

**Policies & Procurement Committee
April 12, 2007 Meeting**

Draft Minutes

Members Present: Raymond O'Brien, Committee Chairman
Michael Jarjura (Present beginning at 10:45 a.m.)
Theodore Martland
Linda Savitsky

CRRA Staff Present: Tom Kirk, President
Robert Constable, Controller (Present by telephone)
Peter Egan, Director of Environmental Affairs & Development
Laurie Hunt, Director of Legal Services
Paul Nonnenmacher, Public Affairs Coordinator
Michael Tracey, Operations Manager, Construction Management (Present by telephone)
Steven Yates, Air Compliance Manager
Kristen Greig, Secretary to the Board/Paralegal

Chairman O'Brien called the meeting to order at 9:35 a.m. and noted that there was a quorum. 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 15, 2007 COMMITTEE MEETING

Chairman O'Brien requested a motion to accept the minutes of the March 15, 2007 Policies & Procurement Committee meeting. The motion made by Vice-Chairman Martland was seconded by Director Savitsky.

The minutes as presented were approved unanimously.

2. REVIEW AND RECOMMEND FOR BOARD APPROVAL RESOLUTION REGARDING EXPENDITURE FOR RETROFIT OF DIESEL EQUIPMENT AT THE MID-CONNECTICUT WASTE PROCESSING FACILITY, RECYCLING FACILITIES & THE HARTFORD LANDFILL

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

RESOLVED: That the President of CRRA be authorized to expend \$150,000, to be taken from the Mid-Connecticut Rolling Stock Reserve account, to retrofit 16 pieces of heavy-duty diesel equipment as required by the Host Community Agreement contained in

the Settlement Agreement with the City of Hartford and the modification of the Solid Waste Permit to Operate discussed at this meeting.

Vice-Chairman Martland seconded the motion.

Chairman O'Brien asked if the Rolling Stock Reserve was one of the reserves attached by the Court in the Prejudgment Remedy for the New Hartford suit. Mr. Kirk responded in the negative.

Vice-Chairman Martland asked what is done to the equipment to reduce emissions. Mr. Yates responded that, on a diesel piece of equipment, the muffler is removed and replaced with a part that is similar to a catalytic converter that reduces carbon monoxide and particulate emissions.

The motion previously made and seconded was approved unanimously.

3. **REVIEW AND RECOMMEND FOR BOARD APPROVAL RESOLUTION REGARDING ENVIRONMENTAL EQUITY STATEMENT**

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

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

The motion was seconded by Director Savitsky.

Director Savitsky asked if this statement was being done to meet an external requirement or if this is a policy statement that CRRA felt it should have and it does not have a deadline for completion. Mr. Kirk responded that it is the latter and is in response to opposition from non-government organizations in the renovations of the Mid-Connecticut recycling facility. Mr. Kirk stated that he wants to clarify who CRRA's responsibility is to with regard to environmental justice issues. Mr. Kirk said that as much time as is needed should be taken to finalize the statement.

Mr. Nonnenmacher explained to the Committee that he has been asked to speak about environmental justice issues at a gathering of the United Church of Christ and said that one of the topics he planned on discussing was this statement. Mr. Nonnenmacher said that he would like a sense from the Committee and possibly the Board that this statement is heading the direction the Board intends before he addresses this group. Director O'Brien responded that the statement is headed in the right direction and the general ideas expressed in the statement are appropriate for that discussion.

Director O'Brien said that, in the first paragraph, he would like to include the date that the Mission Statement was adopted. Director O'Brien said that the second sentence in the second paragraph should be revised because of the number of facilities located in Hartford.

Director Savitsky also suggested that if CRRA is making a positive statement, the sentence should continue as an affirmative statement, rather than using the words “no municipality.”

Director O’Brien said that, in the second to last sentence in the second paragraph, CRRA should not say that it will work to reduce the number of facilities in any one community because CRRA has no intention of reducing the number of facilities it has in certain areas. Director Savitsky suggested striking the words “and reduce” so the sentence reads, “Further, CRRA will work to limit the number of CRRA facilities concentrated in any one community.” Director Savitsky stated that the policy statement should be as broad as possible so it gives CRRA the framework in which to operate. Chairman O’Brien said that he wants to be certain that the statement also includes some mention of benefits for the host communities.

Director Savitsky said that CRRA might want to consider using the word “partnership” in the statement so host communities become a support to CRRA in return for whatever benefit the town is receiving.

Vice-Chairman Martland stated that the success of this statement depends on getting the reader to read and understand it as it was intended.

Chairman O’Brien said that the first sentence in the third paragraph is still too broad. The Committee agreed that it should state that CRRA provides solid waste management, recycling and energy generation services to be more specific.

Mr. Egan noted that CRRA can legitimately say that has a model plan for handling environmental equity in the State. Mr. Egan explained that, when a new facility is being developed or permit activity is required on an existing facility, DEP tells those organizations to look at what CRRA has done. Mr. Nonnenmacher gave a detailed explanation of DEP regulations regarding environmental equity plans and reporting and informed the Committee of how CRRA is being used as a model for that process.

Chairman O’Brien said that the document should be included in the Board package for information and, if acceptable to the Board, it can be brought as an action item at the following meeting.

4. REVIEW AND RECOMMEND FOR BOARD RATIFICATION RESOLUTION REGARDING EMERGENCY PROCUREMENT CONTRACT.

Chairman O’Brien requested a motion regarding the above-captioned item. Vice-Chairman Martland made the following motion:

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

The motion was seconded by Director Savitsky.

Vice-Chairman Martland asked if there was another fire at the Mid-Connecticut facility. Mr. Kirk responded in the negative and explained that this was damage caused by the previous

fire but just recently discovered. Director Savitsky stated that, if it was not done, it might be beneficial to notify the insurance company in case more damage is discovered in the future.

The motion previously made and seconded was approved unanimously.

5. DISCUSSION

Clarification regarding Section 4.1.4.1 of the Procurement Policy

Chairman O'Brien explained that this matter requires some review to see if the Procurement Policy will need to be modified. Chairman O'Brien stated that there is a company that currently has multiple outstanding Requests for Services ("RFS"), one of which exceeds \$50,000 and management is looking to issue another RFS. Looking at the Procurement Policy, it is not clear if this new RFS will need Board approval because, cumulatively, the values of the company's RFSs exceed \$50,000.

Chairman O'Brien stated that his concern is that the policy does not say what to do if the conditions in Section 4.1.4.1 of the policy are not met. Chairman O'Brien stated that the intent of the policy and of the legislation is to prevent a situation where multiple small RFSs could be issued to circumvent obtaining Board approval. Mr. Kirk said that it was his understanding that since Board approval was obtained for the individual RFS in excess of \$50,000 that specific RFS comes out of the equation and then the remaining RFSs fall under the referenced section of the policy.

Chairman O'Brien asked how much the new RFS was expected to be. Mr. Constable responded that the estimated cost of services is \$21,000. Mr. Constable noted that \$21,000 in addition to the other outstanding RFS cumulatively still does not total \$50,000, unless the RFS that was already approved by the Board is included. Chairman O'Brien stated, and the Committee agreed, that the Board should be informed, but the policy requires clarification.

Mr. Egan noted that the Committee has addressed this situation in the past and it was determined that if the specific scope of work does not exceed \$50,000, the RFS does not require Board approval. If the cumulative amount of multiple RFSs for the same firm exceeds \$50,000, then the Committee is notified on the report of cumulative contracts exceeding \$50,000. Chairman O'Brien agreed that this action is appropriate with that practice. Chairman O'Brien stated that his main concerns were statutory compliance and clarity in the policy.

While discussing the Procurement Policy, Mr. Kirk informed the Committee that there is legislation pending that would raise the threshold for Board approval from \$50,000 to \$100,000. In anticipation of that possible change, Mr. Kirk said that management would be preparing the appropriate administrative changes to CRRRA's policies. Mr. Kirk said that he would like to language to state that contracts exceeding the statutory limit require Board approval rather than using a specific figure in case that amount should change again in the future. Director Savitsky stated that was a very good idea, but said that the current limit would need to be very clear as future Committees deal with procurement. Director Savitsky said it might even be helpful to reference the specific limit, the statute, and the date it became effective. Chairman O'Brien

stated that such information should be clearly attached as an addendum to the policies, not only for the benefit of the Board, but also for the public.

RFQ for Consulting, Engineering and Land Surveying

Mr. Tracey informed the Committee that CRRA has issued a Request for Qualifications (“RFQ”) for Consulting, Engineering and Land Surveying Services. Mr. Tracey stated that this year the scope was modified to include solid waste consultants, which was previously bid out under a separate RFQ. Mr. Tracey stated that the submissions were received by CRRA in the end of March, they are currently under review, and recommendations will be brought to the May Board meeting. Chairman O’Brien requested that the recommendations come to the Policies & Procurement Committee prior to the Board. Mr. Tracey stated that he was a bit concerned that all of the evaluations would not be complete by then because there were 44 submissions, but said that they would work to complete them early if the Committee would like to review them. Chairman O’Brien stated that that should be the goal, but it is not a requirement because the Committee wants to allow enough time to thoroughly evaluate all of the submissions. Vice-Chairman Martland stated that one of his concerns with the stables of firms selected through the RFQ process is that all firms that are awarded contracts should be given work. In response, Chairman O’Brien suggested informing the Committee of how many contracts each firm was awarded in the previous stable of firms.

Primary Shredder Motor for the Mid-Connecticut Project Waste Processing Facility

Mr. Tracey explained that CRRA went out to bid for a 500 HP Primary Shredder Motor for use at the Waste Processing Facility (“WPF”). The bids were received approximately a week ago and they are currently being evaluated. Mr. Tracey said a recommendation would be ready for the April Board meeting, but he wanted to inform the Committee prior to bringing to the Board for consideration. Mr. Kirk added that it is a rather straightforward purchase.

Chairman O’Brien asked what the estimated cost would be. Mr. Tracey responded that the highest bid was \$75,000. Director Savitsky asked what the funding source would be. Mr. Tracey said it would be paid from the WPF Facility Modification Reserve

Informational

Regarding the report on the vendors that have cumulative contracts in excess of \$50,000, there was a brief discussion regarding Gershman, Brickner & Bratton’s (GBB) progress in finding a landfill development partner. Mr. Kirk noted that, while a partner has not yet been found, CRRA has acquired useful knowledge through the search thus far and GBB still has feelers out for the right partner.

Update on Environmental Activities

Mr. Egan gave a brief overview of solicitations that the Board would be seeing over the next couple of months including:

- Engineering support for the ash landfill development project,
- Landfill environmental monitoring services,

- Renewal of the contract with the United States Department of Agriculture for the eradication of birds at the Hartford Landfill,
- A construction contract for closure of a portion of the ash area at the Hartford Landfill, and
- Analysis of options for transferring environmental liability and monitoring obligations of the Shelton Landfill to a third-party.

6. EXECUTIVE SESSION

Chairman O'Brien requested a motion to enter into Executive Session to discuss pending litigation with appropriate staff. The motion made by Vice-Chairman Martland was seconded by Director Savitsky. Chairman O'Brien requested that the following people be invited to the Executive Session in addition to the Directors:

Tom Kirk
Laurie Hunt

The Executive Session began at 11:05 a.m. and concluded at 11:28 a.m. Chairman O'Brien noted that no votes were taken in Executive Session.

The meeting was reconvened at 11:28 a.m.

7. REVIEW AND RECOMMEND FOR BOARD APPROVAL RESOLUTION REGARDING ADDITIONAL PROJECTED LEGAL EXPENDITURES

Chairman O'Brien requested a motion regarding the above-captioned item. Vice-Chairman Martland 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 projected legal fees and costs to be incurred through June 30, 2007:

<u>Firm:</u>	<u>Amount:</u>
Halloran & Sage	\$150,000

Director Savitsky seconded the motion.

Chairman O'Brien noted that the amount recommended for approval might change prior to the Board meeting and management would assure that the Chairman of the Bridgeport Solid Waste Advisory Board is advised in a timely manner.

The motion previously made and seconded was approved unanimously.

8. ADJOURNMENT

With no other business to discuss, Chairman O'Brien requested a motion to adjourn the meeting. The motion made by Director Savitsky and seconded by Director Jarjura was passed unanimously.

The meeting was adjourned at 11:33 a.m.

Respectfully submitted,

Kristen B. Greig
Secretary to the Board/Paralegal