

**CONNECTICUT RESOURCES RECOVERY AUTHORITY**

**THREE HUNDRED NINETIETH MEETING**

**JUNE 23, 2005**

A Regular meeting of the Connecticut Resources Recovery Authority Board of Directors was held on Thursday, June 23, 2005 at 100 Constitution Plaza, Hartford, Connecticut. Those present were:

Chairman Michael Pace

Directors: Benson Cohn  
Mark Cooper  
James Francis  
Edna Karanian  
Mark Lauretti (Present at Constitution Plaza until 11:15 a.m., Present by telephone from 11:20 to 12:02 p.m.)  
Theodore Martland  
Raymond O'Brien  
Andrew Sullivan (Present from 9:45 a.m. to 11:00 a.m.)  
Timothy Griswold (Ad-Hoc for Mid-Connecticut Project) (Present until 12:02 p.m.)  
Elizabeth Horton Sheff (Ad-Hoc for Mid-Connecticut Project) (Present until 11:55 a.m.)  
Sherwood Lovejoy (Ad-Hoc for Bridgeport Project) (Present until 12:02 p.m.)

Present from the CRRA staff:

Tom Kirk, President  
Mike Bzdyra, Senior Analyst  
Peter Egan, Director of Environmental Affairs and Development  
Thomas Gaffey, Director of Recycling & Enforcement  
Floyd Gent, Director of Operations  
Paul Nonnenmacher, Director of Public Affairs (Present from 9:50 a.m. until 12:02 p.m.)  
Jim Ruel, Purchasing Manager (Present until 12:02 p.m.)  
Donna Tracy, Executive Assistant (Present until 11:00 a.m.)  
Kristen Greig, Secretary to the Board/Paralegal

Also present were: Mr. David Arruda of MDC, Ms. Gladys Ellis of HEJN, Ms. Kathleen Henry of HEJN, Mr. Frank Marci of USA Hauling and Recycling, Mr. Mark Mitchell of HEJN, Mr. Jerry Tyminski of SCRRRA

Chairman Pace called the meeting to order at 9:39 a.m. and stated that a quorum was present.

**PLEDGE OF ALLEGIANCE**

Chairman Pace requested that everyone stand for the Pledge of Allegiance, whereupon, the Pledge of Allegiance was recited.

**INTRODUCTION OF NEW BOARD MEMBER**

Chairman Pace introduced Elizabeth Horton Sheff, a new Ad-Hoc Director for the Mid-Connecticut Project and welcomed Ms. Horton Sheff to the Board.

**PUBLIC PORTION**

Chairman Pace 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.

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

**APPROVAL OF THE MINUTES OF THE MAY 26, 2005 REGULAR BOARD MEETING**

Chairman Pace requested a motion to approve the minutes of the May 26, 2005 Regular Board Meeting. The motion was made by Director O’Brien and seconded by Director Francis.

Director Griswold noted that he was present at the meeting.

The minutes as amended were approved unanimously.

<b>Eligible Voters</b>	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>
Michael Pace, Chair	X		
Benson Cohn	X		
Mark Cooper	X		
James Francis	X		
Edna Karanian	X		
Mark Lauretti	X		
Theodore Martland	X		
Raymond O'Brien	X		
<b>Non-Eligible Voters</b>			
Timothy Griswold, Ad Hoc - Mid-CT			
Elizabeth Horton Sheff, Ad Hoc - Mid-CT			
Sherwood Lovejoy, Ad-Hoc - Bridgeport			

**RECOGNITION OF WHEELABRATOR FOR THE OCCUPATIONAL HEALTH AND SAFETY ADMINISTRATION'S DESIGNATION OF THE BRIDGEPORT PROJECT WASTE-TO-ENERGY FACILITY AS A STAR SITE IN THEIR VOLUNTARY PROTECTION PROGRAM**

Mr. Kirk informed the Board that Wheelabrator, the operator of the Bridgeport facility, received an OSHA Star Award, which is the result of an extensive review and examination of Wheelabrator's safety policies and procedures. Mr. Kirk stated that only a handful of the many facilities in the country reach this milestone and noted that the achievement demonstrates Wheelabrator's commitment to employee safety and public health.

Chairman Pace requested that a letter be drafted to Wheelabrator and its employees acknowledging CRRA's recognition of this achievement.

Chairman Pace stated that this achievement and Mid-Connecticut's recent similar achievement demonstrated a pattern of safety awareness.

**RESOLUTION REGARDING CITY OF WATERBURY NON-PROCESSIBLE WASTE TRANSPORTATION SERVICES**

Chairman Pace requested a motion regarding the referenced item. Director O'Brien made the following motion:

**RESOLVED:** That the President is authorized to enter into an agreement with CWPM, LLC for City of Waterbury non-processible waste transportation services substantially as presented and discussed at this meeting.

The motion was seconded by Director Cohn.

Chairman Pace noted that the value of the contract with CWPM was approximately \$60,000 for transportation of non-processible waste from the Waterbury Landfill to the Hartford landfill.

Mr. Gent noted that there was a correction to the contract summary and noted that the actual dollar value of the contract was \$113,000. Mr. Gent noted that there were three bidders. One bidder was non-responsive and the other two bidders were CWPM and Winter Ridge. Mr. Gent pointed out that CWPM's bid was less than half of Winter Ridge's bid.

Mr. Gent stated that there was an optional price included in the agreement to take non-processible waste to the Waterbury Landfill if it is opened for bulky waste. Mr. Gent added that the \$113,000 price included transportation from the Waterbury Landfill to the Hartford Landfill.

Chairman Pace asked if there was a clear reason why the difference in the bids was so widespread. Mr. Gent responded that both bidders were given the rights to use the roll-off containers so that was not a factor in the variance. Mr. Gent said that the difference was solely in the transportation cost and stated that Winter Ridge's bid of \$75.00 per ton was not a market price. Chairman Pace asked for confirmation that CWPM's bid of \$31.00 per ton was \$6.00

higher per ton than the current price. Mr. Gent confirmed. Chairman Pace stated that when there are bid responses that widespread, a flag is raised and one wonders if the bidders understand the bid requirements. Director Martland stated that when he received bids within a wide range, he would evaluate the language in the bids to make certain the bid could not be misinterpreted. Mr. Gent stated that the bid was explicit and proceeded to give an explanation of the bid package contents. Chairman Pace asked if management is comfortable that both bidders understood the bid documents. Mr. Gent responded in the affirmative.

Director O’Brien asked how much was in the approved budget for this function. Mr. Gent informed the Board that he believed the budget was in the range of \$100,000 - \$115,000, but noted that he would confirm that number.

Director O’Brien noted that the current price was \$24.00 per ton and pointed out that there was a \$7.00 per ton increase.

The motion previously made and seconded was approved unanimously.

<b>Eligible Voters</b>	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>
Michael Pace, Chair	X		
Benson Cohn	X		
Mark Cooper	X		
James Francis	X		
Edna Karanian	X		
Mark Lauretti	X		
Theodore Martland	X		
Raymond O’Brien	X		
Andrew Sullivan	X		
Timothy Griswold, Ad Hoc - Mid-CT	X		
Elizabeth Horton Sheff, Ad Hoc - Mid-CT	X		
<b>Non-Eligible Voters</b>			
Sherwood Lovejoy, Ad-Hoc - Bridgeport			

**RESOLUTION REGARDING DELIVERY OF COVER SOILS TO THE HARTFORD LANDFILL**

Chairman Pace requested a motion regarding the referenced item. Director O’Brien made the following motion:

**RESOLVED:** That the President is hereby authorized to enter into a contract with Newcarp First LLC for delivery of contaminated soil to be used as daily cover at the Hartford Landfill, and as approved by the Connecticut Department of Environmental Protection, substantially as discussed and presented at this meeting.

The motion was seconded by Director Cooper.

Chairman Pace pointed out that bringing in soil to be used as daily cover at the Hartford Landfill used to represent a cost to CRRA, but using contaminated soils has created a source of revenue. Chairman Pace asked for confirmation that the soils were coming from West Hartford. Mr. Egan confirmed. Chairman Pace asked if CRRA had done business with Newcarp First LLC in the past. Mr. Egan responded in the negative.

Mr. Egan stated that this was the mildly contaminated soil that was discussed at the previous Board meeting that was tentatively earmarked to be used at the South Meadows site. Mr. Egan stated that when the decision was made to prohibit its use at South Meadows, the developer reached out to CRRA to determine if CRRA could use the material at the Hartford Landfill. Mr. Egan explained that a price was negotiated based on CRRA's needs and availability of other sources. Mr. Egan added that some of the material would be used for the west slope of the landfill and noted that since the Board package documents were finalized there was additional soil available that would be presented to the Board for approval next month. Mr. Egan stated that the resolution was requesting that the Board retroactively approve the agreement for an initial 5,000 tons. Chairman Pace asked if the soil had already been delivered. Mr. Egan responded in the affirmative.

Director Horton Sheff stated that she is always leery of passing items in retro and said that if the issue is to be brought before the Board for a vote, it should be brought to the Board before the agreement is executed.

Director Horton Sheff asked what contaminants were in the soil. Mr. Egan responded that the contaminants or constituents of concern include total petroleum hydrocarbons, lead, and trace quantities of semi-volatile organic compounds. Mr. Egan noted that the levels of contamination in the West Hartford soil are well below the direct exposure criteria for residential reuse in the State of Connecticut and are well below the pollutant mobility criteria for Class GA groundwater areas. Mr. Egan added that the material under the remediation standards regulations is defined as "polluted soil" and is defined under solid waste regulations as "clean fill." Director Horton Sheff stated that if contaminated soil was to be used, that she would appreciate having that type of information in the background documents.

Director Horton Sheff asked if all the soil would be of that grade. Mr. Egan responded in the affirmative. Director Horton Sheff asked how long that soil source of soil would be used. Mr. Egan responded that the soil from the West Hartford source would be used for the next month or two. Director Horton Sheff asked if CRRA was back to square one when that soil source was exhausted. Mr. Egan responded that CRRA would move to other sources of cover soil and those sources could include virgin soil that is purchased by CRRA, treated residual soil from Phoenix Soil in Waterbury, which takes in total petroleum contaminated soil, incinerates it and generates an organic free residual, or soil from brownfield sites that DEP has approved as daily cover material because of the low levels of contamination. Mr. Egan noted that any soil purchase with a value over \$50,000 comes before the Board for approval and explained that because the soils came from a fluid, dynamic, commodity-based market, CRRA's Procurement Policy allows CRRA management to enter into a contract and lock into a soil stream prior to coming to the Board for approval. Mr. Egan added that there are a limited number of market-driven transactions that CRRA management is authorized to undertake prior to Board approval and the purchase of soil to be used as daily cover is included in that exception.

Director Martland noted that soil that is contaminated with an oil-based pollutant is often aerated to diminish the contamination values.

Director O'Brien stated that he understands that the services are to be completed by the end of the summer and said that the term of the agreement should specify an end date of June 2008 rather than the open-ended date of "Until specified quantity is delivered." Mr. Kirk recommended that the term be amended to read, "Until the specified quantity is delivered or three-years, whichever occurs first." Mr. Egan stated that he did not include an end date of this specific contract because he was not certain how quickly the developer would be able to move the soil out of West Hartford and noted that because the price was market-driven, he did not want CRRA in a position where the contract expires and CRRA is forced to accept a higher market rate. Mr. Egan stated that, in this particular situation, CRRA was comfortable that the developer would move quickly. Director O'Brien stated that he believes CRRA is limited to three-years for contracts of this nature. Mr. Egan agreed that there would be a specific end-date on all contracts moving forward. Chairman Pace stated that the three-year end date would reinstate the policy and give comfort to the Board without affecting the contract since it is anticipated that the soil would be received in a short period of time.

Director O'Brien said that he agreed that the background information should show the contaminants and the DEP standards they are being related to. Director O'Brien asked if any additional sampling was performed after the soil was initially characterized or before it was delivered to the landfill. Mr. Egan stated that the soil was adequately characterized on-site by a licensed environmental professional who oversees the loading of the soil at the generation site and signs shipment documents which include certification language that the shipment conforms to and represents soil that was approved by DEP for use as daily cover. Director O'Brien suggested that CRRA look into the cost of sampling during the delivery of the soil to confirm that the delivered soil is, in fact, what was initially characterized as within the ranges established as acceptable by the DEP. Mr. Kirk agreed that management would research the costs associated with further sampling.

Director Griswold stated that the City of Norwich was offering their sewage sludge as free cover material for a landfill in Old Lyme and asked if other organizations had a need to get rid of similar material that CRRA could receive as daily cover for the landfill. Mr. Egan stated that he would not consider accepting sludge-based material to be used cover material because of the stability of the physical matrix, the potential odors associated with sludge, and the availability of other soil sources for that purpose.

Director O'Brien made a motion to amend the contract term to "Until the specified quantity is delivered or three-years, whichever occurs first." The motion to amend was seconded by Director Sullivan. The motion to amend was approved unanimously.

Director Horton Sheff reiterated that the contaminants and acceptable ranges would be included in the background documents in the future and asked what the process would be for reporting the findings regarding additional sampling to the Board. Mr. Kirk stated that management has committed to finding pricing and procedures for consideration of on-site sampling of contaminated soils when they are delivered to the landfill. Mr. Kirk stated that management would review their findings, including any benefits of additional sampling, with the

Board prior to implementing an on-site sampling process. Mr. Kirk stated that the Board could then determine whether the benefits of the additional sampling outweigh the costs.

Chairman Pace asked if the certifications of the licensed environmental professional were available to CRRA. Mr. Kirk responded in the affirmative and stated that those certifications would be included in future background documentation.

Director Horton Sheff asked when the findings would be available. Mr. Egan responded that the analytical information for the resolution at hand is currently in CRRA's possession and could be distributed at the current meeting if the Board so desired. Mr. Egan added that the July Board package would include an amendment to this agreement with all of the analytical information.

Director O'Brien stated that more information regarding the initial testing protocol could preclude the need for additional sampling. Mr. Kirk stated that management could provide a thorough understanding of the present DEP testing requirements so the Board can determine if further sampling is appropriate. Director Sullivan asked if CRRA received any documentation from DEP that states that their protocol has been followed. Mr. Egan responded that CRRA has its own detailed and precise sampling and analytical protocol for special waste. Mr. Egan explained that there is a waste material profile form on which the generator discloses everything about the waste stream. That form includes a requirement based on volume or a minimum number of composite samples based on EPA standards. Mr. Egan added that the results are reviewed both internally and by an outside consultant and the DEP independently reviews the application submitted for approval of the soil for this use. Mr. Egan stated that the waste analysis plan for the Hartford Landfill is very adequate and said that a performance sampling program has not been instituted in the past because the information and tracking system established upfront have been adequate. Mr. Egan stated that a performance sampling program and analytical procedure could be established to serve as a way to double-check the material coming in.

Director Karanian stated that the Board needs to get more comfortable with this activity and the solution may not be creating new policies and procedures, but further educating the Board on the current processes and safeguards in place.

Mr. Egan confirmed that the July Board package would include all of the background information on the additional soil from West Hartford and the special waste approval process and requirements.

Director Lauretti asked if these activities are regulated by the DEP. Mr. Egan responded in the affirmative. Director Lauretti suggested including the DEP regulations since CRRA was required to meet those requirements.

The motion to approve the resolution previously made and seconded was approved unanimously.

<b>Eligible Voters</b>	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>
Michael Pace, Chair	X		
Benson Cohn	X		
Mark Cooper	X		
James Francis	X		
Edna Karanian	X		
Mark Lauretti	X		
Theodore Martland	X		
Raymond O'Brien	X		
Andrew Sullivan	X		
Timothy Griswold, Ad Hoc - Mid-CT	X		
Elizabeth Horton Sheff, Ad Hoc - Mid-CT	X		
<b>Non-Eligible Voters</b>			
Sherwood Lovejoy, Ad-Hoc – Bridgeport			

**RESOLUTION REGARDING EXPENDITURES FOR ODOR MONITORING SERVICES AT THE MID-CONNECTICUT WASTE PROCESSING FACILITY & HARTFORD LANDFILL**

Chairman Pace requested a motion regarding the referenced item. Director O'Brien made the following motion:

**RESOLVED:** That the President of CRRA be authorized to execute a Request For Services with TRC Environmental Corporation for Odor Monitoring Support at the Mid-Connecticut Waste Processing Facility and Hartford Landfill, substantially as presented and discussed at this meeting.

The motion was seconded by Director Cooper.

Mr. Kirk stated that CRRA has engaged TRC in the past to ensure that odors from the Waste Processing Facility have a minimum impact on CRRA's neighbors in East Hartford. Mr. Kirk stated that the "odor patrol" can determine the source and severity of potential odors that might emanate from the facility. Mr. Kirk explained that TRC receives calls from the odor hotline and from CRRA staff and immediately investigate the source of odors so CRRA can quantify and respond to odor events. Mr. Kirk noted that CRRA's history with this contractor has been excellent with complaints being reduced from hundreds of complaints to complaints in the single digits. Mr. Kirk emphasized that CRRA would not rest until there were no complaints. Mr. Kirk added that although zero complaints might not be realistic, that was still CRRA's goal. Mr. Kirk said that TRC is very useful in achieving that goal, because it allows CRRA to have someone on-site within ½ hour of receiving a call on the hotline to identify if the odor is a result of problems with the operation of the facility or if the odor source is not CRRA's facility.

Chairman Pace noted that the dollar value of the contract was \$65,000.



Director O'Brien asked if there was a fixed cost to the \$40,000 component of the price. Mr. Egan responded that the \$40,000 consisted of both a fixed cost and a variable cost. Mr. Egan explained that the fixed cost was the minimum cost for TRC to carry the pager and the variable cost was for TRC's response to odor complaints at either the Waste Processing Facility or the Hartford Landfill. Director O'Brien asked if a portion of the \$40,000 would be spent regardless of whether there were odor complaints. Mr. Egan responded in the affirmative. Director O'Brien stated that the fixed cost should be shown in the background documents.

Director Karanian asked how TRC handles complaints when it is determined that the odor is from a source other than a CRRA facility. Mr. Egan stated that the information is relayed to CRRA orally the day of the incident and in a written report the day after the odor was reported. Director Karanian asked if the person who made the complaint is informed of the source of the odor. Mr. Egan responded that CRRA or the contractor does not always communicate the information to the complainant, but stated that if the odor is found to have originated at the MDC plant, MDC is informed of the complaint. Director Karanian stated that this is a good initiative and recognized that it is important that CRRA be a good neighbor.

Director O'Brien asked why CRRA does not have a policy to always communicate with the complainant if the caller is identified. Mr. Gent stated that a CRRA employee from the Operations department often follows-up with callers after a call is received by TRC. Mr. Gent added that CRRA does not always follow up with callers if a CRRA facility is not the source of the odor. Mr. Gent stated that MDC also has an odor hotline and CRRA has encouraged neighbors of the facilities to call the hotlines if there is an odor problem. Mr. Gent said that CRRA typically shares information with MDC if CRRA receives complaints that seem to be emanating from the MDC plant.

Director Karanian asked if there was an opportunity to share costs with MDC since the number of complaints was decreasing but the fixed costs were essentially remaining the same. Mr. Gent stated that CRRA had an extensive process for odor monitoring and said that he was not certain of what MDC's process was. Mr. Gent said that, given CRRA's expenses associated with the MCAP system, he believed CRRA is much more active in monitoring and responding to complaints. Chairman Pace stated that sharing costs was something to consider.

Director Griswold asked if CRRA could expect a reduction in the variable costs given the small number of complaints. Mr. Gent responded that there were only 6 confirmed odor calls, but there were actually 15-20 calls to the hotline and TRC responds to all calls. Chairman Pace added that CRRA was also operationally proactive in avoiding odor problems by ensuring doors are closed and scales are not backed-up.

The motion previously made and seconded was approved unanimously.

<b>Eligible Voters</b>	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>
Michael Pace, Chair	X		
Benson Cohn	X		
Mark Cooper	X		
James Francis	X		
Edna Karanian	X		

Mark Lauretti	X		
Theodore Martland	X		
Raymond O'Brien	X		
Andrew Sullivan	X		
Timothy Griswold, Ad Hoc - Mid-CT	X		
Elizabeth Horton Sheff, Ad Hoc - Mid-CT	X		
<b>Non-Eligible Voters</b>			
Sherwood Lovejoy, Ad-Hoc - Bridgeport			

**RESOLUTION REGARDING AGREEMENT WITH CASELLA WASTE SYSTEMS, INC. AND FCR, INC. FOR DESIGN, UPGRADE, RETROFIT AND OPERATION/MAINTENANCE SERVICES FOR THE REGIONAL RECYCLING CENTER FOR THE MID-CONNECTICUT PROJECT**

Chairman Pace requested a motion regarding the referenced item. Director O'Brien made the following motion:

**RESOLVED:** The President is authorized to enter into an agreement with Casella Waste Systems, Inc. and FCR, Inc. for the design, upgrade, retrofit and operation/maintenance services for the Mid-Connecticut Regional Recycling Center, substantially in the form as discussed at this meeting.

The motion was seconded by Director Martland.

Chairman Pace stated that this initiative started approximately two years ago. Mr. Kirk stated that this resolution provided for a substantial improvement to the current recycling facility and program. Mr. Kirk stated that the timing was favorable because of the healthy market for recyclables, particularly fibers, and CRRA was turning what used to be a cost into a revenue stream.

Mr. Gent informed the Board that CRRA currently has two facilities that are processing recyclables. Mr. Gent explained that the commingled container facility at 211 Murphy Road, which is owned by CRRA and operated by FCR, is 12 years old and noted that CRRA is responsible for any costs over \$2,500.00. Mr. Gent stated that the second facility is owned and operated by Murphy Road Recycling, and CRRA has a contract with Murphy Road Recycling for transloading of loose paper. Mr. Gent explained that CRRA owns the DEP permit and the contract for transloading expires in January of 2007. Mr. Gent stated that the contract with FCR also expires in 2007. Mr. Gent informed the Board that CRRA evaluated if the existing equipment at 211 should be kept and retrofitted to allow processing of paper or if the equipment should be totally replaced. Mr. Gent stated that CRRA decided to replace the equipment and said that the traditional arrangement was as follows: CRRA would own the facility and the equipment, CRRA would hire a contractor to build the new equipment and CRRA would then hire a contractor to operate the facility. Mr. Gent said that this agreement deviates from the traditional arrangement in that a new concept was adopted in which a contractor would build, own, operate, and then transfer the facility to CRRA in return for CRRA guarantying a minimum number of deliveries. Mr. Gent stated that CRRA would have the option to purchase the facility

for one dollar at the end of the ten-year term or extend the term for an additional five years. Mr. Gent pointed out that CRRA would retain ownership of the building, the site and the permit at 211 Murphy Road. Mr. Gent gave a detailed presentation detailing the concept, terms and highlights of the agreement, which presentation is attached as **Exhibit A**.

There was a lengthy, detailed discussion throughout Mr. Gent's presentation including discussion regarding the following topics:

- permit modifications
- the affect of the expiration of the Mid-Connecticut Municipal Service Agreements on the agreement
- termination options and available reserves
- pricing options
- timing of Board approval of the agreement and pricing options
- acceptable recyclables
- insurance requirements

Chairman Pace asked if the Finance Committee has had the opportunity to review the pricing options. Director Sullivan responded in the negative. Chairman Pace asked if management was seeking Board approval of just the concept of the agreement or the concept and the pricing options. Mr. Gaffey stated that management was recommending that the fixed price option be approved with the agreement. Chairman Pace stated that it may be too premature to approve a pricing option prior to a review by the Finance Committee. There was a lengthy discussion regarding the variable commodity option and the fixed pricing option and how the timing of Board approval could potentially affect those options. Director O'Brien suggested approving the concept of the agreement and allowing the Finance Committee time to review the two pricing options before a decision is made by the Board regarding which pricing option to accept.

Chairman Pace stated that this agreement represented a new business model for CRRA. Chairman Pace pointed out that at the end of the term CRRA would own the facility and the equipment. Chairman Pace also noted that CRRA was not responsible for any capital improvements over the term of the agreement.

Chairman Pace stated that he would like to have a discussion regarding the initiative itself with the pricing option issues aside and invited each Director to comment. Director O'Brien commended the management and staff for a step in the right direction and said he would authorize the concept of the agreement, but would like to discuss pricing options with the Finance Committee. Director Martland stated that he agreed with Director O'Brien and would like the resolution to allow the agreement to proceed with the pricing options to be determined at a later date. Director Karanian stated that she thinks the agreement is a very good concept in design and stated that a very good job was done in ensuring that CRRA maintains benefits without a loss of control. Director Karanian said that she would also like to further review the pricing options. Director Griswold stated that he particularly liked the default language in the agreement because if the contractor did not work out CRRA would gain control of the facility and be able to continue processing recyclables as needed. Director Horton Sheff said that the design of the contract was fine by her and added that she liked that CRRA has the ability to

purchase the equipment at the end of the term. Director Lovejoy suggested that the Board move forward with the contract as recommended. Director Cooper stated that the structure of the contract would benefit the towns. Director Francis stated that he was also in support of the model. Director Cohn stated that the staff work done on this agreement was excellent and said that he was in support of the agreement. Director Cohn also stated that he would feel reasonably comfortable with the fixed pricing option as recommended by management. Director Lauretti stated that he supported the model of the agreement. Chairman Pace pointed out that it was evident that the Board is in favor of the concept of the agreement and said that the pricing models would be further reviewed. Chairman Pace stated that CRRA does not want to be in the commodities market, as was evidenced by the sale of the Enron claim. Chairman Pace said that CRRA would lock in on the best business deal for the organization without taking on unknown risk and noted that due diligence needed to be done to determine the best option. Chairman Pace asked the Board if it was reasonable and prudent to proceed with the approval of the concept of the agreement and call a telephonic Finance Committee meeting and Special Telephonic Meeting for approval of the pricing options. It was determined that a telephonic Finance Committee meeting and Special Board meeting would be called on June 29<sup>th</sup>.

Chairman Pace stated that the three gentlemen who worked on the initiative did a terrific job and expressed his appreciation.

Chairman Pace requested a motion to amend the motion to enter into the agreement pending final review of the pricing structure by the Finance Committee and further approval by the Board of Directors. The motion was made by Director Martland and seconded by Director O'Brien.

The amended motion previously made and seconded was approved unanimously.

<b>Eligible Voters</b>	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>
Michael Pace, Chair	X		
Benson Cohn	X		
Mark Cooper	X		
James Francis	X		
Edna Karanian	X		
Mark Lauretti	X		
Theodore Martland	X		
Raymond O'Brien	X		
Timothy Griswold, Ad Hoc - Mid-CT	X		
Elizabeth Horton Sheff, Ad Hoc - Mid-CT	X		
<b>Non-Eligible Voters</b>			
Sherwood Lovejoy, Ad-Hoc – Bridgeport			

## **RESOLUTION REGARDING FREE BLOW ADDITION TO THE MID-CONNECTICUT AIR PROCESSING SYSTEM**

Chairman Pace requested a motion regarding the referenced item. Director O'Brien made the following motion:

**RESOLVED:** That the President is hereby authorized to execute an agreement with Infinity Constructors, Inc. to implement the free blow addition to the Mid-Connecticut Air Processing System located at the Mid-Connecticut Power Block Facility, substantially as presented and discussed at this meeting.

The motion was seconded by Director Cooper.

Mr. Gent stated that, recognizing that this is a significant investment, the addition would provide several benefits. Mr. Gent explained that the investment would pay for itself within two years and would provide flexibility in dealing with concerns that MDC has regarding air quality, while also dealing with odor concerns. Mr. Gent gave a technical explanation of the MCAP system and its relationship with the boilers. Mr. Gent stated that there were times when some of the three boilers were not operating, which was not a problem in cooler weather because there was not as much waste on the tipping floor and MDC could utilize the roof fans, discharging air into the environment. Mr. Gent explained that the problems occur during the summer months when some of the boilers are not operational. Mr. Gent said that during those outages, although the air quality is still acceptable according to OSHA standards, the air quality does deteriorate. Mr. Gent said that the free blow system would replace the roof fans that discharge air to the environment and allow the air to be discharged through one common duct and treat it with an odor chemical in the event multiple boilers are not operational. Mr. Gent added that the system would also allow the shut-down of one or two of the RTOs when a significant amount of money is being spent on gas. Mr. Gent stated that an analysis has shown that the gas savings alone would pay for the upfront expenditure within two years. Mr. Gent stated that MDC has expressed a strong desire for this addition and noted that the addition makes good environmental sense.

Chairman Pace stated that CRRA has an obligation to the workers at the Power Block facility and pointed out the on-going savings.

Director O'Brien stated that the gas savings was well documented but said that he did not see the chemical and other operating costs associated with the free blow system. Mr. Gent responded that it was his understanding that the costs presented included chemical costs, but stated that he would confirm that information. Mr. Gent stated that the power would be from the power block itself rather than having to purchase power from CL&P and noted that if that the free blow system was not running the roof fans would be running instead. Director O'Brien requested that the operating costs of the free blow system versus the existing system be provided at the next meeting. Mr. Gent agreed that further information would be provided.

Director Horton Sheff asked if the air would be released after it was treated and asked about the chemical used to treat the air. Mr. Gent responded that the air was currently released which creates the potential for complaints and said that the same chemicals would be used as is currently used in the shredders. Mr. Kirk stated that there were two types of chemicals. The first

type is an enzyme that eliminates the odor. The second and more common type is essentially a perfume that is available in a variety of scents.

Mr. Gent pointed out that there were two bidders for this work and said that both bids were close to CRRA’s estimate for the work, with Infinity Constructors, Inc. coming in as the low bid. Mr. Gent noted that CRRA has worked with Infinity Constructors in the past.

Director Martland stated that the wide range in the bid prices bothered him. Mr. Gent stated that CRRA had onerous requirements regarding risk and stated that the bid specifications display how different companies price differently based on risk tolerance.

The motion previously made and seconded was approved unanimously.

<b>Eligible Voters</b>	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>
Michael Pace, Chair	X		
Benson Cohn	X		
Mark Cooper	X		
James Francis	X		
Edna Karanian	X		
Mark Lauretti	X		
Theodore Martland	X		
Raymond O'Brien	X		
Timothy Griswold, Ad Hoc - Mid-CT	X		
Elizabeth Horton Sheff, Ad Hoc - Mid-CT	X		
<b>Non-Eligible Voters</b>			
Sherwood Lovejoy, Ad-Hoc – Bridgeport			

**RESOLUTION REGARDING THE EMPLOYMENT OF DVIRKA AND BARTILUCCI CONSULTING ENGINEERING CONSULTING SERVICES TO PERFORM A FEASIBILITY STUDY ON EXPANDING THE MID-CONNECTICUT WASTE-TO-ENERGY FACILITY**

Chairman Pace requested a motion regarding the referenced item. Director O’Brien made the following motion:

**RESOLVED:** The President is hereby authorized to enter into a Request for Services pursuant to the three year engineering service agreement with Dvirka and Bartilucci Consulting Engineers for services to perform a feasibility study on expanding the Mid-Connecticut Waste-to-Energy Facility.

The motion was seconded by Director Cohn.

Mr. Kirk explained that this is the feasibility study that the Board examined and approved at the past meeting. Mr. Kirk stated that there was a conflict with the original contractor who

was doing similar work for MDC and said that this a replacement contractor for the \$53,000 contract.

Director Karanian asked if management was comfortable with this contractor’s expertise level, even though they were not CRRA’s first choice to perform these services. Mr. Kirk responded that management was confident that the contractor could perform the services satisfactorily and stated that CRRA originally chose the other contractor because of their immediate experience on a similar study.

The motion previously made and seconded was approved unanimously.

<b>Eligible Voters</b>	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>
Michael Pace, Chair	X		
Benson Cohn	X		
Mark Cooper	X		
James Francis	X		
Edna Karanian	X		
Mark Lauretti	X		
Theodore Martland	X		
Raymond O'Brien	X		
Timothy Griswold, Ad Hoc - Mid-CT	X		
Elizabeth Horton Sheff, Ad Hoc - Mid-CT	X		
<b>Non-Eligible Voters</b>			
Sherwood Lovejoy, Ad-Hoc - Bridgeport			

**RESOLUTION REGARDING WESTON TRANSFER STATION WASTE HAULING SERVICES**

Chairman Pace requested a motion regarding the referenced item. Director O’Brien made the following motion:

**RESOLVED:** That the President is authorized to enter into an agreement with City Carting & Recycling for Solid Waste Transportation Services for the Weston Transfer Station substantially as presented and discussed at this meeting.

The motion was seconded by Director Martland.

Mr. Gent noted that four bids were received for the transportation of waste from the Weston Transfer Station to the Bridgeport Project and stated that City Carting & Recycling was the low bidder. Mr. Gent added that CRRA has never done work with City Carting so their references were checked and stated that the principals are Mike Ferraro, Jr. and Anthony Terenzo.

Directors Lovejoy and Lauretti expressed their approval of the resolution.

The motion previously made and seconded was approved unanimously.

<b>Eligible Voters</b>	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>
Michael Pace, Chair	X		
Benson Cohn	X		
Mark Cooper	X		
James Francis	X		
Edna Karanian	X		
Mark Lauretti	X		
Theodore Martland	X		
Raymond O'Brien	X		
Sherwood Lovejoy, Ad-Hoc - Bridgeport	X		
<b>Non-Eligible Voters</b>			
Timothy Griswold, Ad Hoc - Mid-CT			
Elizabeth Horton Sheff, Ad Hoc - Mid-CT			

**RESOLUTION REGARDING TOWN OF WALLINGFORD RESIDENT DROP-OFF ACCEPTABLE WASTE HAULING SERVICES**

Chairman Pace requested a motion regarding the referenced item. Director O'Brien made the following motion:

**RESOLVED:** That the President is authorized to enter into an agreement with Waste Management of Connecticut for Wallingford Acceptable Waste Transportation Services substantially as presented and discussed at this meeting.

The motion was seconded by Director Cooper.

Chairman Pace noted that the contract value was approximately \$69,000.

Mr. Gent noted that Waste Management was the lowest bidder by almost \$12.00 per load. Mr. Gent said that the work involves transporting acceptable waste that is dropped off at the Wallingford Landfill drop-off site and the contractor is responsible for providing containers. Mr. Gent noted that the \$69,000 was based off of Waste Management's current pricing, but the new contract value reflecting the new pricing will be approximately \$52,000.

The motion previously made and seconded was approved unanimously.

<b>Eligible Voters</b>	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>
Michael Pace, Chair	X		
Benson Cohn	X		
Mark Cooper	X		
James Francis	X		
Edna Karanian	X		
Mark Lauretti	X		



Theodore Martland	X		
Raymond O'Brien	X		
<b>Non-Eligible Voters</b>			
Timothy Griswold, Ad Hoc - Mid-CT			
Elizabeth Horton Sheff, Ad Hoc - Mid-CT			
Sherwood Lovejoy, Ad-Hoc - Bridgeport			

**RESOLUTION REGARDING THE APPROVAL OF AN ANNUAL PLAN OF OPERATIONS FOR FISCAL YEARS 2004, 2005, AND 2006**

Chairman Pace requested a motion regarding the referenced item. Director O'Brien made the following motion:

**RESOLVED:** That the Board of Directors hereby approves an Annual Plan of Operations for FY2004, FY2005 and FY2006, substantially as discussed and presented at this meeting.

The motion was seconded by Director Cohn.

Director O'Brien stated that he assumed CRRA was looking for approval primarily so the plan can be submitted to the DEP.

Chairman Pace pointed out that the procedure states, "If the DEP Commissioner does not approve the Plan of Operations, the CRRA Executive Committee and CRRA management will consult with the DEP Commissioner until a Plan of Operations is drafted that is satisfactory to all parties. Upon approval by the DEP Commissioner, the Plan of Operations will be forwarded to the CRRA Board of Directors for adoption in accordance with the CRRA Bylaws, contract terms and bond indentures." Chairman Pace asked for an explanation of that section of the procedure. Mr. Kirk explained that the Board was approving the procedure to be submitted to DEP for their subsequent approval. Mr. Kirk explained that the procedure, after its approval by the DEP, would return to the CRRA Board for adoption.

Chairman Pace noted that in section 3.3 of the procedure, it was stated that the plan would be posted on the intranet. Chairman Pace asked if that should read "internet." Mr. Kirk stated that the procedure could be posted on both the intranet and internet. Chairman suggested making that change.

The motion previously made and seconded was approved unanimously.

<b>Eligible Voters</b>	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>
Michael Pace, Chair	X		
Benson Cohn	X		
Mark Cooper	X		
James Francis	X		
Edna Karanian	X		

Mark Lauretti	X		
Theodore Martland	X		
Raymond O'Brien	X		
<b>Non-Eligible Voters</b>			
Timothy Griswold, Ad Hoc - Mid-CT			
Elizabeth Horton Sheff, Ad Hoc - Mid-CT			
Sherwood Lovejoy, Ad-Hoc – Bridgeport			

**RESOLUTION REGARDING ADDITIONAL PROJECTED LEGAL EXPENDITURES**

Chairman Pace requested a motion regarding the referenced item. Director O’Brien made the following motion:

**WHEREAS**, CRRA has entered into Legal Service Agreements with Pullman & Comley to perform legal services; and

**WHEREAS**, the Board of Directors, on September 23, 2004, authorized \$100,000 for payment of Pullman & Comley’s fiscal year 2005 projected legal fees; and

**WHEREAS**, CRRA has incurred greater than anticipated legal expenses in connection with the use of its Enron settlement proceeds, ownership of the Projects upon termination of the municipal solid waste contracts and expiration of the bonds, review of proposed legislation, and certain other matters;

**NOW THEREFORE, it is RESOLVED:** That the following additional amount be authorized for payment of projected legal fees to be incurred through June 30, 2005:

<u>Firm:</u>	<u>Authorized Amount:</u>	<u>Increase Amount:</u>	<u>Total Amount Authorized for FY05:</u>
Pullman & Comley	\$100,000	\$48,000	\$148,000

The motion was seconded by Director Cohn.

Director Cohn noted that the Policies & Procurement Committee was recommending approval of this resolution.

Director O’Brien acknowledged that Pullman & Comley has done a very good job for CRRA over the past year.

The motion previously made and seconded was approved unanimously.

<b>Eligible Voters</b>	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>
Michael Pace, Chair	X		
Benson Cohn	X		

Mark Cooper	X		
James Francis	X		
Edna Karanian	X		
Mark Lauretti	X		
Theodore Martland	X		
Raymond O'Brien	X		
<b>Non-Eligible Voters</b>			
Timothy Griswold, Ad Hoc - Mid-CT			
Elizabeth Horton Sheff, Ad Hoc - Mid-CT			
Sherwood Lovejoy, Ad-Hoc – Bridgeport			

**RESOLUTION REGARDING PROJECTED LEGAL EXPENDITURES**

Chairman Pace requested a motion regarding the referenced item. Director O'Brien made the following motion:

**WHEREAS**, CRRA has negotiated three-year Legal Service Agreements with various law firms for the provision of legal services from July 1, 2005 through June 30, 2008; and

**WHEREAS**, CRRA now seeks Board authorization for projected legal expenditures during the first year of the term of said Agreements;

**NOW THEREFORE, it is RESOLVED:** That the following amounts be authorized for projected legal fees to be incurred during fiscal year 2006:

<b><u>Firm:</u></b>	<b><u>Amount:</u></b>
Brown Rudnick	\$300,000
Cohn Birnbaum & Shea	55,000
Halloran & Sage	500,000
Heneghan Kennedy & Doyle	75,000
Kainen, Escalera & McHale	50,000
McCarter & English	350,000
Perakos & Zitser	150,000
Pepe & Hazard	250,000
Pullman & Comley	175,000
Sidley Austin	80,000
McGuireWoods	150,000

The motion was seconded by Director Cohn.

Director Cohn noted that the Committee was recommending this resolution after some discussion. Director Cohn stated that some of the explanations, especially where there were major increases, were a bit too meager. Director Cohn gave the examples of Pepe & Hazard, which would be working on the New Hartford suit and Pullman & Comley. Mr. Kirk stated that,

based on the Policies & Procurement Committee’s recommendation, Pullman & Comley’s explanation would include potential landfill financing, New Hartford matters would be added to Pepe & Hazard’s explanation, and Brown Rudnick’s explanation would include landfill development and permitting.

Director O’Brien added that management would be providing a breakdown of how the estimates were developed.

The motion previously made and seconded was approved unanimously.

<b>Eligible Voters</b>	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>
Michael Pace, Chair	X		
Benson Cohn	X		
Mark Cooper	X		
James Francis	X		
Edna Karanian	X		
Mark Lauretti	X		
Theodore Martland	X		
Raymond O’Brien	X		
<b>Non-Eligible Voters</b>			
Timothy Griswold, Ad Hoc - Mid-CT			
Elizabeth Horton Sheff, Ad Hoc - Mid-CT			
Sherwood Lovejoy, Ad-Hoc – Bridgeport			

**CHAIRMAN’S REPORT**

Chairman Pace noted that the New Hartford suit was proceeding and noted that depositions were being taken in the following days and weeks. Chairman Pace pointed out the suit will cost the Mid-Connecticut towns significant dollars and noted that those funds would be assessed at some point.

Chairman Pace called a five-minute recess with the meeting to reconvene at 12:20 p.m.

The meeting was reconvened at 12:20 p.m.

**EXECUTIVE SESSION**

Chairman Pace requested a motion to enter Executive Session to discuss pending litigation, trade secrets, feasibility evaluations regarding CRRA’s future development and plans with appropriate staff. The motion made by Director O’Brien and seconded by Director Martland was approved unanimously. Chairman Pace requested that the following people be invited to the Executive Session:

Chairman Pace  
Director Cohn  
Director Cooper  
Director Francis  
Director Karanian  
Director Martland  
Director O'Brien

Tom Kirk  
Floyd Gent

The Executive Session began at 12:20 p.m. and concluded at 12:40 p.m. Chairman Pace noted that no votes were taken.

The meeting was reconvened at 12:40 p.m.

**ADJOURNMENT**

Chairman Pace requested a motion to adjourn the meeting. The motion to adjourn made by Director O'Brien and seconded by Director Cooper was approved unanimously.

There being no other business to discuss, the meeting was adjourned at 12:41 p.m.

Respectfully submitted,

Kristen B. Greig  
Secretary to the Board/Paralegal