



TOWN OF MIDDLEBURY

Board of Selectmen

RECEIVED FOR FILING

October 19, 2023 at 10:30 am

TOWN CLERK'S OFFICE
MIDDLEBURY, CT

AMENDED MINUTES

Board of Selectmen

October 16, 2023 – 4:00 p.m.
Town Hall Conference Room

Marybeth Lombardi, Asst.
TOWN CLERK

Start – 4:00 p.m.

End – 4:22 p.m.

Present:

Edward B. St. John, First Selectman
Elaine Strobel, Selectman
J. Paul Vance, Selectman
Robert Smith, Town Attorney
Dana D'Angelo, Town Attorney
Curt Bosco, Zoning Enforcement Officer

Rita Smith – Library Board of Trustees –
Chairman, PD – Commissioner, BOF-member
Marj Needham, Middlebury Bee Intelligence
Sarah Shelton, Voices
Liana St. Germain, Recording Clerk

Call to Order with Pledge of Allegiance

The meeting was called to order by the First Selectman at 4:00 p.m. with the Pledge of Allegiance.

Approval of October 2nd, 2023 Meeting Minutes

First Selectman St. John MOTIONED to approve the minutes from October 2nd, 2023, SECONDED by Selectman Vance. Unanimous approval.

Tax Rebates

ACAR Leasing LTD - \$516.55
Ehsan Ansari - \$40.71
Ehsan Ansari - \$34.36
Kimberly J. Bedini - \$84.84
Luciano Bedini - \$133.39
Marc R. Bernbach - \$166.46

Timothy & Hannah Broderick - \$212.02
CAB East LLC - \$46.81
JoAnn S. Cappelletti - \$298.40
Robert V. Cappelletti - \$558.91
Nissan Infiniti Lt LLC - \$566.16
Nissan Infiniti Lt LLC - \$344.57

First Selectman St. John MOTIONED that these rebates take their usual course, SECONDED by Selectman Strobel. Unanimous approval.

Correspondence

First Selectman St. John noted that a thank you card was received from Terry Computaro, wife of the late Marc Computaro, the Foreman for DPW, on the beautiful plant that was sent.

Appointments

None

Discussion and Consideration

Terry McAuliffe – Proposal for Town Website

First Selectman St. John stated that Terry McAuliffe could not attend the meeting due to a personal matter.

Dana D'Angelo – Parkland Estates Subdivision – Open Space

Attorney Dana D'Angelo stated that this summer, she had received a request from Parkland Estates to reopen the subdivision. It was a subdivision approved by the Planning and Zoning Commission in 2008. (Attorney D'Angelo shows the Board of Selectmen a property map.) When this was approved, the approval required a homeowner's association. Parkland Estates has decided this is not the road they wish to go down. Getting people to donate money to a homeowner's association is difficult, and they have asked if the town would accept the open space. The open space runs behind the lots on either side of the subdivision. Attorney D'Angelo stated this is nothing that needs to be voted on. Attorney D'Angelo would like to know if the Board of Selectmen is open to the Town accepting this open space. If not, then it can go to the Middlebury Land Trust. Attorney D'Angelo stated that Middlebury Land Trust will not take this. Tom Cunningham says they are not interested in this because it is a small amount of land and borders many different properties. Selectman Strobel questioned if it was 20%, which Attorney D'Angelo stated is now 20%. When it was first approved, it was only 10%. The lots remain the same. It's who will hold the title to the open space. Selectman Strobel asks if there is a requirement that they have open space. Attorney D'Angelo stated they have options and regulations for open space: it can go to the town, it can go to a land trust, or you can pay a fee in lieu of open space and not have any open space. Parkland Estate is not looking to pay that fee; they are also looking not to have a homeowner's association and to request the town accept the open space. First Selectman St. John noted that at the previous Board of Selectmen meeting, it was mentioned that the town accepting the easement of the Southford Park Project would enable the project, yet nothing has been approved. As for this project, it is already an approved subdivision; it's just a matter of moving the ownership of the open space. Attorney D'Angelo stated that this has been open space for 15 years and has been approved since 2008. First Selectman St. John said he didn't see why the town wouldn't accept.

Waste Zero – Management of the Food Scrap Division Program

First Selectman St. John MOTIONED to AMEND the Agenda to include Management of the Food Scrap Division Program SECONDED by Selectman Strobel. Unanimous approval.

First Selectman St. John stated that this office received paperwork from the Director of Public Works on awarding Waste Zero as the town's food scrap division program management. First Selectman St. John noted that this was put out for bid as required by DEEP and only received one proposal back, Waste Zero. This is a reimbursable pilot program. (See attached)

First Selectman St. John MOTIONED to award Waste Zero the management of the food scrap division program SECONDED by Selectman Vance. Unanimous approval.

Selectman Strobel stated that it was brought to her attention that properties are being rented out throughout the town as party houses. What is very concerning is that Middlebury has many lovely larger homes for sale, which can also be used as potential "party hotels." Several of them are currently for sale. 122 Mirey Dam Road was purchased about a year ago in August by a New York City resident who is currently renting this house out here in Middlebury as an Airbnb.

This individual had workers live there while they were renovating the home and left trash throughout the lot. On Memorial Day this year, was when the parties started. Every weekend and daily, a large group of guests comes to the neighborhood's unsupervised "party hotel." The property is operated as an un-regulated hotel. This has been happening daily, with 300 to 400 guests to date. The owner rents the home as a private hotel for \$2,000 daily. At that rate, guests feel entitled to enjoy themselves in any way they please, and they do so at the expense of the neighbors. Ironically, the very thing the owner is robbing our neighborhood of is serenity, which is the same thing the property is listed as "Serenity Estates." Noise levels are high all weekend. Officers respond out, they lower the music, but then the next group comes the next day or the following weekend, and it starts all over again. Cars are parked on the street, with loud music and screaming until after midnight. 6 to 20 cars are parked in the driveway, and vehicles are parked on the street and neighbors' lawns for larger gatherings. Labor Day weekend, there was another party where they celebrated someone's birthday with a large photo booth and a large white tent with a hibachi chef. Also, the trucks tore up the neighbor's lawn going down the property's winding, narrow driveway. Selectman Strobel stated she doesn't have a solution on what we can do. She would like to work with the Corporation Council. Selectman Strobel noted that, first, this needs to stop. These neighbors cannot live like this. Selectman Strobel states she doesn't have a problem with people renting out Airbnb's in town, but we need to get a handle on this, and party houses for an Airbnb is a totally different thing. Selectman Vance stated this should be referred to the Police Commission and the police department and can go as far as parking issues and or damage to the property. Selectman Strobel stated that we need to make new ordinances that address this. Attorney Robert Smith noted that Police Chief Deely had previously recommended specific ordinances to Attorney Smith because of this. Attorney Smith stated that referring this to the Police Department is a good idea. Attorney Smith asked Attorney D'Angela about any regulations used in other towns, to which Attorney D'Angelo stated none as of this time.

Zoning Enforcement Officer Curt Bosco stated that his office has been involved since September 8th. He received a phone call from the police department to assist on the scene. Mr. Bosco met two officers on the scene, and there is a police report with complete body camera footage. Mr. Bosco noted that he found five or six areas of our zoning regulations that can be used to assist in stopping the so-called "hotel." Mr. Bosco stated that no one was violating any laws that day. Everyone on the scene that day was from Massachusetts celebrating a 30th birthday party. Everyone was interviewed that day, and anyone who needed to move their vehicle did. Mr. Bosco stated this will take a comprehensive plan, and we will need to map out our path. Selectman Strobel noted that this isn't going to be solved overnight but that this is what the neighborhood is asking for and that at least this is being looked into and addressed.

Public Comments

None

Executive Session

None

Adjournment

First Selectman Edward B. St. John MOTIONED to ADJOURN the meeting at 4:22 p.m.; SECONDED by Selectman Elaine Strobel. Unanimous approval.

The next meeting is slated for Monday, November 6, 2023, at 4:00 p.m.

These minutes are submitted subject to approval.

Respectfully Submitted,

Liana St. Germain

Recording Clerk



f: 919.322.1234
t: 800.866.3954
11943 Grandhaven Drive
Suite A-1
Murrells Inlet, SC 29576
info@wastezero.com
www.WasteZero.com

September 28, 2023

**RE: Town of Middlebury - Request for Proposals for Refuse and Recycling Consumer Program
Proposals
Bid 2023**

WasteZero understands the Town of Middlebury has received financial funding through a grant provided by the Connecticut Department of Energy and Environmental Protection (DEEP) to continue a Food Scrap Collection Pilot Program and requires the assistance of a suitable vendor to provide supplies and services including consulting services and program management assistance. WasteZero is pleased to offer the following proposal to continue the management of the Town of Middlebury's Refuse and Food Scrap Program. If awarded, WasteZero intends to provide the scope of services requested within the Town's timeframe. This document sets out our understanding of supplies and services as requested by the Town along with a description of pricing.

1. Qualification Requirements:

WasteZero is the leading provider of municipal solid waste reduction programs in the United States. As a certified Benefits Corporation¹ since 2013, we are committed to meeting high standards in social and environmental performance. We are on a mission to cut residential trash in half across the nation and partner with more than 400 municipalities throughout the U.S. to reduce the amount of waste that is landfilled or burned, increase recycling, recover organic waste, and divert other waste streams. With over thirty years of experience in waste reduction management, WasteZero develops practical and effective programs. We provide financial modeling, outreach, education, and consulting. With the use of our WasteZap database, we can track program results and enable modeling of program parameters. This proprietary technology successfully tracks information from over 500 communities across the United States.

Overall, our municipal clients have experienced a \$2.2 billion net positive financial impact, diverting 8.5 million tons of waste from landfill, and, on average, cutting residential solid waste to 46% below the national average or better while doubling, sometimes tripling recycling rates.

¹ B-Lab is a globally renowned, independent, multi-stakeholder organization. Certification is obtained by meeting high standards of verified performance, accountability, and transparency.

WasteZero has over three decades of experience providing services to municipalities, specifically consultation, design, launch and management of next-generation municipal solid waste, and recycling programs, waste reduction programs and unit-based pricing programs (UBP) including our industry-leading program, WasteZero Trash Metering™. We know the importance of engaging stakeholders in order to provide custom designed programs, with the net result of municipalities eliminating, avoiding or reducing fixed residential fees for trash collection by using official pre-paid bags.

Exhibit A provides a list of references with details of long-term business relationships. WasteZero, Inc. has never filed for bankruptcy and has proven financial stability.

WasteZero carries general liability insurance, including contractual liability coverage, in the amount of one million dollars (\$1,000,000.00) per occurrence and two million dollars (\$2,000,000.00) in general aggregate. Upon award, WasteZero will provide endorsements of insurance policies naming the Town of Middlebury as an additional insured. *See Exhibit B for sample certificate of insurance (COI).*

2. Scope of Services:

A. General Monthly Program Management - after initial 5 months of DEEP contracted management (included on Line 1 "General Program Management" in SMM Grant Budget):

- Website hosting and management
- Track data, provide analytics and monthly charts to DEEP for DEEP contract deliverable
- Manage and facilitate regular waste audits and reporting for DEEP contract deliverable
- Provide regular progress reporting to Town and stakeholders as needed - for DEEP contract deliverable
- Attend weekly check-in calls with DEEP.
- Attend regular check-in calls with regional councils of government and co-ordinate outreach events
- General pilot co-ordination and troubleshooting including recommendations for:
 - i. Outreach (as needed)
 - ii. Media (help with content ideas, photos, videos for FB posts, website, app messages and other)
 - iii. On site presentations for schools, churches, or other events, for example, Earth Day, etc. (provide labor as needed and billed separately, see below)
- Pull mobile app analytics and consolidate with emails and 1-800 calls for regular recap of feedback.
- Manage extra bag distribution as needed
- Design and provide flyers or outreach materials as needed

B. Resident Outreach as needed (included on Line 7 "Additional Outreach Supplies & Support" in SMM Grant Budget)

- Provide guidance and management of the following:
- Social Media Assistance
- Canvassing (one on one conversations at Transfer Station)
- Tabling at community transfer station
- Attend Community Events
- Printed material as needed
- Provide and train personnel as needed.

3. Pricing:

For the duration of the term, rates for Phase One and Phase Two are as follows:

- A. General Monthly Program Management: \$1,200.00
- B. Resident Outreach Price Quotes as needed

Client shall receive Net-30 terms with payment made to WasteZero within thirty (30) days of issuance of an invoice. In the event an invoice is disputed, it should be brought to the attention of WasteZero immediately. Payment for disputed invoices should be made within thirty (30) days of the dispute being resolved.

4. Minimum Qualification Checklist:

Five years of experience consulting and planning solid waste, recycling and municipal waste reduction programs

Yes No

Five years of public engagement experience

Yes No

Five years of stakeholder engagement experience

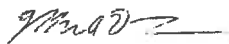
Yes No

Have you filed for bankruptcy in the last ten years?

Yes No

Do you meet minimum insurance requirements?

Yes No



Signature of person authorized to bind the company
Mark Dancy, President of WasteZero, Inc.

09/28/2023

Date

5. By submission of this proposal, WasteZero certifies that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from doing business with any Federal department or agency. Furthermore, WasteZero, if selected, agrees to ensure that any subcontractors it uses also meet this standard.

6. WasteZero is an Equal Opportunity Employer and Service Provider. Its policy is to ensure it does not discriminate against any employee or applicant for employment because of sex, race, creed, color, national origin, ancestry, marital status or sexual orientation.

WasteZero is pleased to submit this proposal and are confident of our offering. We appreciate the opportunity to partner with the Town of Middlebury and provide the services required to help successfully transition from a pilot program to a permanent program and improve materials management.

Thank you,
On Behalf of WasteZero

Elizabeth Vance

Elizabeth Vance
Head of Legal
evance@wastezero.com
919-518-3480

Exhibit A
References

Name of Reference	Connecticut Dept. of Energy and Environmental Protection (CT DEEP)
Address of Reference	79 Elm Street, Hartford, CT 06106
Reference Contact Name and Information	Jennifer Weymouth, Environmental Analyst
Contact Email	jennifer.weymouth@ct.gov
Contact Telephone Number	Tel: 860 424 3508
Services Dates	Client between 2007-2009 and 2014 to present

Name of Reference	City of New Britain, CT
Address of Reference	27 West Main Street, New Britain, CT 06051
Reference Contact Name and Information	Mark Moriarty, Director of Public Works
Contact Email	mark.moriarty@newbritainct.gov
Contact Telephone Number	Tel: 860 826 3374
Services Dates	Client from 2015-2016

Name of Reference	City of Middletown, CT
Address of Reference	245 Dekoven Drive, Middletown, CT 06457
Reference Contact Name and Information	Kim O'Rourke, Recycling Coordinator
Contact Email	kim.orourke@middletownct.gov
Contact Telephone Number	Tel: 860 638 4855
Services Dates	Client since 2019

Name of Reference	City of New London, CT
Address of Reference	181 State Street, New London, CT 06320
Reference Contact Name and Information	Brian Sear, Director of Public Works
Contact Email	bsear@ci.new-london.ct.us
Contact Telephone Number	Tel: 860 447 5251
Services Dates	Client between 2018-2019

Name of Reference	City of Concord, NH
Address of Reference	311 North State Street, Concord, NH 03301

Town of Middlebury Request for Proposals: BID # 2023
Refuse and Recycling Consumer Program Proposals

Reference Contact Name and Information	Adam Clark, Director of Administrative Services
Contact Email	aclark@concordnh.gov
Contact Telephone Number	Tel: 603-230-3912
Services Dates	Customer from 2009 to Present

Exhibit B

Sample Certificate of Insurance

ACORD. CERTIFICATE OF LIABILITY INSURANCE

DATE (MMDDYYYY)
 12/28/2021

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer any rights to the certificate holder in lieu of such endorsement(s).

PRODUCER USI Insurance Services, LLC 8540 Colonnade Center Dr. Suite 111 Raleigh, NC 27615		AGENT Rhonda P Newton PHONE (A.C. No. 8.1.1): 919 676-8834 FAX (A.C. No.) E-MAIL ADDRESS: rhonda.newton@usi.com	
INSURED WasteZero, Inc. 4208 Six Forks Road Suite 1000 Raleigh, NC 27609		INSURER(S) AFFORDING COVERAGE INSURER A: Transportation Insurance Company 20494 INSURER B: Continental Insurance Company 35289 INSURER C: Accident Fund Ins Company of America 10166 INSURER D: American Casualty Company of Reading PA 20427 INSURER E: INSURER F:	

COVERAGES CERTIFICATE NUMBER: REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

LINE	TYPE OF INSURANCE	ACCIDENT DATE	POLICY NUMBER	POLICY EFF DATE	POLICY EXP DATE	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN. AGGREGATE LIMT APPLIES PER <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC <input type="checkbox"/> OTHER		6079928610	12/27/2021	12/27/2022	EACH OCCURRENCE \$1,000,000 DAMAGE TO RENTED EQUIPMENT \$1,000,000 MED EXP / Any one person \$15,000 PERSONAL & AD. INJURY \$1,000,000 GENERAL AGGREGATE \$2,000,000 PRODUCTS - COMP OF AGG \$2,000,000
D	AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO OWNED <input type="checkbox"/> ALIEN ONLY <input type="checkbox"/> SCHEDULED <input checked="" type="checkbox"/> HIRED AUTOS ONLY <input checked="" type="checkbox"/> NON-OWNED <input type="checkbox"/> AUTOS ONLY		6079927229	12/27/2021	12/27/2022	OPERATED & OWNED LIST Ex accident \$1,000,000 BODILY INJURY / Person \$ BODILY INJURY / Per accidnt \$ PROPERTY DAMAGE / Per accidnt \$ \$
B	<input checked="" type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> EXCESS LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS-MADE DEC <input checked="" type="checkbox"/> RETENTION 10000		6079932429	12/27/2021	12/27/2022	EACH OCCURRENCE \$5,000,000 AGGREGATE \$5,000,000 \$
C	WORKERS COMPENSATION AND EMPLOYERS LIABILITY ANY PROPRIETOR, PARTNER, EXECUTIVE OR OFFICER MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N N	WCV8016635	12/27/2021	12/27/2022	PER STATE OTH E.L. EACH ACCIDENT \$1,000,000 E.L. DISEASE - EA EMPLOYEE \$1,000,000 E.L. DISEASE - POLICY LIMIT \$1,000,000
A	Tech E&O Liab		6079928610	12/27/2021	12/27/2022	\$1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101. Additional Remarks: Schedule, may be attached if more space is required)

CERTIFICATE HOLDER WasteZero, Inc. 4208 Six Forks Road Suite 1000 Raleigh, NC 27609	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE <i>Paula B. Bulman</i>
--	--

DigiSigner Document ID: d1096ac6-e885-41da-9694-0ff3a0a5c303

Signer

Signature

Email: evance@wastezero.com
IP Address: 69.220.155.137

Elizabeth Vance

Email: mdancy@wastezero.com
IP Address: 174.242.143.42

MD

Email: evance@wastezero.com
IP Address: 69.220.155.137

Elizabeth Vance

Event	User	Time	IP Address
Upload document	evance@wastezero.com	9/28/23 12:38:41 PM EDT	69.220.155.137
Open document	evance@wastezero.com	9/28/23 12:38:42 PM EDT	69.220.155.137
Sign document	evance@wastezero.com	9/28/23 12:39:33 PM EDT	69.220.155.137
Close document	evance@wastezero.com	9/28/23 12:39:33 PM EDT	69.220.155.137
Send for signing	evance@wastezero.com	9/28/23 12:40:09 PM EDT	69.220.155.137
Open document	evance@wastezero.com	9/28/23 12:40:27 PM EDT	69.220.155.137
Resend for signing	evance@wastezero.com	9/28/23 12:46:32 PM EDT	69.220.155.137
Open document	mdancy@wastezero.com	9/28/23 12:48:28 PM EDT	174.242.143.42
Sign document	mdancy@wastezero.com	9/28/23 12:48:44 PM EDT	174.242.143.42
Close document	mdancy@wastezero.com	9/28/23 12:48:44 PM EDT	174.242.143.42
Open document	evance@wastezero.com	9/28/23 12:49:08 PM EDT	69.220.155.137
Download document	evance@wastezero.com	9/28/23 12:49:28 PM EDT	69.220.155.137
Sign document	evance@wastezero.com	9/28/23 12:50:24 PM EDT	69.220.155.137
Close document	evance@wastezero.com	9/28/23 12:50:24 PM EDT	69.220.155.137

