

To: Mayor Gene F. Eriquez and Members of the Common Council

Re: Minutes of the Special Meeting held May 27, 1993.

The meeting was called to order at 9:06 P.M. by Mayor Eriquez. The Prayer and the Pledge of Allegiance were recited. The members were recorded as:

PRESENT - Fazio, Scalzo, Falzone, Arconti, Coladarci, Boynton, Gogliettino, DaSilva, John Esposito, Dean Esposito, Outlaw, Charles, Scozzafava, Trocolla, Yamin

ABSENT - Gallo, Dennehy, Setaro, Cassano, Butera, Cipriani

15 Present - 6 Absent

Council Members Butera, Gallo and Setaro were working.

NOTICE OF THE SPECIAL MEETING - To be held on the 27th day of May, 1993 at 8:00 P.M. in the Common Council Chambers in City Hall for the purpose of acting upon the following items. Mr. DaSilva made a motion for the Call and Return of Service to be accepted. Seconded by Dean Esposito. Motion carried unanimously.

PUBLIC SPEAKING

1. Frank Thomas, 8 West Street - There should be a procedure for rebuttal during Committee of the Whole meetings because you are dealing with people's livelihood.

1. Amendment to the Municipal Waste Disposal Agreement between the Housatonic Resources Recovery Authority and the City of Danbury
Re: Multiple Transfer Stations/Sites.

The amendment relates to the Housatonic Resource Recovery Authority system including multiple transfer stations/sites v. one transfer station/site to service all of the region's municipalities.

Dean Esposito moved to approve the amendment to the agreement. Seconded by Mr. Boynton. Mr. Scalzo stated that he is concerned about the highway routes and the traffic tie-up on White Street. Mayor Eriquez stated that the level of service of White Street is 25,000 cars per day. There will be only 5 trips per day to the site. Mr. Gottschall stated that the amendment gives a greater say in the designation of routes.

Mr. Trocolla asked what times the transfer station would be open. Mayor Eriquez stated that the times would be from 7:00 a.m. through 3:00 P.M. Monday through Friday and 7:00 a.m. to 12:P.M. on Saturdays.

The motion carried unanimously.

2. Amendment to the Municipal Waste Disposal Agreement between the Housatonic Resources Recovery Authority and the City of Danbury
Re: Continued use of Danbury Landfill

Mr. Boynton made a motion that the amendment to the agreement be adopted. Seconded by Mrs. Coladarci. Mr. Boynton asked if language can be added to regulate the 5,000 ton limit. Mayor Eriquez stated that this will be closely monitored so the limit will not be exceeded. Dean Esposito asked if the 5,000 tons will lower our agreement to produce tonnage. The Mayor said it would not. Mr. DaSilva commended the Mayor and his staff in bringing about this resolution for the "Moms and Pops". Mr. Boynton moved the question. Seconded by Mrs. Outlaw. Motion carried unanimously.

Main motion carried unanimously.

3. REPORT & ORDINANCE - Flow Control of Municipal Solid Waste. The Ordinance will include the designation of a disposal site for all solid waste generated within the City of Danbury.

Mr. DaSilva submitted the following report:

The Common Council met as a committee of the whole at 8:23 P.M. on May 27, 1993 to review a proposed ordinance concerning flow control for solid waste. Mayor Eriquez and Corporation Counsel Eric Gottschalk explained the various provisions of the proposed ordinances 16A-81(a) and Article V. They also responded to a number of questions posed at the preceding public hearing.

The proposed ordinances are basically the same as the present ordinance which controls the flow of solid waste to the City Landfill, except that it directs this flow to the transfer station run by AWD and contracted for by Wheelabrator. The Wheelabrator Company won a public bid to be the vendor for solid waste in the HRRR area.

There was considerable discussion concerning the management process and enforcement of rules and regulations. It was stated that Wheelabrator has responsibility for overall running of the process. They have contracted for various entities to run individual transfer stations such as that as AWD in Danbury.

Mr. Boynton moved to recommend adoption of the proposed ordinance as presented, Article V and Sec.16A-81(a). The motion was seconded by Mrs. Gogliettino and passed unanimously.

ORDINANCE

Be it ordained by the Common Council of the City of Danbury:

THAT the Code of Ordinances of Danbury, Connecticut is hereby amended by the addition of Article V to Chapter 16A, said Article to read as follows:

ARTICLE V

MUNICIPAL SOLID WASTE MANAGEMENT

Sec. 16A-90. Purpose.

There is hereby established a program for the mandatory disposal of Acceptable Waste generated within the City of Danbury in compliance with Connecticut General Statutes 22a-220 thereby providing for long term disposal of wastes and providing for the health and welfare of the citizens of the city.

Sec. 16A-91. Definitions.

ACCEPTABLE WASTE: shall mean all household garbage, trash, rubbish, refuse, and combustible agricultural, commercial, governmental and light industrial waste now normally or which may be hereinafter collected and disposed of by or on behalf of the City, but excluding (a) explosives and ordinance materials, pathological wastes, chemicals, radioactive materials, oil, sludges, highly inflammable substances, cesspool or other human wastes, human and animal remains, motor vehicles, or parts thereof, farm or other large machinery, nonburnable construction materials and demolition debris (but home remodeling waste and debris in reasonable quantities are not considered "demolition debris") and hazardous refuse of any type or kind (including those addressed by regulations adopted by the United States Environmental Protection Agency ("EPA") pursuant to the Resource Conservation Recovery Act of 1976, as amended, or other federal statutes or adopted by the Connecticut Department of Environmental Protection ("DEP"), such as, but not limited to, cleaning fluids, crankcase oils, cutting oils, hazardous paints, acids, caustics, poisons, drugs, radioactive materials, fine powdery

earth used to filter cleaning fluid and refuse of similar nature), (b) any item of waste exceeding six feet in any one of its dimensions or being in whole or in part of a solid mass, the solid mass portion of which has dimensions such that a sphere with a diameter of eight inches could be contained within such solid mass portion, and (c) all large household appliances, commonly referred to as "white goods" including, without limitation, refrigerators, stoves, washing machines, drying machines and the like, (d) all items designated from time to time by the Commissioner of the Connecticut DEP pursuant to the provisions of Section 22a-241b(a) of the General Statutes as suitable for recycling and such other items as are actually recycled, (e) all other items of waste which the City and the Authority reasonably believes would be likely to pose a threat to health or safety or the acceptance and disposal of which may cause damage to the Transfer Station or

be in violation of any judicial decision, order or action of any federal, state or local government or any agency thereof, or any other regulatory authority or applicable law or regulations. The City recognizes that some substances which are not, as of the date of this Agreement, considered harmful or of a toxic nature or dangerous, may be determined as such by DEP and/or EPA subsequent to the date hereof as hazardous, toxic, dangerous or harmful, and at the time of such determination, such substances shall cease to be Acceptable Waste.

AUTHORITY or HRRRA: shall mean the Housatonic Resources Recovery Authority, as identified in Article III of this Chapter.

CITY: shall mean the City of Danbury.

COLLECTOR: shall mean any person who holds himself out for hire to collect Solid Waste from residential, business, commercial or other establishments within the City.

DESIGNATED TRANSFER STATION: shall mean the transfer station located in the Greater Danbury Area to which the HRRRA Participating Municipalities shall cause their Acceptable Waste to be delivered, for transfer by WES to one or more resource recovery facilities.

MANAGER: shall mean the City of Danbury Recycling and Solid Waste Manager or such other official as may be designated by the Director of the Danbury Department of Public Works.

PERSON: shall mean any individual, corporation, partnership, association or other entity or organization of any kind.

RESIDENTIAL PROPERTY: shall mean real estate containing one (1) or more dwelling units but shall not include hospitals, motels or hotels.

SOLID WASTE: shall mean solid, liquid, semisolid or contained gaseous material that is unwanted or discarded, including, but not limited to, demolition debris, material burned or processed at a resource recovery facility or incinerator, material processed at a recycling facility and sludges or other residue from a water pollution abatement facility, water supply treatment plant or air pollution control facility.

WES: means Wheelabrator Environmental Systems, Inc.

Sec. 16A-92. Designation of Transfer Station Site.

The City does hereby designate the following authorized sites for the disposal of Acceptable Waste generated within the corporate limits of the City of Danbury:

(1) Each Collector authorized to collect Solid Waste within the City shall deliver all Acceptable Waste to the transfer station located at 307 White Street, Danbury, Connecticut, which shall be the Designated Transfer Station.

(2) All Danbury residents not served by a Collector who wish to dispose of their own Acceptable Waste, if generated within Danbury from residential property, shall deliver said waste to the Danbury Sanitary Landfill site.

Sec. 16A-93. Collection, Transportation and Disposal of Solid Waste.

(a) Collectors registered with and holding valid permits issued by the City pursuant to the provisions of Section 16A-81 hereof shall deliver all Acceptable Waste collected within the City to the Designated Transfer Station. Only the City and Collectors so registered and permitted shall be designated or otherwise authorized to collect and deliver Acceptable Waste to the Designated Transfer Station. In case of the temporary unavailability of the Designated Transfer Station, Acceptable Waste may be diverted to another transfer station or site by the City, HRRA or WES.

(b) No Solid Waste collected from outside the corporate limits of the City shall be disposed of at the Designated Transfer Station under a permit issued pursuant to the provisions of Section 16A-81 hereof.

(c) No person shall drive or move any truck or other vehicle within the City of Danbury unless such vehicle is so constructed or loaded so as to prevent any load, contents or litter from being blown or deposited upon any street, alley, or other public place.

(d) Collectors shall deliver Acceptable Waste only during the Designated Transfer Station's scheduled delivery days and hours or during other published days and hours as agreed upon in advance by HRRA and WES.

(e) Collectors shall use only vehicles that are in a safe and clean condition, in good repair, with the capability of mechanically dumping their contents, and have a capacity of three tons or more.

(f) Collectors shall use only those highway routes designated by the City, or by WES with the approval of the HRRA and the City, for the delivery of Acceptable Waste to the Designated Transfer Station.

(g) Collectors shall deliver Acceptable Waste in a clean, orderly, and safe manner and adhere to all reasonable rules and regulations as made known to the Collector by the City or HRRA or by WES with the approval of the HRRA, at all times when vehicles and/or personnel of the Collector are at the Transfer Station.

Sec. 16A-94. Duties and Qualifications of Collectors

(a) During the annual registration process required pursuant to the provisions of Section 16A-81 hereof, each Collector shall obtain from the City registration plates which shall be conspicuously displayed on the left front portion of the body of each vehicle or container to be used by the Collector in the collection and transportation of Solid Waste or in such other location on said vehicle or container as the City shall direct. Each such registration plate shall remain the property of the City of Danbury, even when affixed to a Collector's vehicle or container. Each such registration plate shall be returned to the City upon the written request of the Manager.

(b) During the annual registration process required pursuant to the provisions of Section 16A-81 hereof, each Collector shall sign an affidavit of origin, under penalty of false statement, stating that all Acceptable Waste disposed of at the Designated Transfer Station in the name of the City or its residents shall originate from within the corporate limits of the City.

(c) Prior to the sale or transfer of all or part of a Collector's Solid Waste collection route to any Collector not registered with or permitted by the City in accordance with the provisions of Section 16A-81 hereof, the Collector shall first notify the Manager, in writing, of his or her intent to sell or transfer all or a part of the route. The non-registered Collector shall, at the same time, make application for a permit to operate in the City.

(d) Prior to the annual issuance or renewal of its collection permit, each Collector shall report to the City the number of tons of Acceptable Waste collected monthly within Danbury and deposited at the Designated Transfer Station. Said report shall be on a form supplied by the Manager.

(e) Each Collector shall present a copy of his or her City permit and registration forms to WES and HRRRA and shall properly display each vehicle or container registration plate prior to delivering Acceptable Waste to the Designated Transfer Station.

(f) Each Collector shall provide insurance covering his or her operation, which coverage shall name the HRRRA, WES and the City of Danbury as additionally insured. Such coverage shall include, but not be limited to, general liability, automotive liability, excess liability, workers' compensation and employer's liability in amounts deemed reasonable and adequate by the City. Each Collector shall provide the HRRRA, the City and WES with a certificate of insurance identifying the limits of available insurance coverage and indicating that the issuing company shall endeavor to afford the HRRRA, the City and WES not less than 30 days written notice prior to the cancellation of any such policy.

(g) Each Collector shall provide to the City of Danbury and to HRRRA or WES a suitable performance bond, letter of credit or cash security to insure the performance of its obligations hereunder.

(h) Each Collector shall accurately identify for HRRRA and WES the tonnage of all acceptable waste collected by such collector within each Municipality and delivered to the Designated Transfer Station.

(i) Each Collector shall be responsible for the removal and disposal of, or the cost of removal and disposal, if performed by other than the Collector, of rejected waste including:

1. Waste other than Acceptable Waste.
2. Waste delivered at other than established receiving hours.
3. Waste delivered in a manner or by means not in conformity with the requirements hereof or of the

HRRRA/WES Waste Supply and Disposal Agreement.

4. Waste which WES is unable to accept as a result of a Force Majeure event.

(j) Each Collector shall be responsible for paying all reasonable costs incurred in connection with handling, transporting, and disposing of any non-acceptable waste requiring special handling, delivered to the Designated Transfer Station or facility.

(k) Each Collector delivering Acceptable Waste to the Designated Transfer Station shall be responsible for the payment of the service fee charged in connection with such delivery of Acceptable Waste in accordance with all reasonable rules and regulations administered by WES and approval by HRRRA. Each Collector shall make payment of all undisputed amounts within 30 days from the date of invoicing by the City or WES. Collectors shall promptly pay disputed amounts upon resolution of the dispute. Collectors shall be obligated to pay interest at the prime rate established by the Connecticut National Bank on all overdue payments.

(l) WES may reject any deliveries from Collectors who have not made payment of amounts due within sixty days from invoicing by the City or WES until such Collector pays in full all past due amounts including interest.

16A-95. Suspension or revocation of Permits.

(a) In addition to the remedies provided by law in case of nonpayment or noncompliance with the provision with this Article, the Manager is authorized to suspend or revoke any permits issued pursuant to the provisions of Section 16A-81 hereof. Except for good cause shown, the duration of any such suspension or revocation occurring within any five-year period shall be as follows:

1. Upon a first offense, any permit issued to the offender shall be suspended for a period of fourteen (14) days.
2. Upon a second offense, any permit issued to the offender shall be suspended for a period of twenty-eight (28) days.
3. Upon any subsequent offense, any permit issued to the offender shall be revoked for a period of two (2) years.

(b) Any Collector whose permit is either suspended or revoked or who is otherwise penalized pursuant to the provisions of this Section shall be entitled to a hearing in accordance with the provisions of Subsection 16A-51(d) hereof.

(c) During the period of any permit suspension or revocation, no permit shall be issued to any person identified in Subsection 16A-51(e) hereof.

Sec. 16A-96. Effective date.

This ordinance shall take effect on July 1, 1993.

ORDINANCE

Be it ordained by the Common Council of the City of Danbury:

THAT Subsection 16A-81(a) of the Code of Ordinances of Danbury, Connecticut is hereby amended to read as follows:

Sec. 16A-81. Registration of Solid Waste Collectors; Duties and Qualifications.

(a) In accordance with the provisions of subsection 22a-220a(d) of the Connecticut General Statutes, any collector hauling solid waste generated by residential, business, commercial or other establishments in the City of Danbury shall register with the City on forms prescribed by the Manager. Upon registration and payment of an annual permit fee of One Hundred Dollars (\$100.00), each such collector shall be issued a permit to collect or continue the collection of solid waste within the city. Permits issued hereunder shall not be transferred by the holder thereof. Each such collector shall disclose the name of any other municipality in which such collector hauls such solid waste. The door of any private vehicle used to haul solid waste shall be clearly marked with the business name and address of the collector. Each collector shall further be required to sign an affidavit of origin, under penalty of false statement, that all recyclables disposed of in the name of the City of Danbury or its residents shall originate from residential properties located within the corporate limits of the City or from such other locations as the City may permit.

Mr. Boynton made a motion that the report be accepted and the Ordinances adopted. Seconded by Dean Esposito. Motion carried unanimously.

4. Recycling/Solid Waste Department Budget. Letter from Director of Finance Dominic Setaro together with a list of various adjustments that need to be made to reflect the acceptance of the 5,000 tons of solid waste from City residents.

Dean Esposito made a motion that the communication be accepted and the adjustments approved. Seconded by Mr. Boynton.

Mrs. Gogliettino asked the Director of Finance why the increase in the regular salaries account. Mr. Setaro stated that the budget did not reflect the full table of organization to accommodate the 5,000 tons. Mr. Trocolla had questions about the permit and user fees. He stated that he was not sure about the coupon system. Mayor Enriquez outlined problems that had occurred with the coin machine system. Mr. Trocolla asked where the coupons would be sold. The Mayor stated that they would be sold at the Landfill, the Recycling Center, the Tax Collector's Office and at the Public Works Garage. Mr. Trocolla asked about the \$16 fee for refrigerators, washer-dryers, etc. The Mayor stated that this is the City's cost for the disposal of these goods.

After more discussion, the motion passed unanimously.

5. RESOLUTION - Recycling/Solid Waste Permits.

RESOLVED by the Common Council of the City of Danbury:
WHEREAS, the Danbury Code of Ordinances authorizes the establishment of Passenger and Non-Passenger Vehicle Permit and User Fees for the use of the Danbury Recycling Center and the Danbury landfill site; and

WHEREAS, the following Permit and User Fees represent a fair and equitable means of defraying a portion of the annual cost of operating the Danbury Recycling Center and the Danbury landfill site;

NOW, THEREFORE, BE IT RESOLVED THAT the Permit Fees for Passenger vehicles and Non-Passenger/Non-Commercial vehicles with a rated capacity of one ton or less, without modifications which would affect the rated capacity, and registered to a Danbury resident, shall be fixed by the Common Council, in the form of a fee schedule, attached hereto as Schedule A. The Permit shall allow the following:

(a) The Permit, when presented in combination with a sufficient number of Recycling Solid Waste (RSW) coupons, shall allow the disposal of residentially generated Municipal Solid Waste (with the exception of those Additional Wastes and Listed Permitted Wastes identified in Schedule A), generated by the household of the permit holder, at the Danbury landfill site. RSW coupons may be purchased from the City, at the rate established in Schedule A.

(b) The Permit shall allow the disposal of residentially generated recyclables, including, but not limited to, newspapers, cardboard, as well as food and beverage containers composed of plastic, metal or glass at the Danbury Recycling Center.

(c) The Permit shall allow the disposal of leaves for composting at the Danbury landfill site.

(d) The Permit, when presented in combination with a sufficient number of RSW coupons, shall allow for the disposal of Additional Wastes as set forth in Schedule A.

(e) The Permit, when presented in combination with a sufficient number of RSW coupons, shall allow for the purchase of Recycled Materials, as set forth in Schedule A.

(f) All Passenger vehicles bearing Disabled Veteran, Handicapped Permit or POW registration plates shall be exempted from the provisions hereof relating to permit fees. The owner of any such vehicle may obtain an Annual Passenger Vehicle Permit upon request.

BE IT FURTHER RESOLVED THAT a Special Permit shall be issued for any vehicles delivering certain Listed Permitted Wastes, generated in the City of Danbury (or as authorized pursuant to an agreement between the City of Danbury and the HRA or any other municipality) and described in Schedule A. An additional fee, as provided for in Schedule A, shall be charged for the disposal of said wastes.

BE IT FURTHER RESOLVED THAT all bills which remain unpaid for more than thirty (30) days after the date when payment is due, shall accrue interest from the date of billing at the rate of one and one-half (1-1/2%) percent per month; provided, however, that in no event shall any such interest charge be less than three (\$3.00) dollars, and

BE IT FURTHER RESOLVED THAT the provisions hereof and of Schedule A shall take effect on July 6, 1993.

SCHEDULE A
 RECYCLING AND SOLID WASTE
 FEE SCHEDULE 1993-1994

Title	Unit	Unit \$	Number of Coupons
CARS & PICKUP TRUCKS - FEES			
Residential Municipal Solid Waste (MSW)	50 LBS * (* Or fraction of 50 LBS)	\$ 2/50 LBS	1 @ \$ 2.00
ADDITIONAL WASTES - FEES			
Tires <= 16.5" Rim	each	\$ 2/each	1 @ \$ 2.00
Tires > 16.5" Rim	each	\$ 10/each	5 @ \$ 2.00
Refridg/Air Cond (freon)	each	\$ 16/each	8 @ \$ 2.00
Washers/Dryer/Mattress	each	\$ 10/each	5 @ \$ 2.00
Certified Scale	each	\$ 6/each	3 @ \$ 2.00
RECYCLED MATERIALS - SALES			
Firewood - split	cord	\$ 80/cord	4 @ \$ 20.00
	half cord	\$ 40/half cord	2 @ \$ 20.00
	qtr cord	\$ 20/qtr cord	1 @ \$ 20.00
Firewood - unsplit	cord	\$ 40/cord	2 @ \$ 20.00
	half cord	\$ 20/half cord	1 @ \$ 20.00
	qtr cord	\$ 10/qtr cord	5 @ \$ 2.00

Compost & Woodchips	60 gals	\$ 2/60 gals	1 @ \$ 2.00
	6 ft P/U	\$10/6 ft P/U	5 @ \$ 2.00
	8 ft P/U	\$14/8 ft P/U	7 @ \$ 2.00
LISTED PERMITTED WASTES - FEES			
Wood Palletts, Brush,	ton	\$ 80/ton	4 @ \$ 20.00
Stumps	ton	\$ 80/ton	4 @ \$ 20.00
PERMITS - TRUCKS FOR LISTED PERMITTED WASTES			
	each truck	\$ 100/each	Not Applic.
PERMITS - CARS & PICKUP TRUCKS			
Recycling & Solid Waste	each	\$ 0.00/each	Not Applic.

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RECYCLING AND SOLID WASTE COUPONS (RSW COUPONS) - 1993-1994
 RSW Coupons for use with Schedule A will be available in denominations of \$ 2.00 and \$ 20.00. The \$ 2.00 RSW Coupons will be sold in booklets of 10 coupons or singularly. The \$ 20.00 RSW Coupons will be sold individually.

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Mr. Boynton made a motion that the Resolution be adopted. Seconded by Mrs. Coladarci. Motion carried unanimously.

6 - Binding Arbitration Award - Danbury Firefighters Local 801

Mayor Eriquez explained the major points in the decision. Of 100 issues, the Union won 9. Mr. Scozzafava asked if this had to be ratified by the Common Council. The Mayor stated that the Common Council has 25 days to turn it down. Mr. Scozzafava stated that it is important for the Common Council to stand behind the negotiating team and made a motion to ratify the agreement between the City of Danbury and Local 801, by roll call vote. Seconded by Mr. Boynton.

Mr. Scozzafava stated that no one should have to go through what the negotiating team went through. Elected Officials do not deserve what he read in the newspaper. Everyone should be treated with respect. No one will be hurt by this agreement.

The Mayor thanked Dominic Setaro, Manny Merullo, and the Common Council for their work on this issue. After much discussion, the motion carried unanimously with the members voting as follows:

Yes - Fazio, Scalzo, Falzone, Arconti, Coladarci, Boynton, Gogliettino, DaSilva, John Esposito, Dean Esposito, Outlaw, Charles, Scozzafava, Trocolla, Yamin

15 Yes - 0 No

There being no further business to come before the Common Council a motion was made by Mr. DaSilva for the meeting to be adjourned at 10:35 P.M.

Respectfully submitted,

Jimmetta L. Samaha
 JIMMETTA L. SAMAHA
 Assistant City Clerk

May 27, 1993