

CONNECTICUT RESOURCES RECOVERY AUTHORITY

THREE HUNDRED SEVENTY-FIRST MEETING

MAY 17, 2004

A Special telephonic meeting of the Connecticut Resources Recovery Authority Board of Directors was held on Monday, May 17, 2004 at 100 Constitution Plaza, Hartford. Those present were:

Chairman Michael Pace

Directors: Stephen Cassano
 Benson Cohn
 James Francis
 Alex Knopp
 Theodore Martland
 Raymond O'Brien

Directors Cooper, Lauretti, Sullivan, Lovejoy, and Griswold did not participate.

Present from the CRRA staff:

Thomas Kirk, President
Floyd Gent, Director of Operations
Ann Stravalle-Schmidt, Director of Legal Services
Kristen Greig, Legal Temp

Also in attendance was: Peter Boucher of Halloran & Sage, LLP

Chairman Pace called the meeting to order at 9:45 a.m. and noted that a quorum was present.

1. Public Portion

Chairman Pace said that the first item on the agenda allowed for a public portion between 9:30 a.m. and 10:00 a.m. in which the Board would accept written testimony and allow individuals to speak for a limit of three minutes.

Chairman Pace noted that there were no comments from the public and that the special meeting would commence.

2. **Resolution regarding Amendment Number 5 to the *Agreement for Waste Transportation and Transfer Station and Rolling Stock Operation and Maintenance Services* and Essex Transfer Station Lease.**

Chairman Pace requested a motion on the referenced topic. Director Cohn made the following motion:

RESOLVED: That the President is authorized to enter into Amendment No. 5 to the *Agreement for Waste Transportation and Transfer Station and Rolling Stock Operation and Maintenance Services* and the Essex Transfer Station Rolling Stock Lease substantially as presented and discussed at this meeting.

Vice Chairman Cassano seconded the motion.

Mr. Kirk introduced the matter stating that the Board voted to terminate mediation with MDC providing a settlement agreement was not reached. Mediation ended on April 15th. As a result, CRRA sent election notices to MDC and CWPM to transfer the operations and transportation activities associated with the Essex Transfer Station. Mr. Kirk said that the resolution at hand provided a lease and buy-out provision similar to those of the Watertown and Torrington Transfer Stations. In the original agreements, vehicles were provided by CRRA since the pricing provided by CWPM was for labor only. Mr. Kirk stated that the previous administration chose to transfer the vehicles to CWPM. Mr. Kirk said that it was not in CRRA's best interest to remain in that agreement and CRRA subsequently regained ownership of the vehicles. Mr. Kirk explained that the vehicles would now be leased to CWPM for a monthly price and an end of contract buy out price. Mr. Kirk noted that the Attorney General had an ongoing investigation of the transfer of those vehicles by the previous Board to CWPM and that CRRA was expecting a report shortly.

Mr. Kirk said it was important to note two items. First, CRRA did investigate whether or not CRRA could re-bid the operations and transportation activities and concluded, through legal review, that it could not. Second, CRRA also received confirmation from its attorneys that the change in the ownership of the vehicles, which occurred post-RFP, did not void or negate RFP process. Mr. Kirk stated that CRRA did get a favorable deal from CWPM, including the value of the vehicles post-2004, which was the original contract date, in exchange for electing the two year extension option.

Chairman Pace commented that this issue was considered a hot topic when the current Board took over and after some research, the Board was in sync with the Attorney General in its desire to unwind the agreement. Chairman Pace stated that he was confident that the Attorney General's report would indicate that the new Board and management of CRRA recognized the issue as important and that they took the steps necessary to resolve it in the public's interest.

Chairman Pace, referencing the first page of the Summary of Terms and Conditions, asked if the Board wanted to include the vehicles for the Ellington Transfer Station when only the Essex vehicles were actually being transferred. Mr. Kirk responded that the inclusion did not

commit CRRA to the transfer of the Ellington vehicles. It established the same mechanism for valuation of the vehicles and eliminated the need to bring this issue back to the Board if CRRA decided to transfer the Ellington station at a later date. Mr. Gent added that Amendment Number 5, had been reviewed by legal counsel, and essentially gave CRRA the option to choose to sell the equipment at a given price.

Chairman Pace asked whether anyone had to be notified of the Agreement. Mr. Kirk and Ms. Stravalle-Schmidt both responded in the negative.

The motion previously made and seconded was approved unanimously.

Eligible Voters	Aye	Nay	Abstain
Michael Pace, Chairman	X		
Stephen Cassano	X		
Benson Cohn	X		
James Francis	X		
Alex Knopp	X		
Theodore Martland	X		
Raymond O'Brien	X		

ADJOURNMENT

Chairman Pace requested a motion to adjourn the meeting. The motion to adjourn made by Vice Chairman Cassano and seconded by Director Cohn was approved unanimously.

There being no other business to discuss, the meeting was adjourned at 9:52 a.m.

Respectfully submitted,

Kristen Greig
Legal Temp