

**RESOLUTION RE: CITY OF MILFORD OPPOSITION TO CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION PERMIT OF RECYCLING,
INC. AT 990 NAUGATUCK AVENUE**

WHEREAS, in 2007, the City of Milford was successful, with the assistance of the State Attorney General’s Office, in shutting down an illegal dump at 990 Naugatuck Avenue operated by Associated Carting/D.C. Waste Management, Inc., which commenced operation without any State or local permits. The City of Milford supports recycling and reusing items in appropriately regulated and permitted facilities, but not in an illegal dump; and

WHEREAS, the current applicant, Recycling, Inc., obtained a permit from the State Department of Environmental Protection (DEP) to operate a limited processing recycling facility, despite the fact that they did not have any local permits from the City of Milford; and

WHEREAS, in 2009, the City of Milford Planning and Zoning Board denied the application of Recycling, Inc. for a zoning permit. Recycling, Inc. took a legal appeal of this denial to Connecticut Superior Court, where the appeal is still pending. In a separate case, the Court ruled that the DEP permit “trumps” local zoning with regard to the use of the land for this facility in this zone; and

WHEREAS, Recycling, Inc. has not consulted with any of the City’s health and safety agencies, including but not limited to Police (traffic), Fire (safety plans, water supply, access, etc.), Health or Building Inspection or any others to ensure compliance with all health, safety and welfare codes, regulations, ordinances and statutes; and

WHEREAS, the City of Milford has initiated a tax foreclosure action in Superior Court against the property owners, who were delinquent in tax payments in the amount of \$740,000 +/- . On May 31, 2011, the City was successful in getting the owners to pay \$606,000 +/-, but the foreclosure action continues in order to compel payment of the remaining \$136,000 +/- that they rightly owe; and

WHEREAS, Recycling, Inc. has applied to DEP for an expanded permit which would drastically increase the volume, noise, truck traffic in the area; and

WHEREAS, the City of Milford has strenuously expressed its opposition to this expanded permit and has retained outside legal counsel to represent it in the process. This City has applied for “Intervener Status” in this application process.

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED By the Board of Aldermen of the City of Milford that:

1. The City of Milford is vehemently opposed to the issuance of any expanded permit for Recycling, Inc. at 990 Naugatuck Avenue before all local permits and consents are obtained, and the Board demands that the DEP deny this or any other application at this site; and

2. The City Administration is authorized and directed to take all steps necessary to aggressively oppose this application, including but not limited to retaining legal, technical and professional experts and consultants; and

3. Our State elected officials are urged to oppose this application publicly and to use their offices, to the extent possible, to impress upon DEP the negative effects this will have on our community; and

4. Our State elected officials further are urged to sponsor and enact legislation that effectively closes the “loophole” that presently allows State statute, in instances like this, to override local zoning regulations; and

5. The City, through all of its departments, is directed to enforce all applicable codes, regulations, ordinances and statutes to protect the health, safety and welfare of our citizens and neighbors, and defend the quality of life in this neighborhood.

INTRODUCED BY ALDERMAN BERNARD “BOB” JOY, Jr., 2ND District.