

DURHAM MIDDLEFIELD INTERLOCAL AGREEMENT ADVISORY BOARD
SPECIAL MEETING MINUTES
Thursday, September 3, 2015

Call to Order: The meeting was called to order at 6:03 PM by Chairman Dom DeVecchio at the Durham Public Library

Roll call: Members present: Ron Capozzi, Dom DeVecchio, Chris Flanagan, Jim Gibbons, Frank Petrella, and Charles Zieminski. Members absent: Bob Czarnecki and Howard Weissberg. Staff Present: Recording Secretary Heather Castiglia. Public Present: Dave Goduti, Attorney Jim McLoughlin, [Christie H.], Maria [Papa], Tom McNamara

Approval of Agenda: *A motion was made by Charles Zieminski and seconded by Jim Gibbons to approve agenda as published. The motion passed unanimously.*

New Business:

Goduti Waste, LLC

Chairman Delvecchio set "ground rules" for the meeting:

- The board will open the meeting for public comment and Attorney Loughlin will present his client's argument during which the board will be free to interact.
- The board will then entertain Public comment from the general public.
- The Public Comment segment will be closed and the board will discuss the issues.
- Chairman Delvecchio stated that the board may or may not come to a decision tonight.

Atty. Loughlin asked if this was a public hearing, in which Chairman Delvecchio replied that it is not a public hearing, but will be treated as a public hearing with the same rules, and the meeting will be recorded to ensure a transcript is available.

Atty. Loughlin states that not allowing discussion seems adversarial, and wants "give and take" discussion at this meeting so that both parties can come to an agreement. In response, Chairman Delvecchio states that a "give and take" discussion has turned into a debate in the past ... and he is not sure that it's necessary to come to an agreement. The last two meetings have become a debate and there has been no resolution.

Atty. Loughlin introduces himself as Jim Loughlin from Loughlin Law, PC in Wallingford. Working for Goduti Waste, LLC. Explains Dave Goduti was laid off and liquidated everything he owns and needs to make his Goduti Waste business work. Stresses the fact that Goduti is a young Durham resident who has young children.

Atty. Loughlin acknowledges the good work that the board members do and expresses that what Mr. Goduti wants is good for Goduti Waste, LLC and good for Durham-Middlefield. He states it will be good business for DMIAAB to support Goduti Waste, LLC because he will generate revenue and revenue in turn will be generated from competing commercial hauling business.

He goes on to state: "We have simple goals... we want to be treated just like BOS, we want to be treated just like everybody else. And we need the hours that have been stated, 8 to 3 to apply, and if we can't have 8 to 3 then what are the hours?... to require him (Goduti) to abide by an appointment sometime between the hours of 8 to 3 three days a week can't work for him... So

we're looking to be treated like everybody else, and we're looking for established hours that we can count on."

Atty. Loughlin attests that an adversarial relationship has arisen because Mr. Goduti was not allowed in at the gate.

Chairman Delvecchio explains the reason that Mr. Goduti was not allowed in the site was because Mr. Goduti, was not authorized to dump as a commercial hauler at the site.

Atty. Loughlin states that "Required under Interlocal agreement" there should be rules and regulations of the site posted. He complains that DMIAAB does not post policies and hours of operation. Laughlin then presents photocopies of photographs to the Board that he alleges show that BOS has access on commercial days before 8 o'clock and that BOS has the code to get in and out of the gate. Mr. Goduti claims he has witnessed BOS performing tasks at the site that the Board stated Mr Goduti would not be allowed to do.

Mr. Zieminski expresses that it is difficult to tell what is really happening in the photos.

When asked by Mr. Zieminski what the photocopies actually show, Mr. Goduti claims the photocopies of his photos show:

- A photo of Mr. Goduti's truck dumping over the gate into the MSW hopper.
- A photo of a BOS truck's gate open over the hopper on a residential public day.
- A photo of a BOS truck pulling up to the outer gate and the driver typing the code.
- A photo of the Demo gate open without an attendant.

Chairman Delvecchio interjects that there should always be an attendant at the metal and demo cans, but sometimes they are not available and residents do not wait. Also, the attendant may not be in view in this particular photo, since the area of the metal and demo cans is quite large. Mr. Matuskiewicz supports that statement by explaining that with more than 1700 customers on some days, sometimes the attendants get busy helping another employee or resident, and the residents take advantage by opening the gate by themselves.

Goduti speaks of a personal, residential issue he had at the Transfer station, and Chairman Delvecchio states he would like to keep to the point of the meeting. Atty. Loughlin agrees.

Atty. Loughlin and Mr. Goduti claim that the transfer station only has 1 hauler (BOS) coming in to the site. They also claim that it appears DMIAAB is trying to keep Goduti Waste from using the transfer station. Atty. Loughlin lists as grievances:

- DMIAAB meetings have been unexpectedly cancelled, and they were not given appropriate notice.
- A request for information was not answered in completion.
- Mr. Goduti and Atty. Loughlin present photographs and mentions personnel information. Chairman DelVecchio states they must keep to the point of the meeting.

Atty. Loughlin, in closing, states that if Goduti isn't afforded set hours that work within his schedule and the same opportunities that BOS—the same advantage of having the code—then his investigation of the Board and a review by the board of Selectman will ensue.

Chairman Delvecchio asks Mr. Goduti if he has anything else to say:

Mr. Goduti points out in his photo of the open demo gate, and he was told that opening the gate is a liability, and dumping is a liability, yet he claims he was able to do both without notice of the attendants. Chairman Delvecchio restates that the photo is only showing a portion of the area and the safety attendant of the Demo/Metal area may be outside the photo frame. There is an attendant assigned to that area, and sometimes they get called away, in which case, residents do

take advantage of the situation. Goduti replies that if there is an attendant overseeing the dumping why is it considered a liability for him to dump MSW and recyclables on residential days?

Chairman Delvecchio responds that no commercial vehicle is ever allowed to dump over the gate for the recyclables or MSW on residential days. There is **not** a safety attendant assigned for the MSW or recyclables.

Chairman Delvecchio reiterates that Goduti Waste is looking for the same access to the site that BOS has and set hours.

Loughlin then shows that towns of East Haddam, Guilford, Killingworth and Wallingford allow commercial dumping during residential hours. Mr. Flanagan replies that the board has the right to decide what the policies are here in Durham-Middlefield. Chairman Delvecchio states other towns do different things, it is not DMIAAB practice to allow commercial dumping during residential hours.

Mr. Goduti states that he has a garbage truck, it is not registered, and that there is no law that says he needs a garbage truck to dump commercial garbage, Mr. Goduti employs a 6-yard truck for his business. Chairman Delvecchio states “I agree...It’s your business—you can operate it any way you like.”

Mr. Goduti feels he should be allowed to dump as many times as he needs to. “I can’t be told no because he [BOS] has one appointment and I need 10.”

Mr. Zieminski asked Mr. Goduti if he was requesting to come during residential hours.

Loughlin responds “We’re looking for the 3 days for commercial hauling to be from 8 to 3. Without appointment. If he can’t work with that, then maybe he should have the code.”

Chairman Delvecchio states that it seems as if Mr. Goduti is looking for an expansion of the hours that BOS is allowed to utilize the facility. BOS is not scheduled to come in to the site during residential hours. During the other 3 days that the site is open, it is the practice of the site to transfer the waste by CT state mandate to the appropriate facility and maintain the site and its vehicles and equipment. Bob Matuskiewicz explained that BOS dumps at the site in the morning before 9 AM on closed-to-public days and before 8AM on public days.

Mr. Goduti expressed his frustration that the Board would not let him into the transfer station as a private hauler to dump.

Bob Matuskiewicz replied that at that time, the Board did not authorize Goduti Waste, LLC access to the site, so Mr. Matuskiewicz was not able to let Goduti Waste, LLC into the site.

Chairman Dom Delvecchio responds “It is not our responsibility to accommodate your schedule.” DMIAAB has a responsibility to the residents, to the town, and there is a schedule that DMIAAB needs to keep to meet mandatory recording requirements for state purposes. DMIAAB also has a business model it must follow.

At this time, Chairman Delvecchio opened the meeting to Board Member questions.

Chairman Delvecchio asked Mr. Goduti what is Goduti Waste’s route schedule for recyclables and MSW? Mr. Goduti replied:

- Trash and recycling are the same days, they put their cans out the night before...
- Every other week recyclables, curbside MSW Tuesdays for Durham
- Curbside Thursday Middlefield
- Wednesday for driveway service... patrons who want trash picked up at their houses.

Mr. Flanagan asked Mr. Goduti if all his pickups were from Durham/Middlefield. Mr. Goduti replied that his Wallingford route goes to Covanta.

At this time, Chairman Delvecchio opened the meeting to the audience for Public Comment.

Christie [H...] conveys that David is a young, good guy and can be a little strong, but he's trying to build a business for our family and to improve the town of Durham. "All we want is what is provided and what's fair... starting off small... Really trying to make a positive influence for the town... Doing the best we can and we just are asking for some flexibility and some understanding."

Maria [Papa]... (David Goduti's mother) "Not trying to hurt anybody...he is a great kid, a hard worker... got his house on his own...went to college... he just wants to make good."

Tom McNamara... noted that there are at least 5 other commercial/residential haulers in town. BOS is not the only one in town. Questioned Mr. Goduti as to where he was bringing the Durham/Middlefield trash if it can't be dumped at the Transfer Station. Because you have to document where Durham garbage goes. Mr. Goduti answered that he has a friend with a dumpster. Mr. McNamara replied that MSW must be logged as you dump it.

Chairman Delvecchio explained to Mr. Goduti that once the towns commit to a disposal facility, State and Local ordinances mandate that if you are not dumping within our site, you need to contract with MIRA. There are specific reporting requirements needed by state law.

At this time, Chairman Delvecchio closed public comment

BOARD DISCUSSION

Mr. Flanagan asked if Goduti Waste, LLC is recognized as a legitimate Durham business through the Planning and Zoning department and if DMIAAB needs to address the issue.

Chairman Delvecchio states that is a question that needs to be addressed by the Durham Planning and Zoning Board and does not involve DMIAAB at this time

Chairman Delvecchio explains that DMIAAB role is quasi-municipal agency that is supported by taxpayer funds. DMIAAB always acts in the public interest and is not here to accommodate any one individual. The primary and only directive is to be open to collect waste and recyclables delivered to the site by the residents. It is also the responsibility of DMIAAB to be open to the public certain hours for this use. It is mandated, by state law, that DMIAAB transfer that waste to the appropriate facilities within the assigned time.

At this time, the transfer station is at capacity for staff, drivers, and trucks. It is obligated to be open Mondays, Saturdays—the waste collected on those days is transported on Tuesday and Wednesday. It is open also on Thursday and Thursday waste is hauled on Friday. It is necessary for DMIAAB to meet its state obligated goals. **DMIAAB has never been and is not in the private hauler business.** BOS has been a holdover from many years ago when DMIAAB stopped taking commercial haulers. At that time, BOS agreed to haul at times that would not interrupt the necessary obligations that the transfer station had to its residents and the State of CT.

A DMIAAB Task Force was created to study everything that the board did since its inception. The task force met once a month for a year and a half. What came out of those meetings was that there is a clear directive to NOT expand DMIAAB's private hauler business. The primary

responsibility of DMIAAB is to focus on the waste that is generated by our residents and delivered to the site residents.

One item that was addressed at the Task Force meetings was the complete prohibition of all private haulers.

One of the main goals of DMIAAB is to minimize the expense to the town taxpayers. The site is very expensive to maintain. On closed-to-public days, DMIAAB drivers are hauling non-stop to transport the waste from the site. There may not be an employee on the site on the closed-to-public days.

The task force decided not to prohibit private hauling at the time, but if the need arose, DMIAAB would address the idea of expanding access to haulers, as in this case. It is the right of DMIAAB to completely prohibit all private hauling to the site.

The reason DMIAAB does not have rules and regulations posted for private haulers is because DMIAAB is not in the private hauler business. The main goal of the DMIAAB is to be open to collect waste and recyclables delivered by residents to the transfer station and to transfer that waste to the appropriate facilities in a timely manner. DMIAAB cannot meet its state regulations and goals if it is open to private haulers.

DMIAAB will not expand access or hours to private haulers. There is no benefit to the town. DMIAAB covers cost by the revenue that is generated. The only way DMIAAB could generate money through private hauling is if it tripled the cost to the private haulers.

Chairman Delvecchio states DMIAAB can offer Goduti Waste the same schedule that BOS follows. Atty. Loughlin asks why the board states that the commercial hours are 8 to 3 and Mr. Matuskiewicz replies that his work hours at the site are 8 to 3 and the site hasn't had a private hauler on the site after 9AM for years.

Chairman Delvecchio explained that MIRA has capacity at COVANTA and suggests that it is a good option for Goduti Waste, LLC. Covanta is open solely for commercial haulers six days a week with unlimited access. DMIAAB will not vote on this matter at this meeting. Chairman DelVecchio asked Goduti waste to consider the issues discussed this evening. Chairman Delvecchio adjourned the meeting at 7:20 PM.

Respectfully Submitted,

Heather Castiglia

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