

Minutes
Special Town Meeting
January 14, 2010

Moderator Dr. Kenneth Paddyfote called the meeting to order at 6:00 p.m. The moderator read the following legal notice:

REVISED

NOTICE OF SPECIAL TOWN MEETING

Thursday, January 14, 2010 – 6:00 p.m.

Town Hall Conference Room

The electors and those entitled to vote in Special Town Meetings of the Town of Middlebury are hereby warned that a Special Town Meeting will be held at the Town Hall in the Town Hall Conference Room, 1212 Whittemore Road, Middlebury, CT on Thursday, January 14, 2010 at 6:00 p.m. for a vote on the following:

1. Upon the recommendation of the Board of Selectmen and the Planning and Zoning Commission that the Town of Middlebury convey real property of the Town located at Ferndale Avenue consisting of 15,452 square feet or 0.35 acres to Vincent McDonald, Trustee for use as an access way in exchange for settlement of outstanding litigation, non-disturbance of the Greenway and a Conservation easement within the proposed three lot subdivision plans on file with the Planning and Zoning Commission dated 10-18-04 revised 10-12-09; and
2. Adoption of an ordinance for the Town of Middlebury to create and become a member of the Central Connecticut Solid Waste Authority under the provisions of Sections 7-273aa to 7-273oo to jointly manage solid waste disposal and recycling services on behalf of its members to be known as the Central **Connecticut** Solid Waste Authority. Upon adoption of this ordinance by two or more municipalities, the Central **Connecticut** Solid Waste Authority ("CCSWA") shall be created.

Dated at Middlebury, CT this 4th day of January 2010.

The moderator asked for a motion on the first item. Thomas Gormley made a motion to approve upon the recommendation of the Board of Selectmen and the Planning and Zoning Commission that the Town of Middlebury convey real property of the Town located at Ferndale Avenue consisting of 15,452 square feet or 0.35 acres to Vincent McDonald, Trustee for use as an access way in exchange for settlement of outstanding litigation, non-disturbance of the Greenway and a Conservation easement within the

proposed three lot subdivision plans on file with the Planning and Zoning Commission dated 10-18-04 revised 10-12-09, seconded by Robert Desmarais. There was no discussion. The moderator asked for a vote. All were in favor. None opposed. Motion passed. The resolution is incorporated at the end of the minutes.

The moderator asked for a motion on the second item. Richard Spierto made a motion to adopt an ordinance for the Town of Middlebury to create and become a member of the Central Connecticut Solid Waste Authority under the provisions of Sections 7-273aa to 7-273oo to jointly manage solid waste disposal and recycling services on behalf of its members to be known to be the Central Connecticut Solid Waste Authority. Upon adoption of this ordinance by two or more municipalities, the Central Connecticut Solid Waste Authority (“CCSWA”) shall be created, seconded by Ronald Clark. A short discussion followed. The moderator asked for a vote. All were in favor. None opposed. Motion passed. The entire ordinance is incorporated at the end of the minutes. There being no further business, the meeting was adjourned at 6:06 p.m.

RESOLUTION

To approve in accordance with Section 904 F of the Charter of the Town of Middlebury the recommendations of the Board of Selectmen and the Planning and Zoning Commission that the Town of Middlebury convey real property of the Town located at Ferndale Avenue consisting of 15,452 square feet or 0.35 acres, (Tax Assessor's Parcel 4-08-19M) to Vincent McDonald, Trustee for use as an access way in exchange for settlement of outstanding litigation, non-disturbance of the Greenway, and a Conservation Easement within the proposed three-lot subdivision plans on file with the Planning and Zoning Commission dated 10-18-04 revised 10-12-09. Dated this 4th day of January 2010 in Middlebury, CT.

Thomas P. Gormley, First Selectman

Elaine M. Strobel, Selectman

Robert C. Desmarais, Sr., Selectman

**RESOLUTION TO ADOPT
ORDINANCE TO CREATE AND BECOME A MEMBER OF THE CENTRAL
CONNECTICUT SOLID WASTE AUTHORITY**

Section One: Statement of Purpose

Section 7-273aa of the Connecticut General Statutes Annotated provides that any two or more Connecticut municipalities may, by concurrent ordinances of their legislative bodies, create a regional solid waste authority under the provisions of Sections 7-273aa to 7-273oo, inclusive ("Chapter 103b") to jointly manage solid waste disposal and recycling services on behalf of its members to be known as the Central Connecticut Solid Waste Authority.

Upon adoption of this Ordinance by two or more municipalities, the Central Connecticut Solid Waste Authority ("CCSWA") shall be created.

Section Two: Creation of the Regional Solid Waste Authority

CCSWA is hereby created as a regional authority under the provisions of Chapter 103b and shall have all the rights, powers, duties and obligations of a regional authority pursuant to Chapter 103b and Chapters 446d and 446e of the Connecticut General Statutes Annotated ("Chapters 446d and 446e").

Section Three: Designation of Regional Solid Waste Authority

The Municipality hereby designates CCSWA as its regional solid waste authority, including its regional resource recovery authority, and adopts the provisions of Chapter 103b in connection with this election to become a member of CCSWA.

Section Four: Purpose and Authority

The purpose of CCSWA shall be to solicit and jointly manage solid waste disposal and recycling services on behalf of its members, including the Municipality.

Section Five: Principal Address of the Authority

The principal address of CCSWA shall be 241 Main Street, Hartford, CT 06106, c/o the Capitol Region Council of Governments.

Section Six: Members of the Authority

The members of CCSWA shall be the municipalities, including the Municipality, which adopt this Model Ordinance.

Section Seven: Voting Method for Authority Governance

The number of votes to be cast by each municipal member of CCSWA shall be based on a multi-tiered voting system to be based on the population of such municipal member compared to the populations of CCSWA's other municipal members, to be specifically determined in a manner consistent with the by-laws of CCSWA as the same shall be adopted after the formation of CCSWA.

Section Eight: Appointments, Removal and Terms of Office

The method of the appointment and removal and the terms of office of the municipal members of CCSWA (including individual municipal member representatives appointed by municipal members who serve on any board, committee, subcommittee or other body of CCSWA) shall be determined in a manner consistent with the by-laws of CCSWA as the same shall be adopted after the formation of CCSWA; provided however, that not more than half of such terms shall expire within any one year.

Section Nine: Annual Meeting of the Authority

There shall be at least one annual meeting of all municipal members of CCSWA, all as provided in the by-laws of CCSWA to be adopted after its formation.

Section Ten: Prohibition Against Monetary Compensation

The members of CCSWA shall receive no monetary compensation solely for their service as members of CCSWA; provided, however, that the ability of CCSWA to pay host community compensation to members which agree to host solid waste facilities within their municipal borders shall not be affected by this prohibition.

Section Eleven: Executive Committee of the Authority

The members of CCSWA shall have the option to elect an executive committee to manage the operations of CCSWA, provided, however, that the specific division of responsibilities for such management between the executive committee, the full membership of CCSWA and any other body or officer of CCSWA shall be consistent with the by-laws of CCSWA to be adopted after its formation. The members of such executive committee shall constitute an odd number, shall include at least one representative of each CCSWA voting tier based on population and shall also be determined by considerations of geographical representation, all such matters and the terms of office and appointment of such executive committee members and other matters pertaining thereto to be specifically determined in a manner consistent with the by-laws of CCSWA to be adopted after its formation.

Section Twelve: Powers of the Authority

In addition to its role as a regional solid waste authority under Chapters 103b, 446d and 446e, CCSWA may also provide and/or solicit for the provision of other municipal services on a collective basis for the benefit of such of its members as may wish to make an individual municipal election to participate in such additional service opportunities.

Section Thirteen: Adoption

This Model Ordinance is hereby adopted pursuant to and in compliance with all laws governing the Municipality's adoption of ordinances and shall take effect immediately upon its passage.

Dated this 4th day of January 2010 in Middlebury, CT.

Thomas P. Gormley, First Selectman

Elaine M. Strobel, Selectman

Robert C. Desmarais, Sr., Selectman

The ordinance will be effective fifteen (15) days after publication (Section 904 G of the Middlebury Charter)
Number attending: 35

Respectfully submitted,

Edith Salisbury
Town Clerk