

**Policies & Procurement Committee
May 18, 2007 Meeting**

Minutes

Members Present: Raymond O'Brien, Committee Chairman
Theodore Martland
James Miron

CRRA Staff Present: Tom Kirk, President
Robert Constable, Controller (Present by telephone/video conference)
Peter Egan, Director of Environmental Affairs & Development
Ron Gingerich, Development, Environmental Compliance & IT Manager
(Present by telephone/video conference)
Laurie Hunt, Director of Legal Services
Paul Nonnenmacher, Director of Public Affairs (Present by telephone
/video conference)
John Romano, Project Manager (Present by telephone/video conference)
Michael Tracey, Operations Manager, Construction Management (Present
by telephone/video conference)
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 APRIL 12, 2007 COMMITTEE MEETING

Chairman O'Brien requested a motion to accept the minutes of the April 12, 2007 Policies & Procurement Committee meeting. The motion made by Vice-Chairman Martland was seconded by Director Miron.

Chairman O'Brien asked what the status of generalizing the Procurement Policy as discussed at the last meeting was. Mr. Kirk stated that because the proposed legislation would not be moving forward this year, it was decided that the policy would be left as is.

The minutes as presented were approved unanimously.

2. DISCUSSION REGARDING ENVIRONMENTAL EQUITY STATEMENT

Chairman O'Brien requested that this item be deferred until the June Board meeting since Chairman Pace is out of the country and will not be able to review the statement.

Mr. Kirk stated that limiting CRRA's "footprint" in any given town was one of the motivating reasons for creating the Environmental Equity Statement. Mr. Kirk added that this is an issue that should be reviewed by the full Board.

Director Martland suggested that the statement omit any reference to race, color, national origin or income.

Director O'Brien requested that last sentence of the second paragraph be moved before the sentence that begins "Further, . . ." In addition, in the sentence that begins "Further, . . ." the word "concentrated" should be replaced by "located".

Director Miron suggested the following revision to the second paragraph:

"CRRA will perform its mission consistent with all applicable with Federal and State laws in providing solid waste, recycling and energy services to the people, towns and businesses of Connecticut. CRRA will endeavor to make all decisions in the best interests of all of Connecticut's citizens and stakeholders. In carrying out its mission, CRRA will strive to ensure that siting CRRA's facilities is shared to minimize the impacts that may be caused by the presence of CRRA facilities."

Director Miron stated that he did not feel that CRRA should limit the number of facilities in each location. Director Miron added that he did not feel that hosting a facility should be considered a burden.

Mr. Kirk suggested that a red-line draft incorporated the suggested changes be distributed to the Committee and to Chairman Pace.

Directors Martland and Miron suggested omitting the third bullet of the fourth paragraph. Director Miron stated that words such as "unfairly" or "unavoidably" are subjective and should not be included in the statement.

Director O'Brien asked that the term "that threaten our air land and water resources" be omitted from the second paragraph.

Mr. Kirk suggested that perhaps the Environmental Equity Statement could be incorporated into CRRA's mission statement. The Committee agreed to review the statement again in June with a decision as to whether the Environmental Equity Statement should be incorporated into the Mission Statement or if it should be a stand alone policy.

3. **REVIEW AND RECOMMEND FOR BOARD APPROVAL RESOLUTION ADOPTING A POLICY AND PROCEDURES FOR THE USE OF MEETING ROOM AT THE TRASH MUSEUM AND THE GARBAGE MUSEUM**

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 Policy and Procedures for the Use of Meeting Rooms at the Trash Museum and the Garbage Museum substantially as presented and discussed at this meeting.

The motion was seconded by Director Miron.

Chairman O'Brien asked if there had been an incident that prompted this policy to be written. Mr. Kirk responded in the negative. Mr. Kirk stated that external organizations occasionally use the meeting rooms at both museums and a policy should be in place when reserving these meeting rooms. Chairman O'Brien stated that the policy should include hours the rooms may be reserved, the minimum amount of insurance required by the external groups and should state that CRRA staff will be on-site during meetings.

Mr. Kirk stated that the general public touring the museum is covered under CRRA's general liability insurance. Mr. Kirk added that the policy should not be so burdensome as to prohibit groups from using the facility. Director Miron agreed.

Attorney Hunt added that she, CRRA's Risk Manager, and Mr. Nonnenmacher were meeting to discuss insurance and liability matters for external groups.

Chairman O'Brien would recommend this policy if the available hours and days were added and the insurance requirements were reviewed.

Chairman O'Brien requested a motion to make the changes discussed and bring the policy back to the P&P Committee in June. Vice-Chairman Martland made the above-captioned motion. The motion was seconded by Director Miron.

The motion previously made and seconded was approved unanimously.

4. **REVIEW AND RECOMMEND FOR BOARD APPROVAL RESOLUTION REGARDING CONSULTING, ENGINEERING AND LAND SURVEYING SERVICES**

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

RESOLVED: That the President is hereby authorized to enter into contracts with the following firms and individuals for Consulting, Engineering and Land Surveying Services, substantially as discussed and presented at this meeting.

Engineering Services

Category I – General Engineering Services

Diversified Technology Consultants, Inc.
DMJM + Harris, Inc.
HRP Associates, Inc.
URS Corporation AES
van Zelm, Heywood & Shadford, Inc.

Category II – Environmental Engineering

Fuss & O’Neill, Inc.
GZA GeoEnvironmental, Inc.
HRP Associates, Inc.
Kleinschmidt Associates
Loureiro Engineering Associates, Inc.
M. I. Holzman & Associates
Sci-Tech, Inc.
TRC Environmental Corporation

Category III – Resource Recovery and Recycling Engineering

Camp Dresser & McKee, Inc.
Dvirka & Bartilucci Consulting Engineers
Grillo Engineering Co.
Hatch Mott McDonald
RRT Design & Construction
R.W. Beck, Inc.
STV Incorporated

Category IV – Landfill Engineering

Fuss & O’Neill, Inc.
Malcolm Pirnie, Inc.
SCS Engineers, PC
TRC Environmental Corporation

Land Surveying Services

Conklin & Soroka, Inc.
Dutton & Johnston

Solid Waste Consulting Services

Alternative Resources, Inc.
Gershman, Brickner & Bratton, Inc.
R. L. Banks & Associates, Inc.
Camp Dresser & McKee, Inc.

The motion was seconded by Vice-Chairman Martland.

Chairman O’Brien commended management on the detailed information provided. Chairman O’Brien asked if CRRA had enough work to give to all the vendors listed. Mr. Egan stated that management was uncertain at this point whether CRRA would have enough work for all the firms listed. Mr. Egan noted that one of the new firms listed, Hatch Mott McDonald, specializes in recycling and said it was likely that CRRA would be utilizing their services in the near future. Mr. Egan stated that all of the firms listed understand that CRRA may or may not utilize them depending on what CRRA’s needs are. Mr. Egan stated that it is beneficial to CRRA to have all of these vendors.

The motion previously made and seconded was approved unanimously.

5. **REVIEW AND RECOMMEND FOR BOARD APPROVAL RESOLUTION REGARDING APPROVAL OF AGREEMENTS FOR LANDFILL ENVIRONMENTAL MONITORING, LABORATORY ANALYSIS AND REPORTING SERVICES**

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

RESOLVED: That the President of CRRA be authorized to enter into agreements for Environmental Monitoring, Laboratory Analysis and Reporting Services, substantially as presented at this meeting as follows:

Vendor	Amount	Facility
CME Associates, Inc.	\$285,840	Hartford Landfill
Fuss & O'Neill, Inc.	\$276,750	Shelton Landfill
HRP Associates, Inc.	\$236,940	Wallingford Landfill

The motion was seconded by Director Miron.

Director Martland asked why there were three vendors listed in the motion, but Contract Summaries for five vendors.

Mr. Egan referred the Committee to the Executive Summary. Mr. Egan stated that only those vendors with contracts over \$50,000 were listed in the motion, but said that it was important for the Committee to review all five contracts in order to understand the process.

Chairman O'Brien asked where the funding for the Waterbury and Shelton Landfill monitoring would come from. Mr. Egan replied that the funding will come out of the Operating Budget through Calendar Year 2008 and then will come from the post-closure landfill reserve fund.

The motion previously made and seconded was approved unanimously.

6. **REVIEW AND RECOMMEND FOR BOARD APPROVAL RESOLUTION REGARDING EXPENDITURES FOR ODOR MONITORING SERVICES AT THE MID-CONNECTICUT WASTE PROCESSING FACILITY & HARTFORD LANDFILL**

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

RESOLVED: That the President of CRRA be authorized to execute a Request for Services with TRC Environmental Corporation for Odor Monitoring Support at the Mid-

Connecticut Waste Processing Facility and Hartford Landfill, substantially as presented and discussed at this meeting.

The motion was seconded by Director Miron.

Mr. Kirk stated that this motion is a renewal of CRRA's very successful odor initiative.

Chairman O'Brien requested that the Board package include a brief history of complaints and resolution of such complaints and a monitoring cost summary.

The motion previously made and seconded was approved unanimously.

7. **REVIEW AND RECOMMEND FOR BOARD APPROVAL RESOLUTION REGARDING EMPLOYMENT OF HRP ASSOCIATES, INC. FOR ENVIRONMENTAL CONSULTING SERVICES IN SUPPORT OF THE SOUTH MEADOWS SITE REMEDIATION**

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

RESOLVED: That the President of CRRA be authorized to execute a Request for Services with HRP Associates, Inc. for environmental consulting services in support of the South Meadows site remediation, substantially as presented and discussed at this meeting.

The motion was seconded by Vice-Chairman Martland.

Chairman O'Brien noted that CRRA is retaining HRP to essentially be the "eyes on the job" and asked Mr. Egan to supply a brief summary of what services HRP has recently provided to CRRA on this project.

The motion previously made and seconded was approved unanimously.

8. **REVIEW AND RECOMMEND FOR BOARD APPROVAL RESOLUTION REGARDING EMPLOYMENT OF DMJM + HARRIS, INC. FOR SOLID WASTE CONSULTING SERVICES**

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

RESOLVED: That the President of CRRA be authorized to execute a Request for Services with DMJM + Harris, Inc. for solid waste consulting services associated with the preparation of a site re-use feasibility study of the Shelton Landfill property, substantially as presented and discussed at this meeting.

The motion was seconded by Vice-Chairman Martland.

Chairman O'Brien asked where the funding for this project was coming from, the General Fund or the Bridgeport Project fund. Due to technical difficulties with the teleconferencing system, Mr. Tracey was unavailable to answer the question. Mr. Kirk stated that the answer would be available at the Board meeting.

The motion previously made and seconded was approved unanimously.

9. **REVIEW AND RECOMMEND FOR BOARD APPROVAL RESOLUTION REGARDING DEVELOPMENT OF AN ASH RESIDUE LANDFILL WITHIN THE STATE OF CONNECTICUT**

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

RESOLVED: That the President is hereby authorized to enter into a Request for Services with TRC Environmental Corporation to provide engineering and environmental consulting support associated with development of an ash residue landfill in the State of Connecticut, substantially as discussed and presented at this meeting.

The motion was seconded by Director Miron.

Mr. Egan explained that the dollar value, which is not to exceed \$495,000, is what management expects to spend on an engineering firm for approximately the first year of the on-site investigation. Mr. Egan added that until a specific site is chosen, there is no way of developing an exact amount. Mr. Egan stated that once the site is chosen this matter will come back to the Committee with a firm amount in the form of a Request for Services.

Chairman O'Brien asked if, in the future, a matrix could be included in the Board package showing firms submitting bids and the criteria used in the selection process. Mr. Egan provided this matrix to the Committee and stated that it would be included in the Board package.

The motion previously made and seconded was approved unanimously.

10. **REVIEW AND RECOMMEND FOR BOARD APPROVAL RESOLUTION REGARDING A HOIST CRANE FRAME AGREEMENT AT THE POWER BLOCK FACILITY**

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

RESOLVED: That the President is hereby authorized to execute an agreement with Matrix Power Services, Inc. to furnish and install two (2) fan motor trolley hoist cranes to be located at the Mid-Connecticut Power Block Facility, substantially as presented and discussed at this meeting.

The motion was seconded by Director Miron.

The motion previously made and seconded was approved unanimously.

11. REVIEW AND RECOMMEND FOR BOARD APPROVAL RESOLUTION ADOPTING AN AMENDMENT TO SECTION 4.1.4 OF THE PROCUREMENT POLICY

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

RESOLVED: That the Board hereby adopts the amendment to Section 4.1.4 of the Procurement Policy, substantially as presented and discussed at this meeting.

The motion was seconded by Vice-Chairman Martland.

Chairman O'Brien stated that this amendment clarifies the issue of multiple Requests for Services with a single service provider during the same fiscal year. Attorney Hunt stated that this amendment meets statutory requirements.

The motion previously made and seconded was approved unanimously.

12. 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 General Fund and Mid-Connecticut Project matters;

NOW THEREFORE, it is RESOLVED: That the following additional amounts 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	\$350,000
Pepe & Hazard	\$150,000

Director Miron seconded the motion.

Attorney Hunt stated that the Board had indicated that they did not want management to incur legal expenses unless the funds have been previously approved. Attorney Hunt noted that these figures are estimated through the end of the fiscal year and added that she may not use these funds but would like them to be available in case they are needed.

The motion previously made and seconded was approved unanimously.

13. REVIEW AND RECOMMEND FOR BOARD APPROVAL RESOLUTION REGARDING FISCAL YEAR 2008 PROJECTED LEGAL EXPENDITURES

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

WHEREAS, CRRA has negotiated three-year Legal Service Agreements with various law firms for the provision of legal services from July 1, 2005 through June 30, 2008; and

WHEREAS, CRRA now seeks Board authorization for projected legal expenditures during the third year of the term of said Agreements;

NOW THEREFORE, it is RESOLVED: That the following amounts be authorized for projected legal fees to be incurred through June 30, 2008:

<u>Firm:</u>	<u>Amount:</u>
Brown Rudnick	\$ 825,000
Cohn Birnbaum & Shea	\$ 75,000
Halloran & Sage	\$1,965,000
Heneghan, Kennedy & Doyle	\$ 65,000
Kainen, Escalera & McHale	\$ 40,000
McCarter & English	\$ 85,000
Perakos & Zitser	\$ 60,000
Pepe & Hazard	\$ 800,000
Pullman & Comley	\$ 225,000
Sidley Austin	\$ 265,000

FURTHER RESOLVED: That the President be authorized to expend up to \$500,000 from the Landfill Development Reserve Account for payment for legal fees incurred in fiscal year 2008 in connection with the Authority's development of a new ash landfill in State of Connecticut.

Director Miron seconded the motion.

Chairman O'Brien stated that this summary should go before the full Board so the Board is aware of the legal expenditures.

Attorney Hunt pointed out that up to \$500,000 would be paid from the Landfill Development Reserve Account.

The motion previously made and seconded was approved unanimously.

14. **REVIEW AND RECOMMEND FOR BOARD APPROVAL RESOLUTION REGARDING THE PURCHASE OF FOUR (4) RUBBER TIRE LOADERS FOR THE MID-CONNECTICUT WASTE PROCESSING FACILITY**

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

RESOLVED: That the Board of Directors, in accordance with the Connecticut Resources Recovery Authority's Procurement Policy, hereby approves the procurement of (4) four new rubber tire loaders from H.O. Penn Machinery Co. Inc. to be used at the Mid-Connecticut Waste Processing Facility, substantially as presented and discussed at this meeting.

The motion was seconded by Vice-Chairman Martland.

Mr. Kirk stated that this was a very large expenditure at \$1,477,544. Mr. Kirk explained that Caterpillar is the "gold standard" in this type of equipment. The benefits of owning Caterpillar outweigh its competitors in operating costs, rebuild cost per component, and the factory rebuild program. Mr. Kirk added that for the additional \$82,000, the cost was justified.

Chairman O'Brien requested that the life cycle cost be included in the summary table.

The motion previously made and seconded was approved unanimously.

15. **DISCUSSION**

Shelton Landfill Environmental Liability Transfer During Post Closure Monitoring Period

Mr. Egan stated that CRRA has a 30-year post-closure care and maintenance obligation at the Shelton Landfill, which began in 2001. CRRA currently pays these expenses out of the Bridgeport operating budget. Mr. Egan stated that beginning in 2009, when the project ends, these expenses will be paid out of a reserve. At that point there will be approximately 24 years

left of the 30-year period. The cost projected from January 2009 through 2031 is about \$12 million. Mr. Egan stated that CRRA is reserving funds against this liability.

Mr. Egan explained that the Bridgeport Solid Waste Advisory Board (SWAB) was approached by TRC regarding its exit strategy program as it would relate to the Shelton Landfill closure. Mr. Egan explained that TRC's program transfers environmental risk from the facility owner to TRC. Mr. Egan noted that CRRA entered into such an agreement with TRC for the South Meadows site in 2001. Subsequently, SWAB asked CRRA to discuss this with TRC. TRC put together a short summary for the SWAB Board. Mr. Egan added that this summary was also shared with the Bridgeport Future Options Committee. Mr. Egan stated that the SWAB Board and the Bridgeport Future Options Committee asked CRRA management to obtain specific cost proposals from TRC, at a minimum, and potentially other vendors who might provide a similar service. The SWAB Board would like to have these proposals ready by October or November of 2007 so the municipalities will have this information when preparing their budgets.

Mr. Egan stated that there are two issues that need to be addressed. First, the CRRA Board should consider if they want SWAB to proceed with this transfer of liability. Secondly, the Board should decide if it wants SWAB to solicit expressions of interest from other vendors in addition to TRC.

Chairman O'Brien stated that time is of the essence for this transfer. Chairman O'Brien indicated that he would prefer that other vendors be given the opportunity to bid, but unless the other vendors can supply their proposals within the time limitations, sole sourcing would be the way to go.

Director Miron indicated that his concern was with unforeseen liability on the part of CRRA. Mr. Kirk stated that CRRA has experience with this type of transfer at its South Meadows property and added that he has confidence both in TRC and with this type of transfer.

Per the Committee's request, Mr. Egan stated that this information would be presented to the full Board in the supplemental package.

16. ADDITION TO THE AGENDA

Chairman O'Brien requested a motion to suspend the rules and add an item to the agenda. Director Martland made the motion which was seconded by Director Miron. The motion previously made and seconded was approved unanimously.

Attorney Hunt explained that CRRA has an agreement for on-call, waste compactor dozer services at the Mid-Connecticut Waste Processing Facility. The term of the agreement was for two years with a one-year extension. Attorney Hunt stated that the intention is to exercise the one-year extension. Attorney Hunt stated that it was her understanding that when an extension provision was written into the original contract and the extension was to be exercised, the Board would have to be advised, but not have to approve the extension. However, Mr. Egan's interpretation was that if the extension was to be exercised, the contract was to be brought back before the Board for approval.

Chairman O'Brien stated that it was his recollection that extensions were only to be brought back to the Board if the extension brought the contract to beyond three years. Attorney Hunt stated that with the extension on the contract, the time period would be three years. Chairman O'Brien requested that Attorney Hunt bring this item to the next Board meeting so as to avoid any confusion.

Mr. Romano noted that the current contract had expired approximately one week ago and that until the Board approved the extension, the on-call waste compactor dozer services could not be utilized. Mr. Egan suggested that the Committee recommend extending the contract through June 30, 2007. Chairman O'Brien agreed that this would be a good resolution of the problem and the Committee agreed that the recommendation would be to extend the contract through the end of the original extension term. Mr. Kirk stated that management would continue services through the end of June and at that point the Board will vote on the extension.

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 Miron. 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 11:30 a.m. and concluded at 12:35 p.m. Chairman O'Brien noted that no votes were taken in Executive Session.

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

8. ADJOURNMENT

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

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

Respectfully submitted,

Kristen B. Greig
Secretary to the Board/Paralegal