

CONNECTICUT RESOURCES RECOVERY AUTHORITY

FOUR HUNDRED AND FIFTY-SIXTH **JULY 30, 2009**

A Special Telephonic Meeting of the Connecticut Resources Recovery Authority Board of Directors was held on Thursday, July 30, 2009, at 100 Constitution Plaza, Hartford, Connecticut. Those present were:

Chairman Michael Pace (present by telephone)

Directors: Alan Desmarais
 Michael Jarjura (present by telephone)
 Timothy Griswold (present by telephone)
 Mark Laretti (present by telephone beginning 11:10 a.m.)
 Ted Martland (present by telephone)
 Nicholas Mullane
 Ray O'Brien
 Linda Savitsky

Present from CRRA management:

Jim Bolduc, Chief Financial Officer
Peter Egan, Director of Environmental Affairs
Laurie Hunt, Director of Legal Services
Richard Kowalski, Operations Engineer
Moiria Kenney, Secretary to the Board/Paralegal

Also Present: Richard Goldstein of Pepe & Hazard

Chairman Pace requested that Vice-Chairman chair the meeting. Vice-Chairman O'Brien called the meeting to order at 10:05 a.m. and noted that there was a quorum.

PLEDGE OF ALLEGIANCE

Vice-Chairman O'Brien requested that everyone stand for the Pledge of Allegiance, whereupon the Pledge of Allegiance was recited.

PUBLIC PORTION

Vice-Chairman O'Brien said that 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.

No members of the public were present.

RESOLUTION REGARDING APPROVAL OF AN AGREEMENT FOR DOZER COMPACTION SERVICES

Vice-Chairman O’Brien requested a motion to approve the above referenced motion. Director Martland made the motion, which was seconded by Chairman Pace.

RESOLVED: That the President, in accordance with the Connecticut Resources Recovery Authority’s Procurement Policies and Procedures, is hereby authorized to execute an agreement with Tabacco and Son Builders, Inc for dozer compaction services at the Mid-Connecticut Waste Processing Facility, substantially as presented and discussed at this meeting.

Vice-Chairman O’Brien said that this item is well documented and clearly explained.

The motion previously made and seconded was approved unanimously by roll call.

Directors	Aye	Nay	Abstain
Michael Pace, Chairman	X		
Alan Desmarais	X		
Timothy Griswold	X		
Michael Jarjura	X		
Theodore Martland	X		
Nicholas Mullane	X		
Raymond O’Brien	X		
Linda Savitsky	X		
Ad-Hocs			

RESOLUTION REGARDING THE ADOPTION OF THE REVISED MID-CONNECTICUT PROJECT PERMITTING, DISPOSAL AND BILLING PROCEDURES

Vice-Chairman O’Brien requested a motion to approve the above referenced motion. Director Jarjura made the motion, which was seconded by Chairman Pace.

RESOLVED: That the Board of Directors hereby adopts the revisions to the Mid-Connecticut “Permitting, Disposal and Billing Procedures” that adds procedures for single stream recycling, that add procedures for white metals, scrap/light weight metals and mattresses, box springs, sofas and couches, that updated the billing procedures to reflect current practices and that make other editorial and minor changes, substantially as discussed and presented at this meeting.

Ms. Hunt said that she was able to confirm that the changes suggested by Mr. Paine had been made to the procedures. She said that to the end of the definition of acceptable recyclables on page one a sentence was added which reads, “Nothing herein shall be construed as requiring the shipment of solid waste generated by and collected from commercial, institutional, industrial, and other

establishments located within the corporate limits of any participating municipality for processing by and disposal at the recycling facilities.” She explained that CRRA has the ability to take those materials but the haulers are not required to bring them.

Chairman Pace asked whether that satisfies the concerns of Mr. Paine and the haulers. Ms. Hunt said she had explained the change to Mr. Paine. She said the additional sentence was being inserted so that language will not be misinterpreted.

Director Savitsky asked if this will affect CRRA’s goal to increase the level of recycling in the State of Connecticut. She said the statement does not apply to commercial properties where it has always been a significant challenge to increase recycling. Director Savitsky said it is her concern that CRRA is inadvertently taking action which may hurt recycling efforts.

Vice-Chairman O’Brien said he had raised the suggestion to incorporate language concerning flow control because CRRA does not have the authority to require solid-waste delivery from commercial establishments. He said the only way that can presently be accomplished is through a flow-control ordinance, enacted by the municipalities, which does in fact require municipalities to order that recyclables collected in their towns to be delivered to CRRA.

Ms. Hunt said as the statute currently reads the towns do not have the ability to flow control commercial recyclables. Director Jarjura said the legislature would address the issue further if it becomes an issue in the future.

Vice-Chairman O’Brien said he thought the towns could do this provided it was delivered to a publicly-owned facility. Ms. Hunt said that is true of other solid waste and not true of commercial recyclables.

Ms. Hunt said the Board of Directors can make changes to the internal policy if necessary.

Chairman Pace said this subject will be a discussion item at the August Board meeting. He said it is CRRA’s role to collect recyclables for CRRA, however the bigger role for CRRA is to try to reach the recyclable figures contained in the CT DEP’s solid waste management plan.

Vice-Chairman O’Brien asked whether the effective date for the policy is still August 1, 2009. Ms. Hunt replied that was correct. Director Savitsky asked whether making changes will have an impact on the effective date of the policy. Mr. Hunt replied the answer is no.

The motion previously made and seconded was approved unanimously by roll call.

Directors	Aye	Nay	Abstain
Michael Pace, Chairman	X		
Alan Desmarais	X		
Timothy Griswold	X		
Michael Jarjura	X		
Theodore Martland	X		
Nicholas Mullane	X		
Raymond O'Brien	X		
Linda Savitsky	X		
Ad-Hocs			

RESOLUTION REGARDING ENGINEERING AND ENVIRONMENTAL CONSULTING SERVICES TO SUPPORT DEVELOPMENT OF AN ASH RESIDUE LANDFILL

Vice-Chairman O'Brien requested a motion to approve the above referenced motion. Director Martland made the motion, which was seconded by Chairman Pace.

RESOLVED: That the President is hereby authorized to enter into a Request for Services with TRC Environmental Corporation to provide engineering and environmental consulting support services associated with development of an ash residue landfill, substantially as discussed and presented at this meeting, and

FURTHER RESOLVED: That the President is hereby authorized to expend funds from the Landfill Development Reserve Account for such engineering and environmental consulting services, in accordance with CRRA's Procurement Policies & Procedures.

Director Savitsky said she was under the impression that Director Damer requested more information on this matter be provided before it was brought to the full Board for approval. Chairman Pace said that he believed that Mr. Kirk had provided Director Damer with the information he requested after the meeting.

Director Martland asked whether the legislature had tried to overturn the Governor's veto on the bill concerning the Franklin landfill. Director Savitsky replied no.

Vice-Chairman O'Brien said CRRA needs to move forward concerning this issue. He said the work can be stopped at any time, and has already been stopped once when SB 3 was going through. He said he believes management needs to keep moving ahead to answer and respond to questions posed by the CRRA Board and those contained in the Governor's veto message.

Vice-Chairman O'Brien said he believes the cost impact of not moving ahead is far greater than the cost impact of stopping and starting again. He urged the Board to move forward on both this item and the next item on the agenda.

Chairman Pace said that dollars needed here are for moving forward and that if something comes up the work can be stopped. He said he thinks CRRA needs to move forward.

Director Martland asked whether the DEP can do anything without CRRA's data. Mr. Egan said that the DEP can not take any official action until CRRA submits the permit application package. He said the activities performed in the last 12 months are designed to generate the necessary research data.

Chairman Pace asked Mr. Egan to explain the steps which will be taken in the next three to six months.

Mr. Egan said that in the last year a variety of activities have been performed in order to investigate the site to determine whether there are any significant issues that would prevent a landfill from being developed there. Mr. Egan said the four main issues were traffic; threatened and endangered species; any historical or anthropological historical activities on the site which CRRA activities would disrupt; and, lastly, if the aquifer under the site is of the size that would yield a potential significant future water supply (in which case the government would not allow a landfill to be sited).

Mr. Egan said that management has looked at all four issues over the past year, most recently the aquifer. He said that none of the potential problems poses an issue that would stop a landfill from being sited at this location. He said there are no significant traffic issues. Mr. Egan said that three species, two plants and a reptile, were looked for on-site and that one of the plants and the reptile were found on-site but not in an area that would cause concern or stop the development of the landfill.

Mr. Egan said data concerning the archeological search identified some artifacts and evidence of historical items but not in the area where the landfill would be located. He said that investigations are needed but based on initial screenings it will not be an issue to prevent the landfill siting.

Mr. Egan said that a very large pump test project was just completed the following week. He said management worked with the CT DEP over the winter and was delayed for a few months based on comments from the CT DEP to make the investigation even more conservative than initially planned. He explained that a second pump test well was installed. Mr. Egan said that in summary management has determined this is a fairly confined small aquifer and that significant pumping almost immediately affects Cold Brook.

Mr. Egan said that the Cold Brook is located on the Western side of the Site. Mr. Egan said that because the pumping affects the Cole Brook the CT DEP and the department of public health would not permit a supply well to be situated in this area. Mr. Egan said that it is a class A stream which is groundwater fed and contains a threatened species. He said any impacts of pumping wells on this stream would not be allowed.

Mr. Egan stated that in summary this aquifer in the area where landfill development is planned could not serve as an aquifer for a significant water supply. He said that management has answered the four key questions and is now at the point where the investigation can be completed and a final permit application can be developed. Mr. Egan said the current resolution on the table details approximately \$1 million worth of engineering and site investigation which can be completed by the close of the calendar year with dedicated work by both CRRA and its consulting contractor. He said the activities are outlined and in particular further anthropological investigation is needed and bedrock

monitoring wells must be installed, and sampling of the sediment on the bottom of the Shetucket River must be conducted. Mr. Egan said that in addition the engineering design for the landfill must be created. He said that the three dimensional subsurface water quality model must be completed, populated and calibrated with the actual field data generated from the site in order to model the leachate discharge to the Shetucket River.

Mr. Egan said the engineers who understand the site at this point are comfortable that the Shetucket has adequate volume to provide assimilation abilities to assimilate a leachate plume. He said these activities will take place over the next five months in order to assemble a final permit application to be submitted to the DEP.

Director Jarjura said he believes it is key that management present the final permit application before the General Assembly goes back into session January and February because this way a formal application will be in with the regulatory agency which plays in to what the Governor was asking for.

Chairman Pace asked Mr. Egan approximately how much money has been used for the investigative process this far. Mr. Egan replied the engineering portion has cost about \$1.1 million, legal about \$220,000 and public communications a little less then \$100,000. He said that in total approximately \$1.5 million has been expended.

Chairman Pace asked if it would cost around \$1 million to submit the permit to the DEP. Mr. Egan said this was correct.

Director Desmarais said it is important to address the elephant in the room. He said the legislature said “don’t put it there” and that the Governor, who rejected the bill due to bad policy, said “I don’t think it should go there”. He said there is a town which, as an advisory, had a vote which said “don’t put it there.” He said he believes that CRRA has to address publicly why it is moving forward with this.

Director Jarjura said CRRA is moving forward because it is unlikely there is any other suitable location in the State of Connecticut. He said he believes if the policy makers really think about it, without the Franklin landfill all municipalities will experience about a \$10.00-per-ton tipping fee increase over time. He said he believes the application needs to be sent in and then the regulatory bodies can be in place for the presentation of the argument.

Chairman Pace said the key thing which was said by Governor Rell is that the politics should not override what is already part of the legislative and regulatory process of the DEP’s review. He said that is what CRRA is doing, following through on the obligation it has and bringing all that material to the DEP for hearings and an eventual decision. Chairman Pace said it becomes the right of the DEP to go through the protective process to review the data and to then make a final decision based on its policies and procedures.

Vice-Chairman O’Brien said that reading the plain English of the Governor’s message he would disagree with Director Desmarais. He said she did not say “it shouldn’t go there,” she said she “questioned whether or not a new landfill is needed.” He said that CRRA needs to address those concerns. Vice-Chairman O’Brien said that one of those concerns is the Putnam landfill.

Chairman Pace said what CRRA is doing is meeting its obligation by bringing materials through application to the DEP. He said CRRA has to show need and the non-environmental impact.

Chairman Pace said CRRA has also publicly stated it will offer the Town of Franklin the option of hiring its own independent engineer which CRRA will pay for.

Director Jarjura said this step provides CRRA with enough data to submit the application to DEP and then go through the regulatory process. Ms. Hunt said this action can be terminated at any time the Board requests or if there is any indication that this should not go forward.

The motion previously made and seconded was approved by roll call. Director Savitsky voted “no.”

Directors	Aye	Nay	Abstain
Michael Pace, Chairman	X		
David Damer	X		
Alan Desmarais	X		
Timothy Griswold	X		
Michael Jarjura	X		
Mark Lauretti	X		
Theodore Martland	X		
Nicholas Mullane	X		
Raymond O'Brien	X		
Linda Savitsky		X	
Ad-Hocs			

RESOLUTION REGARDING PROJECTED LEGAL EXPENDITURES

Vice-Chairman O'Brien requested a motion to approve the above referenced motion. Director Martland made the motion, which was seconded by Director Jarjura.

WHEREAS, CRRA has entered into Legal Service Agreements with various law firms to perform legal services; and

WHEREAS, the Board of Directors has previously authorized certain amounts for payment of fiscal year 2010 projected legal fees; and

WHEREAS, CRRA expects to incur greater than authorized legal expenses in connection with its development of a new ash landfill;

NOW THEREFORE, it is RESOLVED: That the following additional amount be authorized for projected legal fees and costs to be incurred during fiscal year 2010:

Firm:

Amount:

Brown Rudnick

\$300,000

Further RESOLVED: That the President be authorized to expend up to \$300,000 from the Landfill Development Reserve Account for payment for legal fees incurred in fiscal year 2010 in connection with the Authority's development of a new ash landfill in the State of Connecticut.

Director Savitsky asked why Brown Rudnick's services were needed if this is currently an engineering issue. Mr. Egan said, concurrently, CRRA is continuing to negotiate with the property owners and is close to completing a land evaluation and making a subsequent offer.

Mr. Egan said CRRA's legal counsel will also provide support for the DEP application as it will go to a public hearing. He said that Brown Rudnick will support CRRA and TRC in ensuring the permit is assembled correctly.

Director Savitsky said CRRA is not doing that step now. Mr. Egan said CRRA will be assembling the permit application over the course of the next five months and preparing a number of permit applications for submittal to the DEP. He explained the CT DEP will then review those permit applications and if the commissioner of the DEP issues a tentative determination in favor of this there will be a public hearing which consists of a series of meetings. Mr. Egan said legal counsel is necessary for these meetings and, accordingly, must be involved in permit application assembly, to ensure that the permit applications that CRRA submits are complete, accurate and defensible.

Director Desmarais said that it sounds like that except for working with the current owners of the land the current stage of the process which management is involved in has a minor use of legal counsel which will not increase until the permit application point. He said that like Director Savitsky pointed out where CRRA goes with this matter requires continued communication with the public. Director Desmarais said how this is addressed in public is important so that CRRA does not appear arrogant. He said that he agreed with Chairman Pace's statements thus far.

Chairman Pace said in response to how CRRA will appear to the public the answer is no. He explained CRRA has done everything it can and the record shows that CRRA is everything but arrogant. Chairman Pace asked Mr. Egan if CRRA continues to make outreaches to the town government.

Mr. Egan said that was correct. Director Martland said that he interrupted Director Desmarais's comment as CRRA needs to continue that outreach. Chairman Pace said that he agreed but wanted to state for the record that CRRA makes every effort to make outreaches.

Director Desmarais said he agrees with Chairman Pace, but the perception that CRRA does behave as such is still out there. He asked how CRRA can address the perception that may present if it moves forward using an argument that this is its legal obligation. Director Desmarais said he would like to talk more about how CRRA will communicate to the public when taking action and how it is going to move forward. He said by approving the engineering portion but not the legal allows for pause, Director Desmarais said CRRA can continue on with the application and figure out how to communicate it.

Chairman Pace said Director Desmarais's comments will be taken into consideration when CRRA moves forward. He said without the legal piece it is basically another way of killing the project.

Vice-Chairman O'Brien asked if a lower number than the one proposed could be accepted and if management could return to the Board at a later date for the remainder of the funds. Mr. Egan said that would not be a problem at all. He explained Director Damer had asked him how far the \$350,000 would take CRRA in this process. Mr. Egan said the \$350,000 is an estimated range from Brown Rudnick (from which Mr. Egan selected the lower end). He said the number includes expected work with the Connecticut Siting Council, and takes management through the entire process including the public hearings later in 2010.

Vice-Chairman O'Brien asked Mr. Egan to come up with a number which would take CRRA through the complete permit application including the other element which Mr. Egan had mentioned. Mr. Egan said that he was certain that \$150,000 would be adequate to get CRRA through the next five months. He said it may be lower than that and he is offering a conservative number.

Director Savitsky asked whether there are any monies left that have yet to be expended on the original expenditure or authorization that was made to Brown Rudnick. Ms. Hunt said that was correct and that nowhere near the approved amount was spent. Director Savitsky asked why management needs a motion when there is open money. Ms. Hunt said that is because CRRA does not carry over the money from one fiscal year to the next. Mr. Bolduc said that CRRA operates on a cash basis. Director Desmarais said this is not on the reserve. Director Savitsky said from a government accounting perspective management still has the authorization.

Ms. Hunt said legal expenses are handled in a different manner than anything else. She explained approval is given for each form over \$50,000 and in each 12 month period a new approval is given in the fiscal year. Ms. Hunt said in May new approvals were granted.

Director Savitsky asked that the Policies & Procurement Committee look at this procedure as it flies in the face of governmental accounting.

AMENDMENT TO THE MOTION REGARDING PROJECTED LEGAL EXPENDITURES

Director Martland offered an amendment to the motion to reduce the authorized amount for projected legal fees and costs to be incurred during fiscal year 2010 for Brown Rudnick to \$150,000.

Chairman Pace seconded the motion to amend the legal fees and costs for Brown Rudnick to \$150,000.

Director Desmarais asked that the topic of communication be included on the agenda of the August Board meeting. Chairman Pace agreed and asked management to see that this topic be addressed. Director Desmarais asked that the motion be tabled until the September Board meeting.

Vice-Chairman O'Brien said that could be done however, he feels that it will hurt the project.

Director Mullane asked whether the item could be revisited at that time after this resolution is authorized and in the meantime provide a summary of what has been authorized and what has been paid so the Board knows what the cost has been. He said if the Board has made an authorization of

significant funds and hasn't paid it then CRRA is performing at a good level. He said \$150,000 as a minimum is reasonable.

Vice-Chairman O'Brien said he thinks that can be done and asked that both firms provide an up-to-date tally of expenses for both engineering and accounting before the September meeting. He said it is appropriate to revisit these issues.

Director Mullane said it should be revisited and not tabled because it doesn't make sense to stop progress on the project.

Vice-Chairman O'Brien said expenditures can be stopped at any time by the Board if necessary.

Director Mullane asked how often the firm reports the monthly financial activities. Ms. Hunt said the legal expenses are reported monthly. He said perhaps the firm can develop a schedule of the scope of work that is being performed and what the schedule cost will be over a specific amount of time.

Director Savitsky asked how many votes are necessary to pass the amendment. Ms. Hunt explained the amendment requires a majority vote but to actually pass the vote requires eight votes.

Chairman Pace said CRRA is making a strong business decision and that everything else including communication is peripheral. He said this is a business decision for this company and the State of Connecticut. He said he understands that eight votes are necessary, however, the collective wisdom of the Board has to outweigh some of the peripheral discussion which is happening. He said the concept of the eight votes is to achieve solidarity and not to have one vote stop the process.

Vice-Chairman O'Brien said he agrees with Chairman Pace and also agrees that communication is an integral part of this whole process and has been addressed as such all along.

Chairman Pace said that he agrees with Director Desmarais and that further communication efforts can start immediately with Mr. Paul Nonnenmacher, Director of Public Affairs.

Director Mullane said that as a new member of the Board he can state that the Board is in a necessary business and although it may be unpleasant at times the Board has the job. He said the Board has to continue to remind people that not everyone CRRA is required to control, cooperate and or interface with may not be cooperative and at times constructive in this task. Director Mullane said the CRRA Board has to remind the public that its responsibilities are a necessary evil which has to be done in the most cost efficient manner and it is their responsibility to go through what is presently taking place in regards to due process and exhaust all of the research necessary to provide and answer to the public. He said the public may not like the answer, but there may not be another answer available. Director Mullane said there may be many improvements if there is more cooperation from those who contribute from the product to the stream. He said he supports the resolution on the table.

Director Desmarais said he is going to vote "no" on the amendment, which will not make a difference on the amendment. He said he is also going to vote "no" on the original resolution. Director Desmarais said he is for the landfill but management needs to go forward with communication. He said he knows how important communication is and unless there is a plan to go forward with communications CRRA will look like the bad guy and kill this landfill.

Director Lauretti asked what the communication is that Director Desmarais is referring to. He replied the communication is how CRRA gets the word out about what it is doing and how it hopes to accomplish it. Director Desmarais asked why CRRA is flying in the face of everything that people have said. He said it is the right business decision but if the right business decision is perceived wrongly than the landfill is dead. He said management needs to do a job selling why the landfill is the right thing and why it is moving forward.

Director Martland asked Director Desmarais if Mr. Nonnenmacher can be directed to come up with a plan for his requests.

Chairman Pace asked whether management has a public relations company on retainer. Ms. Hunt replied that is correct. He asked that immediately following this meeting that Mr. Nonnenmacher call Director Desmarais and Vice-Chairman O'Brien and Director Savitsky to provide input to add to the communications efforts by CRRA. Chairman Pace also asked Mr. Egan to call the Franklin selectmen in advance and let them know of the votes taken in the meeting. He said with these actions CRRA will have the contractual obligation in place to begin public relations immediately and if need be he is willing to travel directly to Franklin to speak with its public officials.

Vice-Chairman O'Brien asked that the vote be called on the amendment.

The amendment to the motion previously made and seconded was approved by roll call. Director Savitsky, Director Jarjura, and Director Desmarais voted no.

Directors	Aye	Nay	Abstain
Michael Pace, Chairman	X		
Alan Desmarais		X	
Timothy Griswold	X		
Michael Jarjura		X	
Mark Lauretti	X		
Theodore Martland	X		
Nicholas Mullane	X		
Raymond O'Brien			
Linda Savitsky		X	
Ad-Hocs			

CONTINUED DISCUSSION ON THE AMENDED MOTION REGARDING PROJECTED LEGAL EXPENDITURES

Director Savitsky said a group had been put together to discuss communications. Director Desmarais said communication is not going to be rectified by having Pita Communications put together a glossy package. She said there are much bigger communication problems. Director Savitsky

said the way she counts the votes this is going to fail. She said the Board can let it fail or table it until the September meeting to have a much more robust conversation that was requested at the last Board meeting. Director Savitsky said that defeating the motion sends one kind of message and tabling it sends another kind of message. She said CRRA is not being coherent about what it needs to do and what the real issues are, which are bigger than what she thinks is being presented here and are much more systemic and invariably may lead to litigation.

Mr. Egan said that with respect to Director Savitsky's comments management has been working very diligently to communicate for the last year and in particular for the last few months while this matter has been at the legislature through CRRA's legislative liaison and directly to the Town of Franklin. He said CRRA has been preparing a report concerning the pump test which is a significant question which all stakeholders have been asking about in the last four months. He said there will likely be a press conference when this report is released in two or three weeks.

Mr. Egan said he is getting the sense that there is a perception that management has done nothing, which is not accurate. Director Savitsky said that is not what they are saying. Mr. Egan said that secondly, with the approval of the engineer and the siting investigations and the permit assembly, one of his next phone calls will be to the CT DEP to set up a meeting where the various programs are brought in which will work with CRRA to assemble the permit applications. He said management will go in with TRC and it is important that management has legal counsel at these meetings as discussion concerning the permit application takes place. Mr. Egan said it is important that management prepare correctly with attorneys as the permit application is assembled from the start because this will be a contested matter in a public hearing. He said he would like to set up meetings in August and requested that some funds be available for legal counsel immediately.

Chairman Pace asked whether there are any legal funds that can be expended without the passage of this motion. Mr. Egan said the answer is no because the money comes from a reserve which requires Board approval. Director Savitsky said there is an authorization from the prior year. Mr. Bolduc clarified the process. . He explained that there is a Board-designated reserve but that the only way money can come out of the reserves is when the Board authorizes that money.

Chairman Pace said if he had interpreted this then Mr. Egan's hands are tied from moving forward. Mr. Egan said this is accurate to an extent. He explained he is not inclined to set up meetings at the DEP without the ability to bring an attorney to support the permitting effort. He said doing so is not a good way to operate.

Chairman Pace asked Mr. Egan what the risk of moving forward without legal advice is. Mr. Egan said the risk is that management would assemble a permit application without having an attorney prepare the strategy on successfully advocating and negotiating the permit through the process.

Director Desmarais asked Mr. Egan how responsive the DEP has been in setting up meetings. Mr. Egan said the DEP has been fairly responsive, and he would expect that a meeting could be set up within three weeks. Director Savitsky asked whether CRRA has been affected by the many early retirements at DEP. Mr. Egan replied not that he has seen.

Vice-Chairman O'Brien said he would not support a motion to table. He said the Board has already made the major appropriation to get the engineering portion done. Vice-Chairman O'Brien said, secondly, a major compromise in the amount of the resolution for legal services has been accomplished and, thirdly, he has heard the Chairman of the Board (in whom he has a great amount of

faith) state that communications will get done. He said, to borrow Director Savitsky’s phrase, that if three steps back need to be taken then they will be to vote it down.

MOTION TO TABLE THE RESOLUTION REGARDING PROJECTED LEGAL EXPENDITURES

Director Savitsky made a motion to table the above referenced item. Director Desmarais seconded the motion to table.

The motion to table did not pass. Director Savitsky and Director Desmarais voted yes. Chairman Pace, Vice-Chairman O’Brien, Director Griswold, Director Jarjura, Director Lauretti, Director Martland and Director Mullane voted no.

Directors	Aye	Nay	Abstain
Michael Pace, Chairman		X	
Alan Desmarais	X		
Timothy Griswold		X	
Michael Jarjura		X	
Mark Lauretti		X	
Theodore Martland		X	
Nicholas Mullane		X	
Raymond O’Brien		X	
Linda Savitsky	X		
Ad-Hocs			

VOTE ON THE AMENDED ORIGINAL RESOLUTION REGARDING PROJECTED LEGAL EXPENDITURES

Vice-Chairman O’Brien requested a motion to approve the above referenced motion. Director Martland made the motion, which was seconded by Director Jarjura.

WHEREAS, CRRA has entered into Legal Service Agreements with various law firms to perform legal services; and

WHEREAS, the Board of Directors has previously authorized certain amounts for payment of fiscal year 2010 projected legal fees; and

WHEREAS, CRRA expects to incur greater than authorized legal expenses in connection with its development of a new ash landfill;

NOW THEREFORE, it is RESOLVED: That the following additional amount be authorized for projected legal fees and costs to be incurred during fiscal year 2010:

<u>Firm:</u>	<u>Amount:</u>
Brown Rudnick	\$150,000

Further RESOLVED: That the President be authorized to expend up to \$300,000 from the Landfill Development Reserve Account for payment for legal fees incurred in fiscal year 2010 in connection with the Authority's development of a new ash landfill in the State of Connecticut.

Director Jarjura asked the other Board members how they could have just approved the engineering portion of this resolution and then not provide management the tools needed to go forward. He said this is a disturbing reflection on the Board. Director Jarjura told Director Desmarais that one day in the future someone will realize there is a big problem in Connecticut in terms of dealing with the ash. He said the disposal will cost municipalities tons of money to dispose of, a cost no one has had to face as of yet due to the efforts and action of the CRRA Board. Director Jarjura said when that hits the fan those municipalities will look around and say what was being done to prepare. He said that he wants to be able to say that he was part of an effort to prepare to deal with this problem and to be able to say that everything that could be done was done. Director Jarjura said he thinks it is a big mistake to not go forward.

Director Desmarais said he agrees with Director Jarjura 100 percent. He said it is the CRRA Board's job to convince people there is a problem, which is his point. He said he can watch CRRA going forward and leave that part to the end and look like bad guys again. He said this project will fail because CRRA looks like bad guys. Director Desmarais said he wants that landfill, we need that landfill, which he understands.

Director Jarjura said if it fails because of the legislature or the Governor the burden will be on that person to explain it to the public eventually why it is going to cost so much more during tight budgets to deal with solid waste. Director Desmarais said they will blame CRRA. Director Jarjura said they will not because the CRRA will have a very dramatic paper record of its efforts.

Director Mullane said one of the other things that he is concerned about concerning the waste stream of the State of Connecticut is that we need to be self-sustaining. He said we cannot depend on shipping out-of-state or elsewhere. He said CRRA has to convince the public that Connecticut has to be self-sustaining.

Director Griswold said it would be nice if the DEP would be on CRRA's side and would come out publicly to support Franklin. He said that the DEP procedure requires that CRRA must submit the application followed by a review and a decision. Director Griswold said if CRRA does not go the full mile to deliver a complete application for the DEP's deliberation then CRRA would be derelict in its duty. He said it is unfortunate that CRRA does not receive support from other areas but he believes that CRRA has to do all it can to get this to the finish line and then leave it to the DEP to deliberate.

Vice-Chairman O'Brien said he does not disagree with anything Director Desmarais is saying except for the part that concerns waiting. He said CRRA needs to do everything the Chairman asked for but to do what Director Desmarais wants done requires more information and waiting. Vice-

Chairman O’Brien said that public relations part does no good if there are still outstanding tasks which need to be accomplished.

Director Desmarais said he agrees with those comments which are why the engineering portion has been approved.

The motion previously made and seconded did not pass Director Savitsky and Director Desmarais voted “no”. Chairman Pace, Vice-Chairman O’Brien, Director Griswold, Director Jarjura, Director Lauretti, Director Martland and Director Mullane voted “yes” in favor of the resolution.

Vice-Chairman O’Brien requested the resolution return for consideration by the full Board in September. He thanked Senator McKinney for appointing Director Mullane to the Board and said that he is already contributing.

Directors	Aye	Nay	Abstain
Michael Pace, Chairman	X		
Alan Desmarais		X	
Timothy Griswold	X		
Michael Jarjura	X		
Mark Lauretti	X		
Theodore Martland	X		
Raymond O’Brien	X		
Nicholas Mullane	X		
Linda Savitsky		X	
Ad-Hocs			

RESOLUTION REGARDING THE AUTHORIZATION OF A CHANGE ORDER FOR THE SITE IMPROVEMENTS ASSOCIATED WITH AREA 3 REMEDIATION AT THE SOUTH MEADOWS STATIONS SITE

Vice-Chairman O’Brien requested a motion to approve the above referenced motion. Director Martland made the motion, which was seconded by Director Jarjura.

RESOLVED: That the President is hereby authorized to execute a change order to the Exit Strategy™ Contract between CRRA and TRC Companies, Inc. for activities involving site improvements associated with remediation of Area 3 at the South Meadows Station site, substantially as presented and discussed at this meeting.

Vice-Chairman O’Brien said this is a continuation of work. Chairman Pace asked Mr. Egan whether this resolution completes the change orders. Mr. Egan said he expects this is the last significant change order. He said TRC is 90 percent of the way through the remediation. He said TRC is going to undertake a remediation activity and under the contract there are certain activities it is not

responsible for, however, these activities are proper and necessary to maintain the site and these funds (which are budgeted for) are to accomplish those activities.

The motion was approved unanimously by roll call.

Directors	Aye	Nay	Abstain
Michael Pace, Chairman	X		
Alan Desmarais	X		
Timothy Griswold	X		
Michael Jarjura	X		
Mark Lauretti	X		
Theodore Martland	X		
Raymond O'Brien	X		
Nicholas Mullane	X		
Linda Savitsky	X		
Ad-Hocs			

EXECUTIVE SESSION

Vice-Chairman O'Brien requested a motion to enter into Executive Session to discuss pending litigation. The motion made by Director Savitsky and seconded by Director Desmarais was approved unanimously by roll call. Vice-Chairman O'Brien requested that the following people remain for the Executive Session, in addition to the Board members:

- Jim Bolduc
- Laurie Hunt, Esq.

The Executive Session began at 11:47 a.m. and concluded at 12:34 p.m. Vice-Chairman O'Brien noted that no votes were taken in Executive Session.

The meeting was reconvened at 12:34 p.m., the door to the Board room was opened, and the Board secretary and all members of the public (of which there were none) were invited back in for the continuation of public session.

Directors	Aye	Nay	Abstain
Michael Pace, Chairman	X		
David Damer	X		
Alan Desmarais	X		
Timothy Griswold	X		
Mark Lauretti	X		
Theodore Martland	X		
Linda Savitsky	X		
Ad-Hocs			
Steve Edwards, Bridgeport			
Warren C, Howe, Jr., Wallingford			
Geno Zandri			

ADJOURNMENT

Chairman Pace requested a motion to adjourn the meeting. The motion made by Vice-Chairman O'Brien and seconded by Director Savitsky was passed unanimously.

The meeting was adjourned at 12:34 p.m.

Respectfully submitted,

Moira Kenney
Secretary to the Board/Paralegal