentage. **Mayor Dickinson** said that it is based on tonnage, so if you take one fifth of \$20 million that would be \$4 million.

Mr. Brodinsky asked about the Barbarino property that CRRA purchased and if the trash burning plant is the property of CRRA also. **Mr. Gent** said that was correct. **Mr. Brodinsky** asked if that plant was decommissioned, what would happen to the CRRA land. **Mr. Gent** said that Cytek has rights to have the land revert back to

them if they request. **Mr. Brodinsky** asked if there were any other impacts that he could think of that haven't been covered, financial or non-financial, as a result of the change. **Mr. Gent** said that the Council has been very thorough in their questions and covered all of the major ones CRRA has thought about.

Ms. Rascati asked about the huge transports of trash if one assumes that the five towns will come to the transfer station. She asked how big are they, how many tons? **Mr. Gent** said that the trailers themselves are limited to a gross vehicle weight of 80,000 pounds and they are typically 53 feet long or about the size of a big semi that you see on the road. **Ms. Rascati** said that the reason that she is asking is that we haven't had these before. **Mr. Gent** said that there have been transfer trailers coming in. He said that when the project has a scheduled outage that CRRA brings in transfer trailers to export that waste out-of-state. **Ms. Rascati** said that she is worrying about additional wear and tear on Wallingford's roads so that our pilot payment should be negotiated for that too. **Mr. Gent** said that all of those issues would come into play as to what a fair and reasonable pilot payment would be in relation to the impacts to the town.

Mr. Knight asked about the economic and useful life of the current burn plant on South Cherry Street. **Mr. Gent** said that economic life and useful life can be two different things and that from a useful life perspective, the plants can have a useful life from a technical perspective if they are operated and maintained properly between 30 to 40 years. **Mr. Knight** said that there is a lot of life left in it.

Chairman Parisi asked for public comment.

Geno Zandri, 9 Balsam Ridge Circle, said that after listening to the discussion that it's obvious to him that there is really no benefit to Wallingford to locate this transfer facility here. He said that the residents of Wallingford have dealt with the trash burning plant with its pollution and all of the extra traffic for all of these years and to tack on an additional facility here in Wallingford isn't in the best interests of our community. He said that this facility can be located anywhere. He said there is nothing sacred about Wallingford only that CRRA owns a chunk of land here so there is no benefit to Wallingford residents at all after listening to the discussion to this point.

He said that this is his recommendation. He said that earlier you heard that local towns have the right to have their own transfer stations and he thinks it a duty of this Town Council to look at it separately aside from CRRA to investigate it on our own – what a facility would cost to build and operate just for Wallingford residents and that we can take care of our own trash without having five towns bring trash to us because there are two problems with this facility and where CRRA wants to locate it. He said that all of the trucks, going in and out, travel right by the local facility that residents use, and they will have to deal with all the traffic that wasn't there before. He said that it behooves us to investigate the cost of our own transfer station and to do it on our own, and he said if it comes down to accepting the CRRA program that the town make sure that the town has a good pilot program.

Ms. Raymond said that among the reasons that CRRA wants to move forward with the five towns is that they believe there is negotiating strength in aggregating the waste from the five communities. She said that not only are you looking at the collection but also the disposal side and that is part of what they believe and this will bear out. She said that there is strength in the amount of waste that CRRA can take to any one facility and to commit to that facility and from a disposal perspective that benefits the towns economically.

Phil Wright, Sr., 160 Cedar Street, asked if there was any technology other than what is used here that is more efficient. **Mr. Gent** responded that there are more efficient technologies available but that would require going through the process of permitting a new facility and incurring new debt to finance that and given the amount of waste in this area that CRRA looked at a stand-alone facility using new technologies and a lot of them are fairly expensive and not totally proven. He said that the question to the towns would be if they want to risk and be the guinea pig for the new technologies. He said that the five town facility will be debt free in 2008 and the question will be the cost of building a new facility and the debt that will be incurred be offset by the efficiency of that unit.

Ms. Raymond said that they are investigating alternative technologies but that they are not doing in the context of a dedicated facility to be project driven. She said that CRRA is obligated as Connecticut's solid waste authority to be on the cutting edge in terms of knowledge of what these technologies can do and what's out there

and what's available. She said that CRRA will be studying them in depth but not in the context of being dedicated to a specific project but perhaps to serve all of Connecticut's solid waste disposal needs. **Mr. Wright** said that when this plant was put into Wallingford it created quite a stir and that he thinks that the town accepted the inconvenience because Wallingford don't like the idea of burying garbage and making some use of our waste was something that the town approved of.

Ms. Raymond said that CRRA agrees and that there is going to be a very ambitious solid waste management plan for the state and to put the Wallingford project into perspective, each of the four projects that CRRA owns currently all of their bonds are coming up for contracts – Bridgeport in 2007, Wallingford in 2010, Mid-Connecticut in 2012 and the Southeast Project in 2015- so all of these projects are going to be going through the exact same thing that CRRA is talking about here today as the bonds are paid off with each project. She said new technologies will have a role to play in the future in the state of waste management. **Mr. Wright** commented that there must be some tested technology somewhere. **Ms. Raymond** said that most of the new technologies are right now in Europe which is why they need to be studied for use in this country.

Chairman Parisi thanked everyone for the discussion.

7. Consider and Approve a Bid Waiver to Permit Use of the RFP process to have five to eight real estate appraisers approved to do work for Fiscal Year (2006-2007) – Law Department

Mr. Knight made a motion to Approve a Bid Waiver to Permit Use of the RFP process to have five to eight real estate appraisers approved to do work for Fiscal Year (2006-2007) as requested by the Law Department. **Mr. Knight** read the memo letter from Janis Small, Town Attorney, to the Mayor. **Mr. Farrell** seconded.

Ms. Small said that she has new 12 or 13 tax appeals resulting from the revaluation, and she has some others pending from prior years. She said a good percentage of them won't probably require a bid waiver but she thinks that going through this process of requiring qualifications of different appraisers and creating a list will be a more efficient way of selecting a particular appraiser for a particular project when she needs them. She said that she can have 5 to 8

available and make a decision, particularly when talking about court cases as to which one she thinks is appropriate for a particular project.

Chairman Parisi asked if the Council would be advised as to when you are going to be doing whatever you are going to be doing, and **Ms. Small** said sure. He said it would be nice if the Council has an idea because if they do this they wouldn't know what is happening. **Ms. Small** said that in terms of the current tax appeals that most of them wouldn't need a bid waiver but she would still like to go through this process.

Mr. Knight asked about the size of the fees on the tax appeals. **Ms. Small** said that most of them will be under the bid limit but some of them are commercial pieces worth more than \$10 million. She said that she comes for a bid waiver for the biggest ones, and for one she did a national search to find someone. She said that would be quite unique and wouldn't be on the list of 5 to 8, and she would come back to the Council on something like that. **Mr. Knight** asked if she was talking about \$6,000 to \$8,000, and she concurred with that. **Mr. Knight** asked how many required appraisals in a given year. **Ms. Small** said there are only 13 lawsuits following the revaluation, and there are some from prior years. She said that maybe there are a dozen appraisals a year but she would have to look. She said that she likes to idea of going through the selection process asking for new appraisers to come forward with their qualifications so that she can take a look at them and to get some new ones into the mix. She said that she would like to go through this hiring process so she can see what new appraisers are out there and want to offer their services and compile a list.

By voice, the vote was all ayes. The motion passed.

8. Executive Session pursuant to §1-200 (6) (D) of the Connecticut General Statutes with respect to the purchase, sale and/or leasing of property
– Mayor

Withdrawn

9. Executive Session pursuant to §1-200 (6)(B) of the Connecticut General Statutes regarding strategy and negotiations with respect to the pending tax appeal matter of Michael E. Cassello v. Town of Wallingford
– Law Department

Mr. Knight made a motion to Enter into Executive Session pursuant to Executive Session pursuant to §1-200 (6)(B) of the Connecticut General Statutes regarding strategy and negotiations with respect to the pending tax appeal matter of Michael E. Cassello v. Town of Wallingford. **Mr. Farrell** seconded.

By voice, the vote was all ayes. The motion passed.

The Council entered Executive Session at 8:45 P.M.

Mr. Testa made a motion to Exit from Executive Session. **Ms. Papale** seconded.

By voice, the vote was all ayes. The motion passed.

The Council exited Executive Session at 9:00 P.M.

Attendance at Executive Session:

Town Council (9); Mayor Dickinson; Attorney Janis Small

10. Motion to Consider and Approve the Settlement of the Michael E. Cassello v. Town of Wallingford tax appeal matter as discussed in Executive Session
– Law Department

No action taken.

Mr. Brodinsky made a motion to adjourn the meeting. **Mr. Farrell** seconded.

By voice, all voted aye.

The motion passed.

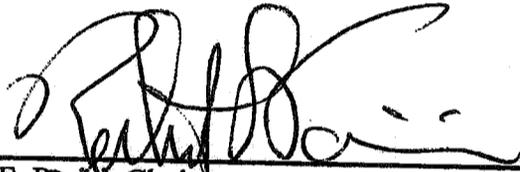
There was no further business to consider. The meeting adjourned at 9:01 P.M.

Respectfully submitted,



Sandra R. Weekes
Town Council Secretary

Meeting recorded and transcribed by Sandra R. Weekes



Robert F. Parisi, Chairman

8-22-06

Date



Barbara Thompson, Town Clerk

8/24/06

Date

RECEIVED FOR RECORD 8-3-06

AT 12:30 M P AND RECORDED BY

Barbara Thompson TOWN CLERK