

DURHAM MIDDLEFIELD INTERLOCAL AGREEMENT ADVISORY BOARD
SPECIAL MEETING MINUTES
Friday, February 3, 2017

Call to Order: The meeting was called to order at 7:06 PM by Chairman Dom DelVecchio at the Middlefield Community Center.

Roll call: Members present: Ron Capozzi, Dom DelVecchio, Chris Flanagan, Jim Gibbons, Frank Petrella, Howard Weissberg and Charles Zieminski. **Staff Present:** Site Manager Bob Matuskiewicz and Recording Secretary Heather Castiglia. **Public present:** Christy Gilbert, Dave Goduti, Dave Goduti, Sr., Melissa Goduti, Maria Papa

Approval of Agenda: *A motion was made by Howard Weissberg and seconded by Jim Gibbons to approve **the** agenda as amended with an end time of 9:00pm. The motion passed unanimously.*

OLD BUSINESS

Chairman Delvecchio put forth the tabled motion from the meeting on January 26th regarding the private hauler hours to be voted on. Heather Castiglia read the motion written at the last meeting. Bob Matuskiewicz asked if there could be contingencies put in place for holidays. The board agreed to add that contingencies would be made for holidays, weather conditions and site related issues. The vote was **withheld** until after public comment.

PUBLIC COMMENT

Ms. Christy Gilbert representing Goduti Waste referenced the Town of Durham Document "Chapter 11. Offenses and Miscellaneous Provisions, Article II. Noise" She pointed out that in section 11-42. Definitions, "Daytime Hours" were defined as the hours between 7:00 a.m. and 9:00 p.m. Monday through Saturday and the hours between 9:00 a.m. and 9:00 p.m. on Sunday. She also referred the board to section 11-47. Exceptions. which reads: "(b) The following shall be exempt from this chapter, subject to special conditions as specified. (7) Noise created by leaf, refuse and solid waste collection, provided that the activity is conducted during daytime hours." Ms. Gilbert has interpreted the noise ordinance to indicate that refuse and solid waste collection is prohibited before the hour of 7AM. She stated, "...the hours you are implementing are going against what the haulers are allowed to do by town law." She stated that many of their customers had complained of the noise of private haulers before 7AM, and utilize their company because they haul during daytime hours. She asked if the board thought it was fair to put in a regulation at the DMIAAB site that would go against the noise ordinance.

Mr. Weissberg stated that this noise ordinance is only relevant for Durham. Chairman Delvecchio stated that the Noise Ordinance is open to interpretation as a means to keep the noise level under control in certain cases. Many haulers haul before 7am to avoid the traffic and school buses. It can be a safety/liability issue for haulers to haul after 7am. Mr. Weissberg stated that the Goduti Waste and BOS vehicles may not be exceeding the noise level. Ms. Gilbert replied that they are looking into implementing a noise study with the Town of Durham to find out.

Ms. Gilbert also pointed out information from past DMIAAB meeting minutes, including minutes from January 2015 where the board, "wished Mr. Goduti well in his endeavor to start his own hauling business" and April 16, 2015 that "Mr. Matuskiewicz would help Mr. Goduti form a hauling plan when his business is operational." Ms. Gilbert states that neither of these has

happened and she alleges the site employees have stopped Goduti Waste from entering the site per the orders of the board, and on one occasion searched their personal residential waste.

Chairman DelVecchio responded that DMIAAB has the authority to search waste streams to determine the origin of the waste delivered by private haulers

Ms. Gilbert referenced the DMIAAB August 19, 2010 meeting minutes to point out that the board had made a motion to accept weekly recyclable trips from BOS because “it was determined that allowing BOS to make recyclable deliveries each week should not be a burden on the facility.”

Ms. Gilbert also referenced the minutes of the January 9, 2017 Board of Selectmen’s meeting in which there was a motion to “allow insured private residential hauling companies services Durham and Middlefield use of the transfer station on Tuesday, Wednesday, and Friday during normal working hours until a policy is written.”

She presented photographs of a 30 foot box truck from Rogers Manufacturing dumping at the site and wanted to know why this was allowed.

Ms. Gilbert expressed that the board is “against” Goduti Waste by not allowing Goduti Waste in to the site during normal daytime hours on non-public hour days. She alleged the site had allowed another vendor to dump five to six times a day several years ago. She presented ticket paperwork to show the recording of the other vendor’s dump times. Chairman Delvecchio stated that the time stamps indicated when the vendor’s trips to the site were entered into the DMIAAB computer system as noted on the entry data invoices, not when the trips actually occurred.

Mr. Dave Goduti from Goduti Waste also spoke of the board being unreasonable towards Goduti Waste. He wants to know why the dump cannot open for Goduti Waste to dump on non-residential days when he needs it to be open. He states that the site has plenty of dumpsters.

The board responded that Mr. Goduti has not yet presented the board with a hauling schedule that they can approve. Chairman Delvecchio stated that the board cannot adjust the transfer station’s business model to fit a hauler’s business model. The transfer station is not run to accommodate contractors. Right now, the transfer station runs with mostly part-time workers and on non-public days, the employees are working on maintaining the site and delivering the waste to Hartford. It would be a liability to allow haulers in at these times. Chairman Delvecchio stated that “our primary purpose and function is to provide our taxpayers with a service.”

Mr. Flanagan asked why Goduti Waste hasn’t petitioned the town to change the noise ordinance.

Mr. Goduti stated that other hauling companies haul at all hours and do their trash and recycling on the same day. Chairman Delvecchio stated “we addressed all these concerns at the formal hearing in September”

Ms. Melissa Goduti, from Goduti Waste, asked if there were different exceptions the board could make, the board needs to clarify and be clear about these in the documentation going forward. She stated she is lobbying with state officials to see that this is a legal process. She will go to the media with this, if needed.

Chairman Delvecchio attests that DMIAAB will do what is in the best interest of the taxpayer and DMIAAB always indicated that it would only allow haulers in at the times that were previously approved by the board. The board is not interested in expanding hauler hours.

Ms. Maria Papa explained she felt that there should be an application process for haulers to haul at the site and if so, why doesn't the other hauler in town (BOS) have one?

Mr. Dave Goduti, Sr. stated he felt that DMIAAB was not being fair to Goduti Waste. He asked the board what does Mr. Goduti have to do to be able to dump at the site?

Ms. Melissa Goduti stated that if the board creates an application process, it needs to have specific details explaining turnaround times, insurance requirements and all necessary paperwork. She reiterated the board should be explicit in directions for these applications.

Concerns were relayed about the hours in the morning allowing enough time for two haulers to dump. There would need to be a 15 minute window between the two, and what would happen should they need more time to dump?

Mr. Flanagan stated he felt that if a hauler would need an extra 5 minutes or so, he would be accommodated.

A motion was made by Chris Flanagan and seconded by Frank Petrella to establish hours for commercial waste collectors of residential waste from Durham and Middlefield including MSW and all recyclable as follows: Commercial waste collectors of residential waste from Durham and Middlefield including MSW and all recyclables must be delivered and unloaded between the hours of 6:45 AM to 7:45 AM on Monday and Thursday, or the hours of 7:00 AM to 9:30 AM Tuesday, Wednesday and Friday subject to a delivery schedule approved by DMIAAB. Commercial waste collector vehicles must be restricted to 20 yards or less. Contingencies will be provided for the site manager to amend hours as needed per holidays, weather conditions or other site related issues such as equipment failure. The motion passed unanimously

NEW BUSINESS

Discussion of Anchor Engineering study:

RiverCog towns, Haddam, Old Saybrook, Durham, and Middlefield participated in the engineering study. Anchor never met with DMIAAB or Site Manager Bob Matuskiewicz. Dom supplied budgetary financial information.

The board discussed the inaccuracies of some of the study:

- \$90,000 in sticker fees is collected in a matter of weeks is absolutely not true. The sticker fees are collected over a period of months. There is never money kept on site overnight. The town offices are not equipped to handle 3000 customers along with ensuring that the stickers are affixed to the correct vehicle.
- Page 2 comparing single stream/dual stream--we do not have a contract with MIRA for recyclables, we can benefit from the market value of recyclables by delivering to private entities as DMIAAB has done in the past. Recyclables are not making any money right now.

- OSHA statements
- Tarping station not in use. Close the stairs.
- Part time employees on site versus full time staff, 1 state certified attendant at all times. We have 6 state certified. Part time fireman, some high school students. Part time employees are more cost effective
- No personnel handbook in use. It would be prudent to create one. DMIAAB has requested Durham's personnel policy for employees
- The report states only 57% residents are using the site. Actual number is closer to 75%
- The report suggests that a pay as you go program be considered. DMIAAB has investigated this but would need the first selectman to bring this to a town meeting. Durham and Middlefield currently have very high recycling rates as compared to other towns in the state as noted in the report
- Increase the user fee –board of finance usually is not too receptive to this idea because the taxpayers will see it as another form of taxation
- Force closure of transfer stations to private haulers... this would have to be taken to a special DMIAAB public hearing and voted upon with appropriate notice to all interested parties. Study the cost of private operation of the facility.
- Increase tip fees--if the fee gets too high, the taxpayers will suffer. Not addressed in the study.
- Working board vs oversight board was discussed at some length.
- #19 is wrong, no one has access to the site without the site administrator.
- OSHA may be an excellent way to address the entire site safety issue This was investigated and OSHA was invited to the site and provided suggestions
- Swap shop may need to be moved
- Double weigh for the scale. No customers have complained about having to weigh in twice on a single scale.

DMIAAB board to meet with anchor and/or board of selectmen at a later date. The board agreed to meet again in February to discuss the study further with Anchor Engineering and the Town Selectmen and Board's of Finance. Questions and concerns about the study will then be addressed.

Mr. Capozzi suggested adding "private hauler application policies and procedures" to the agenda for the February regular meeting.

ADJOURNMENT: *A motion was made by Ron Capozzi and seconded by Howard Weissberg to adjourn the meeting at 9:06. The motion passed unanimously.*

Respectfully Submitted,
Heather Castiglia

Cc: Durham Town Clerk, Middlefield Town Clerk, Board Members