

CONNECTICUT RESOURCES RECOVERY AUTHORITY

FOUR HUNDRED AND NINETEENTH MEETING

MARCH 29, 2007

A Regular meeting of the Connecticut Resources Recovery Authority Board of Directors was held on Thursday, March 29, 2007 at 100 Constitution Plaza, Hartford, Connecticut. Those present were:

Chairman Michael Pace

Directors: Mark Cooper (Present via telephone until 12:45 p.m.)
 James Francis (Present until 12:45 p.m.)
 Michael Jarjura (present beginning at 11:40 a.m.)
 Edna Karanian
 Mark Laretti (present via telephone beginning at 9:50 a.m.)
 Theodore Martland
 James Miron (present beginning at 10:15 a.m.)
 Raymond O'Brien
 Linda Savitsky
 Elizabeth Horton Sheff, Mid-CT Ad-Hoc (present beginning at 9:40 a.m.)
 Stephen Edwards, Bridgeport Ad-Hoc (present until 11:05 a.m.)

Present from the CRRA staff:

Tom Kirk, President
Jim Bolduc, Chief Financial Officer
Michael Bzdyra, Government Relations Liaison
Robert Constable, Controller
Peter Egan, Director of Environmental Affairs
Floyd Gent, Director of Operations
Laurie Hunt, Director of Legal Services
Lynn Martin, Risk Manager
Paul Nonnenmacher, Director of Public Affairs
Donna Tracy, Executive Assistant
Kristen Greig, Secretary to the Board/Paralegal

Also present were: William Bright, Esq. of McCarter & English, Richard Goldstein, Esq. of Pepe & Hazard, John Pizzimenti of USA Hauling & Recycling, Matt Suffish of Covanta, Cheryl Thibeault of Covanta, and Jerry Tyminski of SCRRA.

Chairman Pace called the meeting to order at 9:35 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.

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.

With no comments from the public, Chairman Pace stated that the regular meeting would commence.

APPROVAL OF THE MINUTES OF THE JANUARY 23, 2007 SPECIAL BOARD MEETING

Chairman Pace requested a motion to approve the minutes of the January 23, 2007 Special Board Meeting. Director O'Brien made a motion to approve the minutes, which was seconded by Director Martland. The minutes were approved as presented by roll call. Directors Savitsky, Cooper, Francis and Edwards abstained.

Eligible Voters	Aye	Nay	Abstain
Michael Pace, Chairman	X		
Mark Cooper			X
James Francis			X
Edna Karanian	X		
Theodore Martland	X		
Raymond O'Brien	X		
Linda Savitsky			X
Non Eligible Voters			
Stephen Edwards, Ad Hoc, Bridgeport			

APPROVAL OF THE MINUTES OF THE FEBRUARY 20, 2007 SPECIAL BOARD MEETING

Chairman Pace requested a motion to approve the minutes of the February 20, 2007 Special Board Meeting. Director O'Brien made a motion to approve the minutes, which was seconded by Director Martland. The minutes were approved as presented by roll call. Directors Cooper, Francis and Edwards abstained.

Eligible Voters	Aye	Nay	Abstain
Michael Pace, Chairman	X		
Mark Cooper			X
James Francis			X
Edna Karanian	X		
Theodore Martland	X		
Raymond O'Brien	X		
Linda Savitsky	X		

Non Eligible Voters			
Stephen Edwards, Ad Hoc, Bridgeport			

APPROVAL OF THE MINUTES OF THE FEBRUARY 22, 2007 REGULAR BOARD MEETING

Chairman Pace requested a motion to approve the minutes of the February 22, 2007 Regular Board Meeting. Director O’Brien made a motion to approve the minutes, which was seconded by Director Savitsky.

Director O’Brien requested that the last paragraph on page three read, “Director O’Brien reported” rather than “Director O’Brien stated”.

The minutes as amended were approved unanimously by roll call.

Eligible Voters	Aye	Nay	Abstain
Michael Pace, Chairman	X		
Mark Cooper	X		
James Francis	X		
Edna Karanian	X		
Theodore Martland	X		
Raymond O’Brien	X		
Linda Savitsky	X		
Non Eligible Voters			
Stephen Edwards, Ad Hoc, Bridgeport			

APPROVAL OF THE MINUTES OF THE FEBRUARY 26, 2007 SPECIAL BOARD MEETING

Chairman Pace requested a motion to approve the minutes of the February 26, 2007 Special Board Meeting. Director O’Brien made a motion to approve the minutes, which was seconded by Director Savitsky. The minutes were approved as presented by roll call. Directors Cooper, Francis and Edwards abstained.

Eligible Voters	Aye	Nay	Abstain
Michael Pace, Chairman	X		
Mark Cooper			X
James Francis			X
Edna Karanian	X		

Theodore Martland	X		
Raymond O'Brien	X		
Linda Savitsky	X		
Non Eligible Voters			
Stephen Edwards, Ad Hoc, Bridgeport			

APPROVAL OF THE MINUTES OF THE MARCH 1, 2007 SPECIAL BOARD MEETING

Chairman Pace requested a motion to approve the minutes of the March 1, 2007 Special Board Meeting. Director O'Brien made a motion to approve the minutes, which was seconded by Director Martland. Chairman Pace asked Attorney Hunt to brief the Board on the "redacted" minutes. Attorney Hunt stated that Judge Eveleigh had ordered certain portions of the minutes to be omitted from this meeting. Attorney Hunt stated that the Board could approve the redacted minutes or table the motion and bring the motion back at a future date once Judge Eveleigh allows the complete minutes to be submitted. Chairman Pace requested a motion to table the minutes until complete. Director O'Brien made a motion to table the minutes, which was seconded by Director Savitsky. The motion to table was approved by roll call. Director Martland voted nay.

Eligible Voters	Aye	Nay	Abstain
Michael Pace, Chairman	X		
Mark Cooper	X		
James Francis	X		
Edna Karanian	X		
Theodore Martland		X	
Raymond O'Brien	X		
Linda Savitsky	X		
Elizabeth Horton Sheff, Ad Hoc, Mid-Connecticut	X		
Non Eligible Voters			
Stephen Edwards, Ad Hoc, Bridgeport			

ADDITIONS TO THE AGENDA

Director O'Brien made a motion to add consideration of the following items to the agenda:

1. Board Action regarding Third Amendment to the Contract for the Operation of an Intermediate Processing Center.

2. Board Action regarding the Consent to Assignment of Town of Wallingford Resident Drop-off Acceptable Waste Hauling Services Agreement.
3. Board Action regarding the Consent to Assignment of the Bridgeport Solid Waste Delivery Agreement.
4. Board Action authorizing the Settlement of Litigation with Murtha Cullina LLP.
5. Board Action Directing Management to Provide for Utilization of Settlement Funds upon Release by the Court.
6. Board Action to Provide for Transfer of Court Attached Cash Funds to the State of Connecticut Short Term Investment Fund to Improve Interest Yield on Public Money.

Director Francis seconded the motion.

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

Eligible Voters	Aye	Nay	Abstain
Michael Pace, Chairman	X		
Mark Cooper	X		
James Francis	X		
Edna Karanian	X		
Theodore Martland	X		
Raymond O'Brien	X		
Linda Savitsky	X		
Stephen Edwards, Ad Hoc, Bridgeport	X		
Elizabeth Horton Sheff, Ad Hoc, Mid-Connecticut	X		
Non Eligible Voters			
NONE			

RESOLUTION REGARDING THE PURCHASE OF ALL RISK PROPERTY INSURANCE FOR THE PERIOD 4/1/07 – 4/1/08

Chairman Pace requested a motion regarding the above-captioned matter. The following motion was made by Director Francis:

RESOLVED: That CRRA’s \$348 million All Risk Property Insurance be purchased for a premium of \$671,450 (including terrorism and engineering) from the following three insurers with their quota shares as indicated: XL 35%, Zurich 35%; Starr Tech 30%; and

FURTHER RESOLVED: That CRRA obtain loss prevention engineering services from Zurich, the cost of which is included in their premium share.

The motion was seconded by Director Martland.

Director Francis noted that this item was recommended by the Finance Committee. Director Francis informed the Board that the Property Insurance Renewal limits were increased with no change in the deductible. Director Francis pointed out that the premium is 11% less and includes a provision for loss prevention engineering services at no cost. Director O'Brien noted that CRRA's brokers will attempt to get next year's renewals to the Board earlier to allow more time for review.

Chairman Pace asked Ms. Martin to give the Board an overview of the insurance market for this year. Ms. Martin explained that CRRA's broker was very happy with the response they received this year. Generally, the market is good especially for companies not exposed to potential catastrophic storms or earthquakes. Ms. Martin stated that CRRA's broker went to insurers with a very low premium suggestion, which was met.

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

Eligible Voters	Aye	Nay	Abstain
Michael Pace, Chairman	X		
Mark Cooper	X		
James Francis	X		
Edna Karanian	X		
Mark Lauretti	X		
Theodore Martland	X		
Raymond O'Brien	X		
Linda Savitsky	X		
Non Eligible Voters			
Stephen Edwards, Ad Hoc, Bridgeport			
Elizabeth Horton Sheff, Ad Hoc, Mid-Connecticut			

RESOLUTION REGARDING THE PURCHASE OF PUBLIC OFFICIALS AND EMPLOYEES LIABILITY INSURANCE FOR THE PERIOD 4/1/07 – 4/1/08

Chairman Pace requested a motion regarding the above-captioned matter. The following motion was made by Director Francis:

RESOLVED: That CRRA's Public Officials and Employees Liability insurance be purchased from ACE with a \$10,000,000 limit, \$250,000 deductible for the period 4/1/07 – 4/1/08 for a premium of \$222,480, as discussed at this meeting.

The motion was seconded by Director Martland.

Director Francis informed the Board that the renewal policy has the same \$10 million limit as last year's policy. Director Francis pointed out that while there is a limit on this policy, there is also no limit coverage in the statutes. The deductible is the same as last year and there is a small reduction of approximately 5% in the premium. Director Francis stated that CRRA's broker may be recommending higher limits for the next renewal.

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

Eligible Voters	Aye	Nay	Abstain
Michael Pace, Chairman	X		
Mark Cooper	X		
James Francis	X		
Edna Karanian	X		
Mark Lauretti	X		
Theodore Martland	X		
Raymond O'Brien	X		
Linda Savitsky	X		
Non Eligible Voters			
Stephen Edwards, Ad Hoc, Bridgeport			
Elizabeth Horton Sheff, Ad Hoc, Mid-Connecticut			

RESOLUTION REGARDING PURCHASE OF COMMERCIAL CRIME INSURANCE FOR THE PERIOD 4/1/07 – 4/1/08

Chairman Pace requested a motion regarding the above-captioned matter. The following motion was made by Director Francis:

RESOLVED: That CRRA's \$3,000,000 Commercial Crime insurance be purchased from St. Paul Travelers for a premium of \$3,253 for the period 4/1/07 – 4/1/08 as discussed at this meeting.

The motion was seconded by Director Martland.

Director Francis stated that the limit on the policy is the same, as is the deductible and there is a small reduction in the premium. Director Francis informed the Board that this policy now also covers electronic fund transfers and expenses involved in investigating a claim.

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

Eligible Voters	Aye	Nay	Abstain
Michael Pace, Chairman	X		
Mark Cooper	X		

James Francis	X		
Edna Karanian	X		
Mark Lauretti	X		
Theodore Martland	X		
Raymond O'Brien	X		
Linda Savitsky	X		
Non Eligible Voters			
Stephen Edwards, Ad Hoc, Bridgeport			
Elizabeth Horton Sheff, Ad Hoc, Mid-Connecticut			

RESOLUTION REGARDING THE PURCHASE OF FIDUCIARY LIABILITY INSURANCE FOR THE PERIOD 4/1/07 – 4/1/08

Chairman Pace requested a motion regarding the above-captioned matter. The following motion was made by Director Francis:

RESOLVED: That CRRA’s \$3,000,000 Fiduciary Liability insurance, with a separate \$1,000,000 limit for defense expenses, for a premium of \$4,577 from St. Paul Travelers for the term 4/1/07 – 4/1/08, as discussed at this meeting.

The motion was seconded by Director Martland.

Director Francis informed the Board that the Finance Committee reviewed and recommends this policy. The \$3 million limit is the same as last year, as is the deductible. Director Francis added that, included in the slightly increased premium, there is now \$1 million in defense coverage in addition to the limit.

Director O’Brien commended Ms. Martin and Aon for the outstanding job they did on this renewal.

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

Eligible Voters	Aye	Nay	Abstain
Michael Pace, Chairman	X		
Mark Cooper	X		
James Francis	X		
Edna Karanian	X		
Mark Lauretti	X		
Theodore Martland	X		
Raymond O'Brien	X		
Linda Savitsky	X		

Non Eligible Voters			
Stephen Edwards, Ad Hoc, Bridgeport			
Elizabeth Horton Sheff, Ad Hoc, Mid-Connecticut			

RESOLUTION REGARDING REQUEST FOR SERVICES (RFS) TO STUDY ALTERNATIVES TO COMMERCIAL INSURANCE

Chairman Pace requested a motion regarding the above-captioned matter. The following motion was made by Director Francis:

RESOLVED: That the CRRA President is authorized to execute the Request for Services regarding Alternatives to Commercial Insurance to Aon Risk Services for an amount not to exceed \$15,100, as discussed at this meeting.

The motion was seconded by Director O’Brien.

Director Martland stated that he felt this was a very worthwhile study for CRRA considering the difficulty CRRA has had over the past few years in obtaining insurance. Director Francis stated that this is a preliminary study and does not commit CRRA to adopting any of the suggestions. Director Francis stated that this study will compare and contrast various solutions for CRRA’s insurance renewals.

Director Edwards asked what end product CRRA would receive at the end of the study. Ms. Martin explained that Aon will supply CRRA with a written report with recommendations. Director Karanian stated that of the \$15,100, \$5,000 is allocated for expenses in preparing the report. Ms. Martin added that the report will be available in six to eight weeks.

Chairman Pace indicated that he had voted against this motion at the Finance Committee because he feels that CRRA should stick with its core business, not the insurance business. Chairman Pace stated that he understands the need for the study, but would prefer that CRRA continue with its core business, to protect the interests of the State of Connecticut and CRRA’s member communities.

Director Savitsky stated that she agreed that the Board should start looking at alternatives and that this was money well spent.

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

Eligible Voters	Aye	Nay	Abstain
Michael Pace, Chairman	X		
Mark Cooper	X		
James Francis	X		
Edna Karanian	X		
Mark Laretti	X		

Theodore Martland	X		
Raymond O'Brien	X		
Linda Savitsky	X		
Non Eligible Voters			
Stephen Edwards, Ad Hoc, Bridgeport			
Elizabeth Horton Sheff, Ad Hoc, Mid-Connecticut			

RESOLUTION REGARDING THE FISCAL YEAR 2007 METROPOLITAN DISTRICT COMMISSION BUDGET TRANSFERS AND ADDITIONAL APPROPRIATIONS

Chairman Pace requested a motion regarding the above-captioned matter. The following motion was made by Director Francis:

RESOLVED: That the fiscal year 2007 Metropolitan District Commission Mid-Connecticut Project Annual Operating Budget be amended as follows:

- That an additional \$2,032,788 be authorized for the Waste Processing Facility function to cover the projected additional operating costs; and
- That an additional \$91,769 be authorized for the Landfill function to cover the projected additional operating costs;
- That an additional \$3,200 be authorized for the Waste Transportation function to cover the projected additional operating costs;

FURTHER RESOLVED: That the cost of the capital projects incurred by the MDC in the amount of \$382,000 to be funded from the Facility Modification Reserve.

The motion was seconded by Director O'Brien.

Director O'Brien stated that he had had some questions at the Finance Committee meeting regarding overtime, vacancies, and sewage and water use. Director O'Brien informed the Board that Mr. Constable has addressed all his concerns.

Director Francis added that the two stock clerk positions would be hired before July 1, which accounts for a portion of the projected additional operating costs. Director Francis explained that these two positions were necessary to address audit concerns with inventory controls. Director Francis added that the Board should expect better results on the next audit with the addition of the two stock clerks. Director O'Brien agreed that CRRA should expect a return on this investment.

Director Horton Sheff stated that she was encouraged that CRRA and MDC were working together and hoped that the good will would continue.

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

Eligible Voters	Aye	Nay	Abstain
Michael Pace, Chairman	X		
Mark Cooper	X		
James Francis	X		
Edna Karanian	X		
Mark Lauretti	X		
Theodore Martland	X		
James Miron	X		
Raymond O'Brien	X		
Linda Savitsky	X		
Elizabeth Horton Sheff, Ad Hoc, Mid-Connecticut	X		
Non Eligible Voters			
Stephen Edwards, Ad Hoc, Bridgeport			

RESOLUTION REGARDING THE STANDARD FORM MUNICIPAL SOLID WASTE DELIVERY AGREEMENT FOR THE MID-CONNECTICUT PROJECT

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

RESOLVED: That the President is authorized to execute agreements for the delivery of Acceptable Waste to CRRA's Mid-Connecticut Project using the standard form hauler agreement substantially as presented and discussed at this meeting.

The motion was seconded by Director Francis.

Mr. Gent explained that the contract is similar to the previous one signed in 2004 and stated that the tip fee for the first year is \$69.00. Mr. Gent stated that the haulers were originally concerned with signing a three-year contract because of the unpredictability of the second and third year tip fees. Mr. Gent stated that, in this contract, CRRA has committed to stable rates equal to or less than inflation. Mr. Gent explained that this agreement guarantees that rates will not exceed \$72.00 per ton in FY09 and \$75.00 in FY10 or the haulers have the option to opt out of the contract.

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

Eligible Voters	Aye	Nay	Abstain
Michael Pace, Chairman	X		
Mark Cooper	X		
James Francis	X		
Edna Karanian	X		
Mark Lauretti	X		

Theodore Martland	X		
James Miron	X		
Raymond O'Brien	X		
Linda Savitsky	X		
Elizabeth Horton Sheff, Ad Hoc, Mid-Connecticut	X		
Non Eligible Voters			
Stephen Edwards, Ad Hoc, Bridgeport			

RESOLUTION REGARDING THE STANDARD FORM MUNICIPAL SOLID WASTE DELIVERY AGREEMENT FOR THE BRIDGEPORT PROJECT

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

RESOLVED: That the President is authorized to execute agreements for delivery of Acceptable Waste to CRRA's Bridgeport Project using the standard form hauler agreement substantially as presented and discussed at this meeting.

The motion was seconded by Director Francis.

Director O'Brien made a motion to amend the resolution to allow a cap to be placed on waste brought in by haulers to prevent CRRA from incurring additional costs in handling the excess tonnage, subject to review by legal counsel. Director O'Brien clarified that the resolution would not turn away waste, but would charge the haulers an additional fee to cover CRRA's cost.

Mr. Gent gave a brief overview of the maximum tonnages that can be delivered to the Bridgeport facility and noted that Wheelabrator is only obligated to make a reasonable effort to accept any waste above the maximum. If Wheelabrator incurs additional costs as a result of this, those costs are passed on to CRRA. The proposed change would allow CRRA to pass those costs on to the haulers should they exceed their predetermined cap. Director Edwards stated that this was an unusual situation in that the Project is usually looking for trash and now the Project is in a position of possibly turning away trash.

Director O'Brien asked if there would be any harm in tabling the motion until the next Board meeting. Mr. Gent said that there would be no harm and asked Director Edwards for his input. Director Edwards indicated a concern about haulers moving waste into the project through transfer stations, thereby avoiding the higher fee and exceeding their cap. Director Edwards stated that there should be a mechanism to control haulers circumventing this effort.

Chairman Pace agreed that he felt the motion and the amendment should be tabled as it requires further discussion. The Board concurred. Director Edwards stated that he would include this item on the agenda for the April 11 SWAB meeting.

Director Martland made a motion to table the motion and the proposed amendment. The motion was seconded by Director O'Brien. The motion to table previously made and seconded was approved unanimously by roll call.

Eligible Voters	Aye	Nay	Abstain
Michael Pace, Chairman	X		
Mark Cooper	X		
James Francis	X		
Edna Karanian	X		
Mark Lauretti	X		
Theodore Martland	X		
James Miron	X		
Raymond O'Brien	X		
Linda Savitsky	X		
Stephen Edwards, Ad Hoc, Bridgeport	X		
Non Eligible Voters			
Elizabeth Horton Sheff, Ad Hoc, Mid-Connecticut			

RESOLUTION REGARDING THE STANDARD FORM MUNICIPAL SOLID WASTE DELIVERY AGREEMENT FOR THE WALLINGFORD PROJECT

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

RESOLVED: That the President is authorized to execute agreements for the delivery of Acceptable Waste to CRRA's Wallingford Project using the standard form hauler agreement substantially as presented and discussed at this meeting.

The motion was seconded by Director Francis.

Mr. Gent indicated that this was a three-year contract and is essentially the same form as the previous contract. Mr. Gent stated that the tip fee is now \$59 and there is no opt-out clause in this contract. Mr. Gent noted that 95% of waste coming into the project is from private haulers. Mr. Gent added that the transportation credit has been increased from \$8 to \$12 due to fuel costs and inflation.

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

Eligible Voters	Aye	Nay	Abstain
Michael Pace, Chairman	X		
Mark Cooper	X		
James Francis	X		

Edna Karanian	X		
Mark Lauretti	X		
Theodore Martland	X		
James Miron	X		
Raymond O'Brien	X		
Linda Savitsky	X		
Non Eligible Voters			
Elizabeth Horton Sheff, Ad Hoc, Mid-Connecticut			
Stephen Edwards, Ad Hoc, Bridgeport			

RESOLUTION REGARDING THIRD AMENDMENT TO THE CONTRACT FOR THE OPERATION OF AN INTERMEDIATE PROCESSING CENTER TO SERVE THE MUNICIPALITIES OF THE SOUTHWEST CONNECTICUT REGIONAL RECYCLING OPERATING COMMITTEE

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

RESOLVED: That the President is hereby authorized to execute a third amendment to the contract for the operation of an Intermediate Processing Center to serve the municipalities of the Southwest Connecticut Regional Recycling Operating Committee with FCR, Inc. substantially as presented at this meeting.

The motion was seconded by Director Martland.

Mr. Gent stated that this resolution was for a one-year extension of the contract with FCR. Mr. Gent indicated that this matter had been presented to the SWEROC and they had agreed to the one-year extension with FCR. Mr. Gent stated that management's concern was that the RFP had been delayed because of comments from bidders. Mr. Gent said that bidders are concerned that modifications to the building or process may require a DEP permit modification. If a permit modification were to be necessary, there is a possibility that construction would not be completed before the expiration of the current contract with FCR so an extension will be necessary.

Mr. Kirk stated that management would look favorably upon a more flexible design which would allow for single stream recycling in the future. Chairman Pace asked Mr. Kirk to explain single stream recycling. Mr. Kirk stated that dual stream separates containers and fiber. The single stream allows for all recyclables to be put into one bin to be recycled together.

Director Jarjura asked which process the RFP called for. Mr. Gent stated that the RFP allows the bidders to bid either single or double stream. Director Edwards added that some towns in his area have "backyard collections" and automated pick-ups may not work in those towns. Director Edwards stated that Bridgeport Project towns support this resolution.

Mr. Gent added that the contract currently has two five-year options and Mr. Gent noted that if this resolution is approved, one of the five-year options would be changed to a four-year option to allow for the one-year extension so the contract will not exceed ten years.

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

Eligible Voters	Aye	Nay	Abstain
Michael Pace, Chairman	X		
Mark Cooper	X		
James Francis	X		
Edna Karanian	X		
Mark Lauretti	X		
Theodore Martland	X		
James Miron	X		
Raymond O'Brien	X		
Linda Savitsky	X		
Stephen Edwards, Ad Hoc, Bridgeport	X		
Non Eligible Voters			
Elizabeth Horton Sheff, Ad Hoc, Mid-Connecticut			

RESOLUTION REGARDING THE CONSENT TO ASSIGNMENT OF TOWN OF THE WALLINGFORD RESIDENT DROP-OFF ACCEPTABLE WASTE HAULING SERVICES AGREEMENT

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

RESOLVED: That the President is authorized to execute Consent to Assignment Agreement for the Acceptable Waste Transportation Service Agreement substantially as presented and discussed at this meeting.

The motion was seconded by Director Francis.

Mr. Gent informed the Board that Waste Management of Connecticut is selling all of their collection and disposal businesses in Connecticut to various buyers. Mr. Gent stated that CRRA was notified on March 20th that Waste Management is requesting CRRA's consent to assign two of their contracts, which are the only contract Waste Management has with CRRA that are assignable. Mr. Gent explained that since being notified, CRRA has reviewed the consent and provided comments. Mr. Gent stated that the Wallingford contract, which will be assigned to All Waste, has an annual value of approximately \$63,000. Mr. Gent added that as a condition of the consent, CRRA is asking that All Waste post a performance bond. Mr. Gent indicated that CRRA has a long history with All Waste and is recommending approval of this resolution.

Chairman Pace asked what the timetable was for the transfer. Mr. Gent responded that, even though CRRA was not approached until March 20th, the transaction is scheduled to close by the end of March. Mr. Gent stated that in the short amount of time they were given, they had to do due diligence and review the language of the consent. Chairman Pace asked if the short timetable was a burden on staff or if there were any costs incurred by CRRA. Mr. Kirk replied that there was a burden on staff and said that his concern was that the Board was not given more notice.

Director Savitsky asked if this is a voluntary assignment. Mr. Kirk responded that this was a voluntary business decision made by Waste Management for a number of reasons.

Director Miron recommended that, in the future, the Board should withhold consent on such agreements unless ample notice of between thirty and ninety days is given to approve such a transfer. Chairman Pace agreed. Mr. Gent noted that overtime was required of the individual who worked on this matter and CRRA also incurred legal expenses in reviewing the language of the consent. Chairman Pace further stated that Waste Management should be responsible for extra expenses associated with rushing this through.

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

Eligible Voters	Aye	Nay	Abstain
Michael Pace, Chairman	X		
Mark Cooper	X		
James Francis	X		
Edna Karanian	X		
Mark Lauretti	X		
Theodore Martland	X		
James Miron	X		
Raymond O'Brien	X		
Linda Savitsky	X		
Non Eligible Voters			
Stephen Edwards, Ad Hoc, Bridgeport			
Elizabeth Horton Sheff, Ad Hoc, Mid-Connecticut			

RESOLUTION REGARDING THE CONSENT TO ASSIGNMENT OF THE BRIDGEPORT SOLID WASTE DELIVERY AGREEMENT

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

RESOLVED: That the President is authorized to execute a Consent to Assignment Agreement for the Bridgeport Solid Waste Delivery Agreement substantially as presented and discussed at this meeting.

The motion was seconded by Director Francis.

Mr. Gent explained that this is a revenue contract with a value of \$15 million over the next 22 months, which Waste Management is proposing be assigned to Murphy Road Recycling. Mr. Gent stated that because Murphy Road Recycling is a small, private company and CRRA has no knowledge of their financial and operational capability to perform under the contract, management has asked for the following conditions:

- a letter of credit in a form acceptable to CRRA in the amount of the full contract value or an equivalent financial guaranty, and
- that all amounts due from Waste Management are paid in full as of effective date.

Director Savitsky asked what would happen if the closing date is not met. Mr. Kirk replied that CRRA would not be affected if the assignment does not happen as planned. CRRA’s main concern is maintaining all of the security it has in the existing contract with Waste Management and will not give consent until it has that assurance. Director Miron asked why management was requiring a letter of credit. Mr. Gent stated that it was because of the amount of the contract and because this is a revenue contract. Mr. Gent added that because Murphy Road Recycling is only acquiring a part of Waste Management’s collection business, CRRA has a concern that they will be able to meet the minimum tonnage required under the contract.

There was a brief discussion regarding the tip fee for the Waste Management contract and the difference between the other tip fees at the Project. Director Edwards noted that the tip fee was lower because there was a guarantee of a significant amount of tonnage, which subsidized the tip fee charged to the towns.

Director Savitsky stated that she was concerned that obtaining a letter of credit might take longer than Waste Management has allocated for the closing. Mr. Gent stated that if that could not be accomplished, the closing may be delayed. Mr. Kirk noted that if the closing does not happen as planned, the contract will remain with Waste Management.

Director O’Brien noted that the resolution authorizes management to proceed with the consent only if and when CRRA’s conditions for assignment are met.

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

Eligible Voters	Aye	Nay	Abstain
Michael Pace, Chairman	X		
Mark Cooper	X		
James Francis	X		
Edna Karanian	X		
Mark Lauretti	X		
Theodore Martland	X		
James Miron	X		
Raymond O'Brien	X		

Linda Savitsky	X		
Stephen Edwards, Ad Hoc, Bridgeport	X		
Non Eligible Voters			
Elizabeth Horton Sheff, Ad Hoc, Mid-Connecticut			

CHAIRMAN’S REPORT

Chairman Pace informed the Board that he and Mr. Kirk met with Mr. DiBella and Mr. Sheehan of MDC regarding the proposed “Energy Zone” project in the South Meadows. Chairman Pace stated that he would like CRRA to continue to be involved in discussions on this project to see what could be done to better serve the public. Chairman Pace asked the Board if there was any objection to CRRA continuing to discuss this project with MDC. Hearing none, Chairman Pace stated that he would continue to meet with MDC on the South Meadows Project.

PRESIDENT’S REPORT

Mr. Kirk informed the Board that the Governor had issued a press release indicating that the \$3 million bond to close the Shelton Landfill was on the agenda for the next Bond Commission meeting. Mr. Kirk thanked all Bridgeport Project towns for their assistance in getting this item addressed by the Bond Commission. Director Edwards thanked Mr. Kirk and CRRA staff for their hard work in getting this item to the Commission.

Mr. Kirk stated that, as the Board knows, Waste Management is moving its collection business out of the State of Connecticut. Mr. Kirk indicated that this was not good for the State or for competition in the business.

Mr. Kirk informed the Board that Mr. Bzdyra continues to monitor events for CRRA at the State Capitol. Mr. Kirk stated that Senator Finch of the Environment Committee has, at the request of the Southwest area town, introduced a bill which confirms and clarifies CRRA’s eminent domain authority to obtain resource recovery facilities and, in particular, personal property associated with those facilities.

Mr. Kirk added that most of the legislative requests initiated by CRRA have not been granted. Director Horton Sheff asked if Mr. Kirk had submitted a request to allow Ad Hoc members to vote on budget items and not just project-related items. Mr. Kirk stated that this item was discussed with the Committee and each Co-Chairman individually, but the item did not make it out of Committee. Mr. Kirk added that he will bring it back once again at a later date.

POLICIES AND PROCEDURES COMMITTEE

RESOLUTION REGARDING RATIFICATION OF EMERGENCY PROCUREMENT CONTRACTS

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

RESOLVED: That the Authority Board of Directors ratifies the Emergency purchases as substantially presented and discussed at this meeting.

The motion was seconded by Director Karanian.

Director Karanian asked if there was a time frame on submitting Emergency Procurement requests. Mr. Kirk replied that typically, the request would come to the next Board meeting. After a brief discussion, the Board agreed that perhaps this time frame should be reviewed.

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

Eligible Voters	Aye	Nay	Abstain
Michael Pace, Chairman	X		
Mark Cooper	X		
James Francis	X		
Edna Karanian	X		
Mark Lauretti	X		
Theodore Martland	X		
James Miron	X		
Raymond O'Brien	X		
Linda Savitsky	X		
Elizabeth Horton Sheff, Ad Hoc, Mid-Connecticut	X		
Non Eligible Voters			
Stephen Edwards, Ad Hoc, Bridgeport			

RESOLUTION REGARDING ENVIRONMENTAL EQUITY STATEMENT

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

RESOLVED: That the Board hereby adopts the Environmental Equity Statement substantially as presented and discussed at this meeting.

The motion was seconded by Director Martland.

Committee Chairman O'Brien indicated that he would prefer that the Board have more time to review this document before adopting it. Chairman Pace concurred and asked Mr. Nonnenmacher to give the Board a brief overview. Mr. Nonnenmacher stated that this Environmental Equity Statement is an extension of CRRA's Mission Statement. Mr. Nonnenmacher explained that the statement reflects a number of factors that CRRA must consider each time it takes any action, especially in host communities.

Director O'Brien asked if the statement had been reviewed by counsel. Mr. Nonnenmacher stated that it had been reviewed by Douglas Cohen, Esq. of Brown Rudnick, but would also like to have Attorney Hunt review the statement.

Mr. Kirk asked Board members to contact him or Paul Nonnenmacher if they have any comments on the Statement.

Director Savitsky made a motion to table this resolution and Director Karanian seconded the motion. The motion to table was approved unanimously by roll call.

Eligible Voters	Aye	Nay	Abstain
Michael Pace, Chairman	X		
Mark Cooper	X		
James Francis	X		
Michael Jarjura	X		
Edna Karanian	X		
Mark Lauretti	X		
Theodore Martland	X		
James Miron	X		
Raymond O'Brien	X		
Linda Savitsky	X		
Non Eligible Voters			
Stephen Edwards, Ad Hoc, Bridgeport			
Elizabeth Horton Sheff, Ad Hoc, Mid-Connecticut			

EXECUTIVE SESSION

Chairman Pace requested a motion to enter into Executive Session to discuss pending litigation with appropriate staff. The motion made by Director O'Brien and seconded by Director Martland was approved by roll call. Director Horton Sheff abstained. Chairman Pace requested that the following people be invited to the Executive Session in addition to the Directors:

Thomas Kirk
James Bolduc

Laurie Hunt, Esq.
 Floyd Gent
 Richard Goldstein, Esq.
 William Bright, Esq.

The Executive Session began at 11:50 a.m. and concluded at 12:35 p.m. Chairman Pace noted that no votes were taken in Executive Session.

The meeting was reconvened at 12:35 p.m.

RESOLUTION OF THE BOARD OF DIRECTORS OF THE CONNECTICUT RESOURCES RECOVERY AUTHORITY TO AUTHORIZE A SETTLEMENT IN THE MATTER OF EDWARD PATT V. METROPOLITAN DISTRICT, ET AL

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

RESOLVED: That the Board of Directors of the Authority hereby approves the settlement of the matter of Edward Patt v. Metropolitan District, et al, substantially in the form presented and discussed during this meeting; and

FURTHER RESOLVED: That the President of the Authority is hereby authorized to execute a Settlement Agreement and Release, substantially in the form presented and discussed during this meeting and to take all actions and to execute any and all other documents required in connection with the proposed settlement of this matter.

The motion was seconded by Director Martland.

Director O'Brien stated that this matter had been discussed at the P & P meeting. Since that meeting, MDC has forwarded a letter to CRRA stipulating that MDC has the proper safety procedures in place and that staff has been trained appropriately.

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

Eligible Voters	Aye	Nay	Abstain
Michael Pace, Chairman	X		
Mark Cooper	X		
James Francis	X		
Michael Jarjura	X		
Edna Karanian	X		
Mark Laretti	X		
Theodore Martland	X		
James Miron	X		
Raymond O'Brien	X		
Linda Savitsky	X		

Non Eligible Voters			
NONE			

BOARD RESOLUTION REGARDING ADDITIONAL PROJECTED LEGAL EXPENDITURES

Chairman Pace requested a motion regarding the above-captioned matter. Director O'Brien made the following motion:

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 2007 projected legal fees; and

WHEREAS: CRRA has incurred greater than anticipated legal expenses in connection with matters related to the Bridgeport Project contract renewal efforts;

NOW THEREFORE, IT IS RESOLVED: That the following additional amount be authorized for payment of legal fees and costs to be incurred through June

The motion was seconded by Director Savitsky.

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

Eligible Voters	Aye	Nay	Abstain
Michael Pace, Chairman	X		
Mark Cooper	X		
James Francis	X		
Michael Jarjura	X		
Edna Karanian	X		
Mark Laretti	X		
Theodore Martland	X		
James Miron	X		
Raymond O'Brien	X		
Linda Savitsky	X		
Non Eligible Voters			
NONE			

RESOLUTION OF THE BOARD OF DIRECTORS OF THE CONNECTICUT RESOURCES RECOVERY AUTHORITY AUTHORIZING THE SETTLEMENT OF LITIGATION WITH MURTHA CULLINA LLP

Chairman Pace requested a motion regarding the above-captioned matter. Director O'Brien made the following motion:

WHEREAS, the Connecticut Resources Recovery Authority (the "Authority") has been duly established and constituted as a body politic and corporate, constituting a public instrumentality and political subdivision of the State of Connecticut, to carry out the purposes of Chapter 446e of the Connecticut General Statutes, Sections 22a-257 *et seq.*, as amended (the "Enabling Legislation");

WHEREAS, the Attorney General of the State of Connecticut, on behalf of the State of Connecticut, under the duties and supervisory power granted under Connecticut General Statutes § 3-125, and on behalf of the State of Connecticut as attorney for CRRA under the supervisory power granted under Connecticut General Statutes § 22a-268c, commenced a lawsuit captioned *Connecticut Resources Recovery Authority v. Murtha Cullina, LLP, et al.*, Docket No. (X02) CV-02-0174569-S, pending in Connecticut Superior Court in the Complex Litigation Docket at Waterbury, (the "Litigation"), alleging causes of action against Murtha Cullina LLP ("Murtha") for breach of contract and negligence relating to legal services Murtha provided to the Authority in connection with a transaction involving the Authority, Enron Power Marketing, Inc. ("EMPI"), EMPI's parent, Enron Corporation and Connecticut Light & Power Company relating to the Mid-Connecticut System, a Waste Processing Facility and Power Block Facility operating by the Authority (the "Mid-Connecticut Project");

WHEREAS, the Authority wishes to avoid the burden and expense of litigation in resolving the disputes between it and Murtha by settling all claims in the Litigation as to Murtha in accordance with the provisions of the attached Settlement Agreement;

WHEREAS, the Board of Directors of the Authority, having reviewed the Settlement Agreement, and on the advice of counsel, hereby recommends that settlement of the Litigation is in the best interests of the Authority;

WHEREAS, the Authority has full power and authority to enter into and perform its obligations under the Settlement Agreement in accordance with its terms; and

WHEREAS, the execution of the Settlement Agreement and the performance of the terms therein do not violate any of the provisions of the Enabling Legislation, any other statutes of the State of Connecticut, the Authority's Bylaws, or any governmental rule or regulation applicable to the Authority,

NOW THEREFORE BE IT:

RESOLVED: That the President of the Authority is hereby authorized and directed to execute, deliver, and perform on behalf of this Authority, the Settlement Agreement with Murtha.

The motion was seconded by Director Martland.

Attorney Hunt stated that management’s recommendation is to settle for the \$16.25 million contained in the Settlement Agreement in order to avoid litigation. Chairman Pace added this settlement has been pre-approved by the Attorney General.

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

Eligible Voters	Aye	Nay	Abstain
Michael Pace, Chairman	X		
Mark Cooper	X		
James Francis	X		
Michael Jarjura	X		
Edna Karanian	X		
Mark Lauretti	X		
Theodore Martland	X		
James Miron	X		
Raymond O'Brien	X		
Linda Savitsky	X		
Non Eligible Voters			
NONE			

RESOLUTION TO DIRECT MANAGEMENT TO PROVIDE FOR UTILIZATION OF SETTLEMENT FUNDS UPON RELEASE BY THE COURT

Chairman Pace requested a motion regarding the above-captioned matter. Director O'Brien made the following motion:

WHEREAS, the CRRA recognizes its responsibility and mission to work in the best interests of the Member towns, and

WHEREAS, the CRRA Board of Directors, desires to continue, as with receipt of CRRA’s prior Enron Legal settlements, the utilization of CRRA’s Enron settlement funds for the benefit of Mid-Connecticut Project Member towns, and

WHEREAS, the CRRA acknowledges it’s responsibility as a public organization subject to statutes requiring transparent, public and open discussion, deliberation and decision making, and

WHEREAS, the CRRA Board of Directors is respectful of the Court and acknowledges the Gag Order entered by the Court in New Hartford et al. v. CRRA in which said Court has directed the CRRA to refrain from discussing publicly, disposition of CRRA’s Enron settlements and other funds pending court resolution, and

WHEREAS, the Court has attached and prevented through a pre-judgment remedy the use and or distribution of Enron settlement funds, and

WHEREAS, Enron settlement funds will not be available for the benefit of the member towns unless and until the court or another court of appropriate authority releases CRRA from the Gag Order and the court’s attachment of the CRRA Enron settlement proceeds

BE IT RESOLVED THAT:

The Board of Directors directs CRRA Management to develop a plan for utilization of settlement funds from the Murtha Settlement which provides for benefit of the member towns and considers all possible uses that benefit the member towns including but not limited to: Cash distributions, tipping fee reductions, appropriate reserves for future known liabilities and operations. Said Plan is to provide for prompt benefit to the Mid-Connecticut member towns immediately upon release of Enron settlement attachment. Said Plan is to be presented to the Board of Directors Finance Committee for review and recommendation to the Full Board. Following Board Approval, the Plan will be presented to Judge Eveleigh for consideration.

Director Savitsky seconded the motion.

The motion previously made and seconded was approved by roll call. Director Martland voted nay.

Eligible Voters	Aye	Nay	Abstain
Michael Pace, Chairman	X		
Mark Cooper	X		
James Francis	X		
Michael Jarjura	X		
Edna Karanian	X		
Mark Lauretti	X		
Theodore Martland		X	
James Miron	X		
Raymond O'Brien	X		
Linda Savitsky	X		
Non Eligible Voters			
NONE			

RESOLUTION TO PROVIDE FOR TRANSFER OF COURT ATTACHED CASH FUNDS TO THE STATE OF CONNECTICUT SHORT TERM INVESTMENT FUND TO IMPROVE INTEREST YIELD ON PUBLIC MONEY

Chairman Pace requested a motion regarding the above-captioned matter. Director O'Brien made the following motion:

WHEREAS, the CRRA recognizes its responsibility and mission to work in the best interests of the Member towns, and

WHEREAS, the CRRA Board of Directors, desires to maximize the benefit to the Mid-Connecticut Project Member towns of CRRA's Enron settlement funds, and

WHEREAS, the CRRA Board of Directors is respectful of the Court and acknowledges the Gag Order entered by the Court in New Hartford et al. v. CRRA in which said Court has directed the CRRA to refrain from discussing publicly, disposition of CRRA's Enron settlements and other funds pending court resolution, and

WHEREAS, the Court has attached and prevented through a pre-judgment remedy the use and or distribution of Enron settlement funds, and

WHEREAS, cash presently attached by order of the court total \$23,833,494 and is being sequestered in the Pepe and Hazard clients escrow fund at a undesirable interest rate, and

WHEREAS, the Office of the Treasurer of the State of Connecticut makes available to the CRRA the Connecticut Short Term Interest Fund (STIF) which is a secure depository for public funds and which generates interest at desirable rates, and

WHEREAS, the Public has lost interest revenue totaling \$175,000 since the attachment of the settlement funds, and

WHEREAS, the Public continues to lose approximately \$58,000 per month in interest while the Enron Settlement cash is prevented from being deposited in the State of Connecticut STIF fund:

BE IT RESOLVED: That the Attorneys for the CRRA immediately petition the court and as necessary appeals courts to insure the prompt transfer of the funds under court attachment to a CRRA State of Connecticut, Office of the Treasurer, Short Term Investment Fund Account (STIF).

The motion was seconded by Director Francis.

Director O'Brien asked that second to last paragraph in the resolution where it states "\$58,000" be updated to reflect the previous resolution regarding the Murtha Cullina settlement. *(UPDATE: Taking into consideration the Murtha Settlement, the Public continues to lose*

approximately \$106,000 per month in interest while the Enron Settlement cash is prevented from being deposited in the State of Connecticut STIF fund.)

Director Jarjura commended the current and past members of the Board. Director Jarjura stated that with the Murtha settlement, CRRA’s Board of Directors has recovered between 68% and 74% of the Enron losses. Director Jarjura concluded by stating that management, staff and the CRRA Board have done an outstanding job.

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

Eligible Voters	Aye	Nay	Abstain
Michael Pace, Chairman	X		
Mark Cooper	X		
James Francis	X		
Michael Jarjura	X		
Edna Karanian	X		
Mark Lauretti	X		
Theodore Martland	X		
James Miron	X		
Raymond O'Brien	X		
Linda Savitsky	X		
Non Eligible Voters			
NONE			

EXECUTIVE SESSION

Chairman Pace requested a motion to enter into Executive Session to discuss pending litigation with appropriate staff. The motion made by Director O’Brien and seconded by Director Martland 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
- James Bolduc
- Laurie Hunt, Esq.
- William Bright, Esq.

The Executive Session began at 12:45 p.m. and concluded at 1:35 p.m. Chairman Pace noted that no votes were taken in Executive Session.

The meeting was reconvened at 1:35 p.m.

ADJOURNMENT

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

There being no other business to discuss, the meeting was adjourned at 1:35 p.m.

Respectfully submitted,

Kristen B. Greig
Secretary to the Board/Paralegal