

CONNECTICUT RESOURCES RECOVERY AUTHORITY

FOUR HUNDRED AND FIFTY-SEVENTH

AUGUST 27, 2009

A Special meeting of the Connecticut Resources Recovery Authority Board of Directors was held on Thursday, August 27, 2009, at the Old Saybrook Pavilion. Those present were:

Chairman Michael Pace

Directors: David Damer
 Alan Desmaris
 Tim Griswold
 Theodore Martland
 Nicholas H. Mullane
 Ray O'Brien

Present from the CRRA staff:

Tom Kirk, President
Jim Bolduc, Chief Financial Officer
Peter Egan, Director of Environmental Affairs & Development
Ron Gingerich, Development Environmental Compliance & IT Manager
Laurie Hunt, Director of Legal Services
Mike Tracey, Director of Operations
Moira Kenney, Secretary to the Board/Paralegal

Also present was: John Pizzimenti of USA Hauling & Recycling

Chairman Pace called the meeting to order at 9:00 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.

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

Chairman Pace welcomed Director Mullane to the CRRA Board of Directors.

Chairman Pace said that there is an article in *the Hartford Courant* which details that two of the top Constitutional Law officers in Connecticut do not support the Franklin Ash landfill. Chairman Pace said that he had held a discussion with the Attorney General, Mr. Blumenthal concerning his comments. Chairman Pace explained that Mr. Blumenthal had explained to him that he will be taking an oppositional stance concerning the Franklin landfill. Chairman Pace said that he had replied that CRRA is under an obligation to look for a site, and that Franklin was the best site as determined by an analysis of the Connecticut Department of Environmental Protection (hereinafter referred to as the "CT DEP") criteria.

Chairman Pace said he reminded Mr. Blumenthal that CRRA puts substantial efforts and funds into furthering recycling efforts. He said that he informed Mr. Blumenthal that CRRA is looking for other alternatives for the Franklin site. Chairman Pace said that he had informed Mr. Blumenthal of the situation with Wheelabrator and that his response was to explain he had introduced legislation last session that would have controlled part of the industry. Chairman Pace said that it was Mr. Blumenthal's understanding that perhaps Wheelabrator had been successful in lobbying against that legislation.

Chairman Pace said that during a discussion with the First Selectman of Franklin he had made it clear that CRRA would never eminent domain the landfill. Chairman Pace said that he believes the First Selectman respects CRRA's position.

Chairman Pace asked the Board to look at a flyer which he had received. He explained that several other Board members have also received a copy of the flyer with their respective photographs featured. Chairman Pace said that a gentleman had stopped at his house on Sunday evening to ask him questions concerning the Franklin landfill. Chairman Pace said that he responded with courtesy and tried to explain CRRA's position. He said that the man agreed with several of the Chairman's explanations, including that the engineering is state of the art, and said however that his group is not in support of the landfill.

Chairman Pace said that the man informed him after handing him the flyer that he had stopped at Chairman Pace's home prior to distributing the flyers around the neighborhood, which was not true. Chairman Pace said that the man had mentioned Senator Edith Prague. Chairman Pace said that he responded by saying the flyer looked to be from an organization which was attempting to put political pressure locally on an elected official for something that relates to another position and that he took exception to this.

Chairman Pace said that he also informed the man that the information on the flyer was not accurate. Chairman Pace said that he had also explained to the man that the home phone number listed on the flyer for Michael Pace was actually that of his son's telephone number. He said that his son let the gentleman know that he had better not be receiving any of these phone calls at his home as they may disturb his family, especially his eight month old baby. Chairman Pace said the man said his group was unaware of this error and said that the flyer will be corrected before it was passed out. The man later returned to Chairman Pace's home and said that he had called people to fix the flyer and refused to identify himself when Chairman Pace asked him who he was and what group he was part of.

Chairman Pace said that during the man's second visit his daughter in-law informed the man that any phone calls will be upsetting the family, a sentiment that Chairman Pace echoed. Chairman Pace

said that despite the man's statement that the phone number issue would be resolved twenty-four hours later his daughter-in law received a call in her home in which the caller said "tell your husband if he knows what's good for him, he'll stay out of Franklin".

Chairman Pace explained that the police were then called and are now investigating the call and threat to Chairman Pace. He said that Safety Commissioner Danaher called Chairman Pace directly expressing concern. Chairman Pace said that he is tired of his family being threatened and harassed and that he is looking for the CRRA Board's approval that management use CRRA's attorneys to look into the harassment of the public officials of the CRRA Board. He said that he wants the person who made that call identified and prosecuted and that he is curious what Senator Prague's role is with the group which created and distributed the misinformational flyers.

Vice-Chairman O'Brien said that he approves of management using the resources available to them to follow up on this harassment and agrees with Chairman Pace's position. He said he had received phone calls from neighbors concerning the flyer. Vice-Chairman O'Brien said that the three people who stopped by his door would not identify themselves but did give him a flyer. He said that he was targeted because he was a "councilman".

Director Mullane said that he received a flyer via fax.

EXECUTIVE SESSION

Chairman Pace requested a motion to enter into Executive Session to discuss pending claims and litigation; real estate acquisition; appraisals, engineering or feasibility estimates and evaluations; trade secrets; attorney client communications; RFP responses; and personnel matters with appropriate staff. The motion made by Vice-Chairman 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
Jim Bolduc
Peter Egan
Ron Gingerich
Laurie Hunt
Mike Tracey

The Executive Session began at 9:33 a.m. and concluded at 12:07 p.m. Chairman Pace noted that no votes were taken in Executive Session.

The meeting was reconvened at 12:17 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.

RECESS

The Board recessed from 12:17 p.m. until 1:50 p.m. for lunch.

EXECUTIVE SESSION

Chairman Pace requested a motion to enter into Executive Session to discuss pending claims and litigation; real estate acquisition; appraisals, engineering or feasibility estimates and evaluations; trade secrets; attorney client communications; RFP responses; and personnel matters with appropriate staff. The motion made by Vice-Chairman 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
Jim Bolduc
Peter Egan
Ron Gingerich
Laurie Hunt
Mike Tracey

The Executive Session began at 1:50 p.m. and concluded at 2:40 p.m. Chairman Pace noted that no votes were taken in Executive Session.

The meeting was reconvened at 2:40 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.

PUBLIC SESSION

RESOLUTION REGARDING ADDITIONAL LEGAL EXPENDITURES

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

Vice-Chairman O'Brien noted that there are two corrections to the resolution. He said that the amount has been reduced from \$300,000 to \$20,000 and that in the further resolve the amount expended has also been reduced from \$300,000 to \$25,000 as well.

Vice-Chairman O'Brien noted that a further correction has been made to replace the phrase "its development" in the last whereas with, the "suspension of its efforts to develop a new ash landfill." He also noted that the in the further resolved the phrase "development of a new ash landfill in the State of Connecticut" has been changed to "suspension of its efforts to develop a new ash landfill in the State of Connecticut".

Director Desmarais and Director Mullane accepted those changes as friendly amendments.

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

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

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

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

<u>Firm:</u>	<u>Amount:</u>
Brown Rudnick	\$25,000

Further RESOLVED: That the President be authorized to expend up to \$25,000 from the Landfill Development Reserve Account for payment for legal fees incurred in fiscal year 2010 in connection with the Authority’s suspension of its efforts to develop a new ash landfill in the State of Connecticut.

The motion as amended and discussed was approved unanimously by roll call.

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

RESOLUTION REGARDING ASH LANDFILL.

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

Ms. Hunt read the resolution aloud for the record.

WHEREAS, the Connecticut Resources Recovery Authority is charged with the provision of solid waste management and disposal services for the benefit of the people and municipalities of the State of Connecticut; and

WHEREAS, as a necessary component of its obligation to provide such services, CRRA is given the responsibility and authority necessary to develop, own and operate ash landfills required for the disposal of the residual ash from the operation of its resource recovery facilities; and

WHEREAS, the Hartford Landfill, the last publicly owned and operated ash landfill in Connecticut, served for many years as the depository for ash from CRRA operations, until, in the interests of environmental justice, CRRA closed it in December 2008; and

WHEREAS, in pursuit of its statutory mission to provide publicly-owned disposal options, CRRA reviewed and analyzed every potential site in Connecticut, including those identified by the DEP as potential ash residue disposal sites, and ultimately determined property in Franklin abutting the Shetucket River (one of the sites identified by DEP) to be the most suitable site meeting DEP criteria for the development of a new ash landfill; and

WHEREAS, for the past 18 months, CRRA and its environmental consultants and engineers have conducted numerous studies and compiled extensive data on the Franklin site, all confirming its suitability for use as an ash landfill; and

WHEREAS, the State Legislature last spring passed a bill which, had it become law, would have prohibited the Authority from acquiring land in Franklin on which to site and develop a new ash landfill, and the Governor subsequently issued a statement in opposition to the development of the Franklin site – the best available site in Connecticut meeting DEP criteria for use as an ash landfill; and

WHEREAS, CRRA construes such votes and statements by State leaders rejecting the determined site to strongly urge CRRA to desist from the development of new ash landfills in Connecticut and pursue other environmentally sound alternative means of ash disposal, despite the fact that, without publically-owned competition, such alternatives will be substantially more expensive;

NOW THEREFORE, IT IS HEREBY

RESOLVED: That, based on its understanding of the directives received from State leaders, CRRA will suspend its efforts to develop an ash landfill in the State of Connecticut indefinitely; and

FURTHER RESOLVED: That CRRA will immediately focus on consideration of other environmentally sound options for long-term disposal of ash residue from its resource recovery facilities, including disposal at other in-state and out-of-stare landfills and other options that the CRRA finds beneficial.

Chairman Pace said this resolution concerns some historical events which took place up until yesterday. He said the resolution also contains some discussion that this Board will focus direction on alternative options within the State of Connecticut.

Vice-Chairman O'Brien stated for the record that this resolution flows from the CRRA Board members and others considering input from legislative leaders, the Governor's office and others regarding the Franklin landfill.

Vice-Chairman O'Brien said that the CRRA Board would like to get clarification from the legislative executive leaders with regards to what its responsibilities are concerning the landfill.

Chairman Pace said that the Board will seek to send a letter of clarification and inquiry to legislative leaders for future actions concerning CRRA's responsibilities and to see if there are any other legislative changes that may be made in the near future.

The motion was approved unanimously by roll call.

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

ADJOURNMENT

Chairman Pace requested a motion to adjourn the meeting. The motion to adjourn made by Director Martland and seconded by Director Desmarais was approved unanimously.

There being no other business to discuss, the meeting was adjourned at 2:50 p.m.

Respectfully submitted,

Moira Kenney
Secretary to the Board/Paralegal

