

**Policies & Procurement Committee
April 10, 2008 Meeting**

Draft Minutes

Members Present: Raymond O'Brien, Committee Chairman
Michael Jarjura (present from 10:00 a.m. – 11:36 a.m.)
Theodore Martland, Vice-Chairman
Linda Savitsky (present by telephone)

CRRA Staff Present: Tom Kirk, President
Jeffrey Duvall, Senior Operations Analyst
Peter Egan, Director of Environmental Affairs
Laurie Hunt, Director of Legal Services
Thomas Gaffey, Recycling Director
Paul Nonnenmacher, Public Affairs Coordinator (present by telephone)
Mike Tracey, Director of Operations
Steve Yates, Air Compliance Manager, (present from 9:30 – 9:50 a.m.)
Moira Kenney, Secretary to the Board/Paralegal

Chairman O'Brien called the meeting to order at 9:35 a.m. and noted that a quorum was present.

Chairman O'Brien requested that everyone stand for the Pledge of Allegiance whereupon the Pledge was recited. Noting that there were no members of the public present for comment, Chairman O'Brien stated that the regular meeting would commence.

1. **APPROVAL OF MINUTES OF THE MARCH 13, 2008, POLICIES & PROCUREMENT COMMITTEE MEETING**

Chairman O'Brien requested a motion to accept the minutes of the March 13, 2008, Policies & Procurement Committee meeting. The motion was made by Vice-Chairman Martland and seconded by Director Savitsky.

The minutes were approved unanimously by roll call.

2. **REVIEW AND RECOMMEND FOR BOARD APPROVAL CANCELLATION OF THE AIDS POLICY BOD #309 AND THE NO SMOKING POLICY BOD #038**

Chairman O'Brien requested a motion on the above-referenced item. Director Savitsky made the following motions:

RESOLVED: That the AIDS Policy BOD #039 of the Connecticut Resources Recovery Authority be cancelled as approved by the Policies & Procurement Committee at its April 10, 2008 meeting.

RESOLVED: That the “NO SMOKING” Policy #038 of the Connecticut Resources Recovery Authority be cancelled as approved by the Polices & Procurement Committee at its April 10, 2008 meeting.

The motion was seconded by Vice-Chairman Martland.

Chairman O’Brien requested that the two cancellations be listed as separate items on the agenda for the April Board meeting.

The motions previously made and seconded were approved unanimously by roll call.

3. **REVIEW AND RECOMMEND FOR BOARD APPROVAL RESOLUTION REGARDING EXTENSION OF THE ELLINGTON LANDFILL GAS SYSTEM O&M CONTRACT**

Chairman O’Brien requested a motion on the above-referenced item. Director Savitsky made the following motion:

RESOLVED: That the President is hereby authorized to extend by five years the contract terms with SCS Field Services to provide operation and maintenance services for the landfill gas collection system and thermal oxidizer station at the Ellington Landfill, substantially as discussed and presented at this meeting.

The motion was seconded by Vice-Chairman Martland.

Chairman O’Brien said that he had concerns with a five year extension.

Mr. Egan stated that four years ago CRRA entered into a contract with SCS to manage the Ellington gas system. He explained that contract was for an initial three year term with two three year extensions. He explained at the end of the three year term in 2007 the Policies & Procurement Committee agreed to extend the contract for one year with the condition that management bid the work out in 2008. Mr. Egan explained the write-up summarizes the results of the bid. He said an option exists to extend with SCS under the existing contract. Mr. Egan said the other option is to contract with one of the bidders under the new contract which is also for a five year term. He said management’s recommendation is to extend with SCS over the next five years due to their preferable costs.

Mr. Yates said a five year contract was advertised, that six firms indicated their interest and two submitted bids. Mr. Yates explained the low bid was a result of the familiarity held by the current highly qualified firm used by CRRA. He said the non-routine labor and the rates offered by SCS services are more favorable.

Chairman O’Brien said that he would prefer a 3 year contract. He said he would prefer any extensions be brought to the full Board for review prior to exercising. Director Martland stated that he was comfortable with the five year contract.

Director Savitsky stated that she was comfortable with the five year contract. She stated that management had put in significant amounts of manpower putting the RFP out and performing an analysis. Director Savitsky said that locking a contract up for five years would provide management with more time preparing for other impending items. She stated that the presentation provided ample evidence to the full Board to support the write-up.

Mr. Yates stated operation and maintenance for the landfill system requires a certain familiarization with the facility due to the wells and the flare. Mr. Yates said that he and Senior Environmental Engineer, Dave Bodendorf went through a process of closely monitoring FCR for the first year on the site. He explained there is a significant learning process associated with learning the nuances of each landfill to observe how it functions. Mr. Yates explained in the case of landfill gas system O&M management there is a significant learning curve which utilizes extensive staff time which management would prefer not to use in excess.

Mr. Kirk asked Mr. Yates if the contract is essentially man hours. He said a five year contract locks in the man hour rate. Mr. Yates agreed.

Chairman O'Brien asked if the contract contains a provision for CRRA to exit the contract if the Board and/or management are not satisfied with the performance. Mr. Yates said that he would add documentation of such a provision to the write-up.

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

4. **REVIEW AND RECOMMEND FOR BOARD APPROVAL BRIDGEPORT PROJECT-STANDARD FORM MUNICIPAL SOLID WASTE AGREEMENTS**

Chairman O'Brien requested a motion on the above-referenced item. Vice-Chairman Martland made the following motion:

RESOLVED: That the President is hereby 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 Savitsky.

Chairman O'Brien asked why the executive summary states that the SWAB Advisory Board acknowledged management's intentions but didn't approve or endorse the project. Mr. Duvall said that in the past management has not requested or required the SWAB Board's approval for the standard hauler agreements. He said that the item was brought before the SWAB Board who acknowledged the agreement but did not take any action on the resolution.

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

5. **REVIEW AND RECOMMEND FOR BOARD APPROVAL MID-CONNECTICUT PROJECT-ASH RESIDUE TRANSPORTATION SERVICES**

Chairman O'Brien requested a motion on the above-referenced item. Director Savitsky made the following motion:

RESOLVED: That the President is authorized to enter into an agreement with Botticello, Inc. for Mid-Connecticut Resources Recovery Facility ash residue transportation services substantially as presented and discussed at this meeting.

Director Martland said the bids received were close and therefore indicative that the write-up was written well.

The motion previously made and seconded by Vice-Chairman Martland was approved unanimously by roll call.

6. **REVIEW AND RECOMMEND FOR BOARD APPROVAL BRIDGEPORT PROJECT-ROOF REPLACEMENT AT THE NORWALK TRANSFER STATION**

Chairman O'Brien requested a motion on the above-referenced item. Director Jarjura made the following motion:

RESOLVED: That the President is hereby authorized to execute an agreement with New England Masonry and Roofing Company to implement the replacement of the Low Slope roof at the Norwalk Transfer Station, substantially as presented and discussed at this meeting

Chairman O'Brien asked if the wear and tear on the Bridgeport Project roof is due to abnormal activity. He also asked why the funds were being spent now versus waiting until after December.

Mr. Kirk said in terms of liability that roughly two years ago the Operations department began a checklist of items which need to be updated to avoid disputes over what constitutes normal wear and tear, and to adequately provide the necessary updates. Mr. Kirk said the Norwalk transfer station required the most work.

Mr. Tracey said Norwalk's larger requirements were due largely in fact that it is the largest in size. He said Bridgeport's roof is the fifth and final roof which needs to be replaced. Mr. Tracey said in terms of the budget, the \$140,000 estimate was included in the Bridgeport FY'09 budget. Mr. Tracey said that the bid is a little under \$100,000 and was performed under standard procurement for public solicitation.

Mr. Kirk said that it was notable that the project member towns acknowledge the repairs are reasonable and that no objections were received.

Director Savitsky said the replacement indicates good faith by CRRA and needs to be done during optimum weather. She said that she was in favor of the replacement. Director Martland agreed that the replacement was necessary and correct and that he was in favor of the procedure.

Chairman O'Brien asked that any impact on the liability be addressed by management.

The motion previously made and seconded by Vice-Chairman Martland was approved unanimously by roll call.

7. **REVIEW AND RECOMMEND FOR BOARD APPROVAL MID-CONNECTICUT REGIONAL RECYCLING FACILITY SINGLE STREAM RETROFIT PROJECT**

Chairman O'Brien requested a motion on the above-referenced item. Vice Chairman Martland made the following motion:

WHEREAS: The State Solid Waste Management Plan established a target of a 58% diversion rate from the disposal of municipal solid waste by 2024 and;

WHEREAS: Connecticut General Statutes charge CRRA with the responsibility of carrying out the provisions of said Plan and;

WHEREAS: Single Stream Recycling has proven to significantly raise participation and recycling rates in a number of other cities and towns in the United States and;

WHEREAS: A number of Mid-Connecticut Project municipalities and haulers have expressed serious interest in implementing single stream collection systems and;

WHEREAS: Conversion of the Mid-Connecticut Regional Recycling facility with additional state-of-the-art sorting equipment and associated conveyors to accept single stream will enable CRRA to both better meet the recycling needs of our customers and assist in meeting the statewide diversion rate and;

WHEREAS: the Mid-Connecticut Project will benefit from increased recycling by realizing substantial costs savings due to significant reduction in annual municipal solid waste export and diversion costs and share those savings with member municipalities and;

WHEREAS: the Mid-Connecticut Project municipalities and haulers should realize substantial costs savings in municipal solid waste disposal fees due to increased recycling, therefore;

RESOLVED: That the President is hereby authorized to execute a third amendment to the 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 to install the necessary equipment to accommodate single stream recyclables delivered from the Mid-Connecticut Project municipalities substantially as presented at this meeting.

The motion was seconded by Director Savitsky.

Vice-Chairman Martland asked if the towns which had indicated interest in hosting single-stream pilot programs had been contacted. Mr. Gaffey said that once the facilities are retrofitted CRRA can address those towns which had indicated interest.

Chairman O'Brien said that flow-control is an important part of moving forward with this initiative.

The motion previously made and seconded by Vice-Chairman Martland was approved unanimously by roll call.

8. RELOCATION OF POLICIES & PROCUREMENT COMMITTEE MEETINGS

Chairman O'Brien thanked Director Jarjura and his staff for their hospitality in hosting the committee meeting in his office in Waterford. He said the Policies and Procurement Committee meetings should be held closer to CRRA headquarters for economical and convenience reasons. He said that from this point forward the meetings will be held at the Mid-Connecticut Project headquarters at 211 Murphy Road, in Hartford, Connecticut.

9. EXECUTIVE SESSION

Chairman O'Brien requested a motion to enter into Executive Session to discuss pending litigation. The motion made by Vice-Chairman Martland and seconded by Director Savitsky was approved unanimously. Chairman O'Brien requested that the following people remain for the Executive Session, in addition to the Committee members:

Tom Kirk
Laurie Hunt, Esq.
Peter Egan
Paul Nonnenmacher
Mike Tracey

The Executive Session commenced at 11:18 a.m. and concluded at 11:35 a.m. Chairman O'Brien noted that no votes were taken.

10. REVIEW AND RECOMMEND FOR BOARD APPROVAL THREE-YEAR LEGAL SERVICE AGREEMENTS

Chairman O'Brien requested a motion to forward the following resolution to the Board with no endorsement from the committee. Director Jarjura made the motion.

RESOLVED: That the President is hereby authorized to execute, deliver, and perform on behalf of this Authority, Legal Services Agreements as were substantially set forth in the Request for Qualifications dated January 28, 2008, for a period of three years commencing on July 1, 2008 and terminating on June 30, 2011, with the law firms listed below. Except for the General Counsel position, all other counsel positions will be "on call."

GENERAL COUNSEL

Halloran & Sage - Primary
Heneghan, Kennedy & Doyle

MUNICIPAL

Halloran & Sage
Tyler, Cooper & Alcorn
Berchem, Moses & Devlin

CONSTRUCTION

Halloran & Sage
McCarter & English

EMPLOYMENT

Halloran & Sage
Kainen, Escalera (Primary)

ENERGY/DPUC

Halloran & Sage
Brown Rudnick
Pullman & Comley

ENVIRONMENTAL

Halloran & Sage
Brown Rudnick
Cohn, Birnbaum & Shea
Pullman & Comley
McCarter & English

LITIGATION

Halloran & Sage
Brown Rudnick
Cohn, Birnbaum & Shea
McCarter & English
Pepe & Hazard
Perakos & Zitser
Berchem, Moses & Devlin
Tyler, Cooper & Alcorn

REAL ESTATE

Halloran & Sage
Brown Rudnick
Cohn, Birnbaum & Shea
Berchem, Moses & Devlin
McCarter & English

SOLID WASTE

Halloran & Sage
Tyler, Cooper & Alcorn
McCarter & English

Chairman O'Brien said that this resolution will be forwarded to the Board with no endorsement from the committee.

The committee discussed the selection of legal firms at length. Director Jarjura said that he would encourage the committee to utilize management's recommendations.

Director Savitsky asked if using Paul Doyle (Henegahn, Kennedy & Doyle) is a potential conflict of interest. Ms. Hunt said that Mr. Doyle has been a contractor with CRRA for many years and is especially valuable for his work on CRRA contracts. Director Jarjura said that he could personally

vouch for Mr. Doyle's character and that Mr. Doyle would excuse himself while at the Legislature in consideration of any impropriety.

The motion previously made to send the recommendation for Legal Service directly to the Board for consideration was seconded by Vice-Chairman Martland was approved unanimously by roll call.

11. ADJOURNMENT

Chairman O'Brien requested a motion to adjourn the meeting. The motion made by Director Jarjura and seconded by Vice-Chairman Martland was approved unanimously by roll call.

The meeting was adjourned at 11:36 a.m.

Respectfully submitted,

Moira Kenney
Secretary to the Board/Paralegal