

Newtown

ORDINANCE 63

REGIONAL SOLID WASTE ORDINANCE

(Adopted by Legislative Council July 23, 1986, Journal 20 Page 95, effective August 9, 1986, amended 6-21-89 effective July 22, 1989.)

WHEREAS, the prevailing solid waste disposal practices in the Town of Newtown and in certain nearby communities could potentially result in unnecessary environmental damage, waste valuable land and other resources, and constitute a continuing hazard to the health and welfare of the citizens thereof, and present technology permits the conversion of residential and commercial solid waste into commercially valuable resources including steam and electricity, in an environmentally sound manner;

WHEREAS, the Town of Newtown has entered into discussions with the City of Danbury and with the Towns of Bethel, Bridgewater, Brookfield, New Fairfield, New Milford, Redding and Ridgefield regarding a regional solution to residential and commercial solid waste management and disposal, and will pursue such discussions with other cities and towns as may seek to cooperate for such purposes with the aforementioned city and towns;

WHEREAS, Chapter 103b, Sections 7-273aa to 7-273oo of the Connecticut General Statutes, as amended by the provisions of Public Act No. 85-478, provide for the creation and authorization of Regional Resources Recovery Authorities by the enactment by municipalities of concurrent ordinances.

WHEREAS, it is in the best interest of the Town of Newtown to cooperate with one or more of the City of Danbury and the Towns of Bethel, Bridgewater, Brookfield, New Fairfield, New Milford, Redding and Ridgefield to create a Regional Resources Recovery Authority to provide a regional solution to the problems of residential and commercial solid waste management and disposal; and

WHEREAS, it is in the best interest of the Town of Newtown that said Regional Resources Recovery Authority have the powers contained in Section 7-273bb of the Connecticut General Statutes as amended by Public Act 85-478.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN OF NEWTOWN:

1. The provisions of Chapter 103b, Sections 7-273aa to 7-273oo, as amended by the provisions of Public Act 85-478, are hereby adopted.
2. A public body politic and corporate of the State, to be known as the "Housatonic Resources Recovery Authority" (Hereinafter referred to as the "Authority") constituting a political subdivision of the State of Connecticut established and created for the performance of an essential public and governmental function is hereby created for the purposes, charged with the duties and granted the powers provided in Chapter 103b, Sections 7-273aa to 7-273oo of the Connecticut General Statutes, as amended by Public Act 85-478, and Chapters 446d and 446e of the Connecticut General Statutes, as amended, which Authority is hereby designated as the Regional Resources Recovery Authority for the Town of Newtown. The Authority shall be the Regional Resources Recovery Authority for the Town of Newtown and for such other member municipalities as shall be ordinance concurrent herewith adopt the provisions of Chapter 103b of the Connecticut General Statutes, as amended, create the Authority and designate the Authority as the Regional Resources Recovery Authority, and such other municipalities as shall be ordinance and upon such terms and conditions as the Authority may determine, hereafter become member municipalities of the Authority.

3. The Authority is established and created for the purpose of providing solid waste management and disposal services within the region of the Authority, which shall be the region within the jurisdiction of all of the member municipalities of the Authority and which purpose includes: providing for the disposal of residential and commercial solid waste, and the financing, construction and operation of one or more solid waste disposal facilities for such purpose, and the delivery of solid waste thereto, including facilities for incineration of solid waste and production of steam, electricity and other by-products for sale to public utilities and others.

4. The membership of the Authority shall consist of one member from each member municipality of the Authority. Each such member, including each of the first members of the Authority, shall be appointed in the manner set forth in the concurrent ordinance adopted by each member municipality. Members shall serve for terms of three years, except that the first members of the Authority shall serve terms commencing July 1, 1986 and terminating as follows: Bethel, June 30, 1987; Bridgewater, June 30, 1988; Brookfield, June 30, 1989; Danbury, June 30, 1987; New Fairfield, June 30, 1988; New Milford, June 30, 1989; Newtown, June 30, 1987; Redding, June 30, 1988, and Ridgefield, June 30, 1989.

Provided, however, that members shall continue serve until their successors are appointed and have qualified. In no event shall the terms of more than one half of the members expire simultaneously. If because of the addition or reduction of the number of member municipalities, the terms of more than one half of the members would expire simultaneously, then the terms of a sufficient number of members shall be automatically extended for a period of one year. Said extensions shall be based upon the alphabetical order of the member municipalities.

Each member municipality may appoint one alternate member of the Authority who shall act in the event of the disability or absence for any other reason of the member of the municipality. Said alternate representative shall have a voice at Authority meetings and vote at Authority meetings if the regular representative from said municipality is absent from the meeting.

5. Except in the case of membership termination the Authority shall operate with one hundred voting units which shall be assigned to member municipalities in proportion to each municipality's share of the total population of all members of the Authority as determined by the latest decennial federal census of population. There shall be no fractional votes and each municipality shall have a minimum of one vote. The distribution of voting units among members shall be recomputed or termination of any member municipality or the admission of a new member municipality. All actions by the Authority shall require the affirmative vote of at least fifty-one percent of the total voting units present and voting at a duly called meeting of the Authority at which a quorum is present.

Members of the Authority holding a majority of the voting units shall constitute a quorum, provided that no quorum shall be deemed to exist unless at least fifty-one percent of the members of the Authority shall be present and voting.

In case of membership termination each member municipality shall have one vote and there shall be no vote by voting units.

7. Members of the Authority shall serve without compensation but may be reimbursed by the Authority for their necessary expenses.

8. Member municipalities may withdraw from the Authority only after agreeing, in writing, to comply with the terms and conditions contained in any contracts between such municipality and the Authority, or the holders of any bonds of the Authority. No such withdrawal shall relieve such municipality of any liability, responsibility or obligation incurred by it as a member of the Authority or as a user of any of the Authority's projects.

9. The ordinance shall be deemed to be concurrent with such ordinance as shall be enacted by the City of Danbury and the Towns of Bethel, Bridgewater, Brookfield, New Fairfield, New Milford, Redding and Ridgefield which ordinances are not inconsistent in any material respect with the provisions of this ordinance. Said ordinance shall be deemed concurrent even though said ordinances are not adopted simultaneously by said municipalities and even though one or more of said municipalities shall fail to adopt said ordinance.

10. EFFECTIVE DATE: This ordinance shall become effective fifteen (15) days after publication in accordance with the Charter of the Town of Newtown.