

CONNECTICUT RESOURCES RECOVERY AUTHORITY

FOUR HUNDRED AND FIFTY-NINTH

OCTOBER 29, 2009

A Regular meeting of the Connecticut Resources Recovery Authority Board of Directors was held on Thursday, October 29, 2009, in the Board Room at 100 Constitution Plaza, Hartford, Connecticut. Those present in Hartford were:

Chairman Michael Pace

Directors: David B. Damer
 Alan Desmarais
 Timothy Griswold
 Mark Lauretti (present until 11:18 a.m.)
 Theodore Martland
 Nicholas Mullane
 Raymond O'Brien
 Linda Savitsky
 Stephen Edwards, Bridgeport Project Ad-Hoc
 Warren Howe, Wallingford Project Ad-Hoc

Present from CRRA management:

Tom Kirk, President
Jim Bolduc, Chief Financial Officer
Peter Egan, Director of Environmental Affairs & Development
Tom Gaffey, Director of Recycling and Enforcement
Laurie Hunt, Director of Legal Services
Paul Nonnenmacher, Director of Public Affairs
Mike Tracey, Director of Operations
Moira Kenney, Secretary to the Board/Paralegal

Also present in Hartford: Peter Boucher, Esq. and John Farely, Esq. of Halloran & Sage; William Champlin, Esq. of Hinckly Allen; Miguel Escalera, Esq. of Kainen & Escalera; Jim Sandler, Esq. of Sandler & Mara; John Pizzimenti of USA Hauling & Recycling; Thomas Ritter, Esq. of Brown Rudnick; Cheryl Thibeault of Covanta; and Jerry Tyminski of SCRRA.

Chairman Pace called the meeting to order at 9:38 a.m. and said 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.

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.

As there were no members of the public present Chairman Pace proceeded with the meeting agenda.

EXECUTIVE SESSION

Chairman Pace requested a motion to enter into Executive Session to discuss pending litigation, real estate acquisition, pending RFP’s, and personnel matters with appropriate staff. The motion made by Vice-Chairman O’Brien and seconded by Director Savitsky was approved unanimously by roll call. Chairman Pace requested that the following people be invited to the Executive Session in addition to the Directors:

- Tom Kirk
- Jim Bolduc
- Laurie Hunt, Esq
- Peter Boucher, Esq.
- William Champlin, Esq.
- Miguel Escalera, Esq.
- John Farley, Esq.
- Tom Ritter, Esq.

Directors	Aye	Nay	Abstain
Michael Pace, Chairman	X		
David Damer	X		
Alan Desmarais	X		
Mark Lauretti	X		
Theodore Martland	X		
Jim Miron	X		
Nicholas Mullane	X		
Raymond O’Brien	X		
Linda Savitsky	X		
Ad-Hocs			
Stephen Edwards, Bridgeport			
Geno Zandri, Jr., Wallingford			

The Executive Session began at 9:34 a.m. and concluded at 11:18 a.m. Chairman Pace noted that no votes were taken in Executive Session.

The meeting was reconvened at 11:18 a.m., the door was opened, and the Board secretary and all members of the public were invited back in for the continuation of public session.

APPROVAL OF THE JULY 23, 2009, MINUTES

Chairman Pace requested a motion to approve the July 23, 2009, minutes. Vice-Chairman O'Brien made the motion which was seconded by Director Martland.

The motion to approve the minutes was approved by roll call. Chairman Pace, Vice-Chairman O'Brien, Director Damer, Director Griswold, Director Savitsky, Director Edwards, and Director Howe voted yes. Director Martland, Director Desmarais, and Director Mullane abstained as they were not present at the meeting.

Directors	Aye	Nay	Abstain
Michael Pace, Chairman	X		
David Damer	X		
Alan Desmarais			X
Timothy Griswold	X		
Theodore Martland			X
Nicholas Mullane			X
Raymond O'Brien	X		
Linda Savitsky	X		
Ad-Hocs			
Stephen Edwards, Bridgeport	X		
Warren Howe, Wallingford	X		

APPROVAL OF THE SEPT. 24, 2009, MINUTES

Chairman Pace requested a motion to approve the Sept. 24, 2009, minutes. Vice-Chairman O'Brien made the motion to approve the minutes.

The motion was seconded by Director Savitsky.

The motion previously made and seconded was approved unanimously roll call. Chairman Pace, Vice-Chairman O'Brien, Director Damer, Director Desmarais, Director Griswold, Director Martland, Director Mullane, Director Savitsky, Director Edwards, and Director Howe voted yes.

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

Stephen Edwards, Bridgeport	X		
Warren Howe., Wallingford	X		

RESOLUTION REGARDING CERTAIN PROJECT RESERVES

Chairman Pace requested a motion regarding the above-captioned matter. The following motion was made by Vice-Chairman O'Brien:

WHEREAS, The Connecticut Resources Recovery Authority (The "Authority") has fulfilled its consent obligation for Connecticut DEP Consent Order SW-400 by obtaining DEP approval to exhaust the remaining funds reserved to promote mercury awareness; and

WHEREAS, the Fiscal Year 2009 Mid-Connecticut's actual revenues exceeded actual expenses resulting in a surplus of \$7,291,252, which, as required by the Mid-Connecticut Project's MSAs, must be incorporated in the Fiscal Year 2011 budget; and

WHEREAS: the Authority has performed an analysis of its Town of Ellington transfer Station Trust Reserve and has determined that a balance of \$10,000 is required to fulfill the contract obligations; and

WHEREAS: the Authority has fulfilled its obligation to the bond trustee in accordance with the bond indentures associated with the Wallingford and Bridgeport Projects and the bond trustee has discharged the Authority of said obligation; and

WHEREAS: The closing of the Bridgeport Project has caused the Authority to release all Bridgeport Project monies in its Guarantee of Payment reserve.

NOW, THEREFORE, BE IT:

RESOLVED: That the Mercury Public Awareness Reserve be dissolved; and

FURTHER RESOLVED: That the Mid-Connecticut Fiscal Year 2009 operating surplus of \$7,291,252 be incorporated in the Fiscal Year 2011 operating budget; and

FURTHER RESOLVED: That the Town of Ellington Transfer Station Trust Reserve be reduced to the required amount of \$10,000 and the remainder be incorporated in the Mid-Connecticut Project Year 2011 operating budget.

FURTHER RESOLVED: That the Bridgeport Project's Customer Guarantee of Payment reserve be dissolved.

Director Savitsky seconded the motion.

The motion previously made and seconded was approved unanimously roll call. Chairman Pace, Vice-Chairman O'Brien, Director Damer, Director Desmarais, Director Griswold, Director Martland, Director Mullane, and Director Savitsky voted yes.

Directors	Aye	Nay	Abstain
Michael Pace, Chairman	X		
David Damer	X		
Alan Desmarais	X		
Timothy Griswold	X		
Theodore Martland	X		
Nicholas Mullane	X		
Raymond O'Brien	X		
Linda Savitsky	X		
Ad-Hocs			
Stephen Edwards, Bridgeport			
Warren Howe., Wallingford			

RESOLUTION REGARDING THE FIRST PAYMENT TO FORMER BRIDGEPORT PROJECT TOWNS OF REMAINING BRIDGEPORT PROJECT FUNDS

Chairman Pace requested a motion regarding the above-captioned matter. The following motion was made by Vice-Chairman O'Brien:

WHEREAS, the Bridgeport Project officially ended on December 31, 2008; and

WHEREAS, the Connecticut Resources Recovery Authority's (the "Authority") Board of Directors (the "Board") seeks to make a first distribution of Bridgeport Project-related funds to the towns that were member of the former Bridgeport Project; and

WHEREAS, on July 23, 2009, the Board reviewed and approved the consolidation of various activities and assets and accounts relating to the Bridgeport Project in order to set funds aside prior to a distribution of Bridgeport Project-related funds to the towns that were members of the former Bridgeport Project; and

WHEREAS, on September 24, 2009 the Board reviewed and approved the transfer of remaining assets and accounts that are necessary for the continuation of other activities of the former Bridgeport Project in order to avoid comingling with other Bridgeport Project funds and arrived at a dollar amount to be distributed; and

WHEREAS, the former President of the Bridgeport Solid Waste Advisory Board has approved the methodology of distribution of funds to the former Bridgeport Project towns, which will be the pro rata of each town's weighted average delivery and minimum commitment to the Bridgeport Project during the immediate past five years.

NOW, THEREFORE, it is

RESOLVED: that the amount of \$1,639,185 be distributed to the 18 former Bridgeport Project towns in the percentage values and dollar amounts as follows:

<u>Municipality:</u>	<u>Percentage:</u>	<u>Distribution:</u>
Bethany	0.37%	\$ 6,064.99
Bridgeport	17.21%	282,103.74
Darien	2.59%	42,454.89
East Haven	3.48%	57,043.64 *
Easton	0.73%	11,966.05
Fairfield	11.32%	185,555.74
Greenwich	13.15%	215,552.83
Milford	10.08%	165,229.85
Monroe	2.84%	46,552.85
Norwalk	11.77%	192,932.07
Orange	1.51%	24,751.69
Shelton	4.69%	76,877.78
Stratford	6.42%	105,235.68
Trumbull	4.84%	79,336.55
Weston	1.28%	20,981.57
Westport	4.66%	76,386.02
Wilton	2.22%	36,389.91
Woodbridge	0.84%	13,769.15
Total	100.00%	\$ 1,639,185.00

* This amount will be held against the outstanding receivable of \$175,106, as will any further distribution until such time as the amount has been reduced to zero outstanding.

Director Martland seconded the motion.

The motion previously made and seconded was approved unanimously roll call. Chairman Pace, Vice-Chairman O'Brien, Director Damer, Director Desmarais, Director Griswold, Director Martland, Director Mullane, Director Savitsky, and Director Edwards voted yes.

Directors	Aye	Nay	Abstain
Michael Pace, Chairman	X		
David Damer	X		
Alan Desmarais	X		
Timothy Griswold	X		
Theodore Martland	X		
Nicholas Mullane	X		
Raymond O'Brien	X		
Linda Savitsky	X		
Ad-Hocs			
Stephen Edwards, Bridgeport	X		
Warren Howe., Wallingford			

RESOLUTION REGARDING A TRUST AGREEMENT ASSOCIATED WITH SOUTH MEADOWS SITE REMEDIATION ACTIVITIES

Chairman Pace requested a motion regarding the above-captioned matter. The following motion was made by Vice-Chairman O’Brien.

RESOLVED: That the President of CRRA is authorized to execute a Trust Agreement with New York Community Bank, substantially as presented and discussed at this meeting.

Director Martland seconded the motion.

The motion previously made and seconded was approved unanimously by roll call. Chairman Pace, Vice-Chairman O’Brien, Director Damer, Director Desmarais, Director Griswold, Director Martland, Director Mullane, and Director Savitsky, voted yes.

Directors	Aye	Nay	Abstain
Michael Pace, Chairman	X		
David Damer	X		
Alan Desmarais	X		
Timothy Griswold	X		
Theodore Martland	X		
Nicholas Mullane	X		
Raymond O’Brien	X		
Linda Savitsky	X		
Ad-Hocs			
Stephen Edwards, Bridgeport			
Geno Zandri, Jr., Wallingford			

RESOLUTION REGARDING A MODIFICATION TO THE MID-CONNECTICUT REGIONAL RECYCLING FACILITY TO ENABLE THE PROCESSING OF #3 THROUGH #7 PLASTICS CONTAINERS

Chairman Pace requested a motion regarding the above-captioned matter. The following motion was made by Vice-Chairman O’Brien:

WHEREAS: CRRA has encouraged its member municipalities to recycle to the maximum extent possible and;

WHEREAS: CRRA has invested in the installation of state-of-the-art, single stream, processing technology at the Mid-Connecticut Regional Recycling Facility to increase citizen participation and recycling rates in pursuit of accomplishing the new statewide recycling goal and;

WHEREAS: Citizens and officials from member municipalities have requested that CRRA add #3 through #7 plastic containers as acceptable items to be processed at the Mid-Connecticut facility and;

WHEREAS: CRRA’s contracted vendor, FCR, LLC, has recently proposed adding the requisite equipment to sort and process #3 through #7 plastic containers therefore;

RESOLVED: That the Board of Directors hereby approves the expenditure of funds to modify the facility to enable the recycling of #3 thorough #7 plastic containers and the President is hereby authorized to enter into the Fifth Amendment to the Agreement For Design, Upgrade, Retrofit, And Operation/Maintenance Services For The Mid-Connecticut Regional Recycling Facility with FCR, LLC substantially as presented at this meeting.

Director Damer seconded the motion.

The motion previously made and seconded was approved unanimously by roll call. Chairman Pace, Vice-Chairman O’Brien, Director Damer, Director Desmarais, Director Griswold, Director Martland, Director Mullane, and Director Savitsky, voted yes.

Directors	Aye	Nay	Abstain
Michael Pace, Chairman	X		
David Damer	X		
Alan Desmarais	X		
Timothy Griswold	X		
Theodore Martland	X		
Nicholas Mullane	X		
Raymond O’Brien	X		
Linda Savitsky	X		
Ad-Hocs			
Stephen Edwards, Bridgeport			
Geno Zandri, Jr., Wallingford			

RESOLUTION REGARDING THE MUNICIPAL GOVERNMENT LIAISON SERVICES AGREEMENT

Chairman Pace requested a motion regarding the above-captioned matter. The following motion was made by Vice-Chairman O’Brien:

RESOLVED: That the President of CRRA is hereby authorized to execute the Municipal Government Liaison Services Agreement with Brown Rudnick LLP, substantially as presented and discussed at this meeting.

Director Martland seconded the motion.

The motion previously made and seconded was approved unanimously by roll call. Chairman Pace, Vice-Chairman O'Brien, Director Damer, Director Desmarais, Director Griswold, Director Martland, Director Mullane, and Director Savitsky, voted yes.

Directors	Aye	Nay	Abstain
Michael Pace, Chairman	X		
David Damer	X		
Alan Desmarais	X		
Timothy Griswold	X		
Theodore Martland	X		
Nicholas Mullane	X		
Raymond O'Brien	X		
Linda Savitsky	X		
Ad-Hocs			
Stephen Edwards, Bridgeport			
Geno Zandri, Jr., Wallingford			

RESOLUTION REGARDING ESTABLISHING A SPECIAL COMMITTEE TO STUDY OPTIONS FOR MUNICIPAL SOLID WASTE DISPOSAL FOLLOWING THE EXPIRATION OF THE MID-CONNECTICUT PROJECT

Chairman Pace requested a motion regarding the above-captioned matter. The following motion was made by Vice-Chairman O'Brien:

RESOLVED: That a Special Committee is hereby formed and charged to study options for the disposal of solid waste from the Mid-Connecticut Project municipalities post Project, and report thereon to this Board; and

FURTHER RESOLVED: That the Special Committee consist of the five representatives of the Mid-Connecticut Project contracting municipalities designated by the Mid-Connecticut Project Municipal Advisory Committee (MAC representatives from Windsor Locks, Canton, Hartford, East Hartford, and Barkhamsted), and the Authority's President; Director of Operations; Environmental Affairs & Development Director; Development, Environmental Compliance & IT Manager; and Senior Operations Analyst.

Director Martland seconded the motion.

AMENDMENT TO THE MOTION

After substantial discussion Director Griswold made a friendly amendment to the motion to eliminate the Environmental Compliance & IT Manager, Director Jarjura and to replace them with Director Desmarais and Director Damer.

The maker and seconder of the motion agreed to the friendly amendment.

The motion previously made and seconded was approved unanimously by roll call. Chairman Pace, Vice-Chairman O'Brien, Director Damer, Director Desmarais, Director Griswold, Director Martland, Director Mullane, and Director Savitsky, voted yes.

Directors	Aye	Nay	Abstain
Michael Pace, Chairman	X		
David Damer	X		
Alan Desmarais	X		
Timothy Griswold	X		
Theodore Martland	X		
Nicholas Mullane	X		
Raymond O'Brien	X		
Linda Savitsky	X		
Ad-Hocs			
Stephen Edwards, Bridgeport			
Geno Zandri, Jr., Wallingford			

VOTE ON THE ORIGINAL MOTION AS AMENDED

Chairman Pace requested a motion regarding the above-captioned matter. The following motion was made by Vice-Chairman O'Brien:

RESOLVED: That a Special Committee is hereby formed and charged to study options for the disposal of solid waste from the Mid-Connecticut Project municipalities post Project, and report thereon to this Board; and

FURTHER RESOLVED: That the Special Committee consist of the five representatives of the Mid-Connecticut Project contracting municipalities designated by the Mid-Connecticut Project Municipal Advisory Committee (MAC representatives from Windsor Locks, Canton, Hartford, East Hartford, and Barkhamsted), and the Authority's President; Director of Operations; Environmental Affairs & Development Director; Development, Director Desmarais and Director Damer.

Director Martland seconded the motion.

The motion previously made and seconded was approved unanimously by roll call. Chairman Pace, Vice-Chairman O'Brien, Director Damer, Director Desmarais, Director Griswold, Director Martland, Director Mullane, and Director Savitsky, voted yes.

Directors	Aye	Nay	Abstain
Michael Pace, Chairman	X		
David Damer	X		
Alan Desmarais	X		
Timothy Griswold	X		

Theodore Martland	X		
Nicholas Mullane	X		
Raymond O'Brien	X		
Linda Savitsky	X		
Ad-Hocs			
Stephen Edwards, Bridgeport			
Geno Zandri, Jr., Wallingford			

RESOLUTION REGARDING ADDITIONAL PROJECTED LEGAL EXPENDITURES

Chairman Pace requested a motion regarding the above-captioned matter. The following motion was made by Vice-Chairman O'Brien:

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 additional legal expenses in connection with Mid-Connecticut Project matters;

NOW THEREFORE, it is RESOLVED: That the following additional amount be authorized for payment of legal fees and costs to be incurred through June 30, 2010

<u>Firm:</u>	<u>Amount:</u>
Hinckley, Allen & Snyder	\$300,000

Director Damer seconded the motion.

The motion previously made and seconded was approved unanimously by roll call. Chairman Pace, Vice-Chairman O'Brien, Director Damer, Director Desmarais, Director Griswold, Director Martland, Director Mullane, and Director Savitsky, voted yes.

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

Ad-Hocs			
Stephen Edwards, Bridgeport			
Geno Zandri, Jr., Wallingford			

EXECUTIVE SESSION

Chairman Pace requested a motion to enter into Executive Session to discuss pending litigation, real estate acquisition, pending RFP’s, and personnel matters with appropriate staff. The motion made by Vice-Chairman O’Brien and seconded by Director Savitsky was approved unanimously by roll call. Chairman Pace requested that the following people be invited to the Executive Session in addition to the Directors:

- Tom Kirk
- Jim Bolduc
- Laurie Hunt, Esq.
- Michael Tracey

Directors	Aye	Nay	Abstain
Michael Pace, Chairman	X		
David Damer	X		
Alan Desmarais	X		
Timothy Griswold	X		
Theodore Martland	X		
Nicholas Mullane	X		
Raymond O’Brien	X		
Linda Savitsky	X		
Ad-Hocs			
Stephen Edwards, Bridgeport			
Geno Zandri, Jr., Wallingford			

The Executive Session began at 12:06 p.m. and concluded at 12:20 p.m. Chairman Pace noted that no votes were taken in Executive Session.

The meeting was reconvened at 12:20 p.m., the door was opened, and the Board secretary and all members of the public were invited back in for the continuation of public session.

ADJOURNMENT

Chairman Pace requested a motion to adjourn the meeting. The motion to adjourn was made by Vice-Chairman O’Brien and seconded by Director Damer was approved unanimously.

There being no other business to discuss, the meeting was adjourned at 12:50 p.m.

Respectfully submitted,

Moira Kenney
Secretary to the Board/Paralegal