

CONNECTICUT RESOURCES RECOVERY AUTHORITY

FOUR HUNDRED AND FORTY-THIRD

JUNE 18, 2014

A special telephonic meeting of the Connecticut Resources Recovery Authority Board of Directors was held on Mon. June 18, 2014, in the Board Room at 100 Constitution Plaza, Hartford, CT. Those present by telephone were:

Directors: Chairman Don Stein
Vice-Chairman Barlow
John Adams
Ralph Eno
Joel Freedman
Jim Hayden
Andy Nunn
Scott Shanley

Present from CRRA in Hartford:

Tom Kirk, President
Mark Daley, Chief Financial Officer
Peter Egan, Director of Environmental Affairs and Operations
Laurie Hunt, Director of Legal Service
Moira Kenney, HR Specialist/Board Administrator

Chairman Stein called the meeting to order at 8:58 a.m. and said a quorum was present.

PUBLIC PORTION

Chairman Stein said the agenda allowed for a public portion in which the Board would accept written testimony and allow individuals to speak for a limit of three minutes.

As there were no members of the public present wishing to speak, Chairman Stein proceeded with the meeting agenda.

RESOLUTION REGARDING AN AMENDMENT TO RESOLUTION REGARDING IMPLEMENTATION OF PUBLIC ACTS 13-247 AND 13-184

Chairman Stein requested a motion on the above referenced item. The motion was made by Director Adams and seconded by Director Eno.

RESOLVED: That the **RESOLUTION REGARDING IMPLEMENTATION OF PUBLIC ACTS 13-247 AND 13-184** (the "Resolution") adopted by this Board at its April 24, 2014, meeting, is hereby amended to authorize and direct the President to take all actions and do all things necessary to terminate the trust agreements specified on Schedule D thereto prior to the

receipt of the documentation specified on Schedule A thereto, as amended hereby; to hold all funds received from the trustees pursuant to those trust agreements until the Authority has received the documentation specified on Schedule A, as amended; and to transfer the amounts specified in the Resolution to the General Fund of the State of Connecticut promptly upon such receipt; and

FURTHER RESOLVED: That Schedule A to the Resolution is hereby amended in its entirety to read as follows:

SCHEDULE A
to Resolution Regarding Implementation of Public Acts 13-247 and 13-184

Written confirmation of the Wallingford Policy Board's adoption by the affirmative vote of all five members of the following resolutions:

RESOLVED: That the Policy Board acknowledges that with the transfer of permits from CRRA to DEEP and the execution of the MOU between DEEP and CRRA and the MOU between DEEP and the Policy Board, it is no longer necessary or appropriate for CRRA to continue or maintain the post-closure reserves and trusts, established by section 5.12 of the Agreements and such reserves and trusts may be discontinued; and

FURTHER RESOLVED: That while the Policy Board agrees that CRRA shall no longer have any obligation under section 5.12 of the Agreements to disburse any portion of the Fund to the Policy Board, in lieu of this, section 3 of the MOU between DEEP and the Policy Board specifies the circumstances in which such a disbursement may occur in the future.

Mr. Kirk said CRRA/MIRA is being asked to make a change to the resolution passed by the Board accepting the MOU and directing management to disperse funds under a number of specified conditions. He said the amendment is structured to compliment the resolution which is expected to be passed by the Wallingford Policy Board and to expedite the transfer of funds to the State General Fund.

Mr. Kirk said there are essentially two changes from the original resolution approved by the Board the previous month. He said firstly, in terms of directing the President to change the timing of the retrieval of the funds from the trustees for the Wallingford Landfill, and secondly, to relax the requirements in which the City of Wallingford releases CRRA from its performance assurances on the Wallingford Landfill.

Mr. Kirk said although CRRA has an MOU for the State of Connecticut to take over operational responsibilities and certain liabilities of the Wallingford Landfill there is a lease agreement between CRRA and Wallingford which requires CRRA to be responsible for the long term monitoring and maintenance of the landfill. He explained the release from the obligation was a requirement of the Board's prior resolution. Mr. Kirk said that requirement was not addressed in the MOU or the discussion

with the CT DEEP and CRRA is being asked to maintain that obligation to the landfill in recognition that the State has an MOU with CRRA requiring those monitoring activities.

Mr. Kirk said this amendment would allow CRRA to retrieve the money in anticipation of the vote by the Wallingford Policy Board on the 26th which would relax CRRA's requirement that the City of Wallingford release CRRA from its obligations. He said the City of Wallingford is not releasing its obligations to CRRA. Mr. Kirk said Wallingford will be added to CRRA's insurance policies and CRRA will be in between the City of Wallingford and the State of Connecticut in terms of potential landfill issues.

Mr. Kirk said CRRA's attorneys informed management that because the agreements with the Wallingford Policy Board are with individual towns CRRA must get the agreement of each individual town before releasing the money and that the towns' must also sign the MOU. He said he expects that to occur shortly at which point the Wallingford Policy Board will vote to direct CRRA to release the money which will be wired to the State of Connecticut.

Director Shanley asked if the legal liability for the Wallingford Landfill is maintained by CRRA. Mr. Kirk replied yes. Ms. Hunt said CRRA would still have liabilities with regard to Federal and State law with regard to any past actions pertaining to the landfill however, and CRRA will continue to be on the hook to the Town of Wallingford.

Vice-Chairman Barlow asked if the passing of this resolution is in order to expedite the transfer of funds to the State of Connecticut by the end of the fiscal year. Mr. Kirk agreed. He said in addition the Wallingford Policy Board (with the CT DEEP) produced a resolution different than what was expected and required by CRRA's initial resolution and this amendment will complement those changes.

Mr. Kirk said during their discussions with counsel management vocalized their concern in going after the State if they did not perform their job with an MOU in place versus a contract. He said counsel advised management that as far as the Attorney General is concerned between agencies of the government an MOU is treated as a contract. Ms. Hunt said an MOU is enforceable as a contract under those circumstances.

Director Shanley asked that the Finance Committee review any remaining funds after this transfer in order to set aside such funds for an additional legal reserve for any possible Wallingford issues. Mr. Daley agreed. He said management is retaining a portion of each landfill reserve all of which can be reviewed by the Committee. Mr. Kirk said management planned to place the remaining money in each case to a landfill reserve with the intent of handling any trailing liability and insurance issues.

The motion previously made and seconded was approved by roll call. Chairman Stein, Vice Chairman Barlow, Director Adams, Director Eno, Director Freedman, Director Hayden, Director Nunn, and Director Shanley voted yes.

Directors	Aye	Nay	Abstain
Chairman Stein	X		
Vice-Chairman Barlow	X		
John Adams	X		
Ralph Eno	X		
Joel Freedman	X		
James Hayden	X		
Andrew Nunn	X		
Scott Shanley	X		

ADJOURNMENT

Chairman Stein requested a motion to adjourn the meeting. The motion to adjourn was made by Director Shanley and seconded by Director Eno and was approved unanimously.

There being no other business to discuss, the meeting adjourned at 9:25 a.m.

Respectfully Submitted,

Moira Kenney
HR Specialist/Board Administrator