

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

Draft Minutes

Members Present: Raymond O'Brien, Committee Chairman
Theodore Martland, Vice-Chairman
Linda Savitsky

CRRA Staff Present: Tom Kirk, President
Jeffrey Duvall, Manager of Budgets and Forecasting
Peter Egan, Director of Environmental Affairs
Laurie Hunt, Director of Legal Services
Paul Nonnenmacher, Director of Public Affairs
Rich Quelle, Senior Engineer (present until 10:15 a.m.)
Virginia Raymond, Senior Analyst
John Romano, Project Manager
Mike Tracey, Director of Operations
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. ADDITION TO THE AGENDA

Chairman O'Brien requested a motion to add an additional discussion item regarding public relations to the agenda. The motion was made by Vice-Chairman Martland and seconded by Director Savitsky.

The motion was approved unanimously by roll call.

2. APPROVAL OF MINUTES OF THE JUNE 12, 2008, POLICIES & PROCUREMENT COMMITTEE MEETING

Chairman O'Brien requested a motion to accept the minutes of the June 12, 2008, Policies & Procurement Committee meeting. The motion was made by Vice-Chairman Martland and seconded by Director Savitsky.

Chairman O'Brien requested that the minutes state that "Chairman O'Brien suggested an amendment" (which was accepted as a friendly amendment by Chairman Pace) versus "made an amendment" on the eighth page of the minutes. He also asked that it be made clear in that section that

Mayor Jarjura was fulfilling his statutory duty by representing the community of Waterbury with regards to the landfill issue.

Vice-Chairman Martland asked if there had been any further development on the City of Waterbury's possible interest in a piece of property adjacent to the Waterbury Landfill. Ms. Hunt replied that she had seen in *The Waterbury Republican American* that Mayor Jarjura was quoted as saying that he did not believe that the City of Waterbury was interested in the property adjacent to the Waterbury Landfill after its closure.

Mr. Kirk said that the City of Waterbury was currently pursuing the legal research on the parcel's ownership questions. Mr. Egan said he and an attorney from Halloran & Sage had met with the City of Waterbury's attorney to discuss the issue of an unsigned contract concerning the land. Mr. Egan said the City of Waterbury is being represented by Dawn Desantis.

The Committee discussed the ownership issues regarding the property.

The minutes were approved unanimously by roll call.

3. **REVIEW AND RECOMMEND FOR BOARD APPROVAL RESOLUTION REGARDING REFURBISHMENT OF TROMMEL DOORS AT THE MID-CONNECTICUT WASTE PROCESSING FACILITY**

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 execute an agreement with Construction Network Services, Inc. to refurbish Primary Trommel Doors at the Mid-Connecticut Waste Processing facility, substantially as presented and discussed at this meeting.

The motion was seconded by Vice-Chairman Martland.

Mr. Tracey said that this resolution details one of the capital improvement projects identified by the Grillo report in 2006. He explained the doors on the primary trommels are being refurbished. Mr. Tracey said that the project had been planned for six months and was included in the schedule of projects in the capital budget.

Chairman O'Brien asked that the sentence starting the second paragraph in the discussion be placed in bold type.

Director Savitsky asked what a trommell is. Mr. Quelle explained that trash goes through a mill onto metal separation, until it reaches huge twelve-foot cylindrical barrels with holes to knock off debris. Mr. Kirk said these trommels are giant rotating screens. Mr. Quelle said the doors which access these barrels are deteriorating and the resolution is to refurbish these protective doors.

Chairman O'Brien asked if this is being funded from the facility modification reserve. Mr. Tracey replied that the answer is yes. Chairman O'Brien expressed concern that this refurbishment is not reflected properly in the budget. Mr. Kirk asked Mr. Duvall to discuss the issue with Mr. Bolduc.

Vice-Chairman Martland asked why the spread between the bids was so wide. Mr. Quelle said that the firm management recommended has done multiple jobs at the plant. He explained the responses to the bid are commonly from installers who may not necessarily make the equipment they are installing. He said that frequently the installers will work with the equipment producer to complete the job, often creating an increase in price. Chairman O'Brien asked that information which indicates fabrication costs are reduced due to the location of the producer be included in the resolution.

The Committee discussed the qualifications of the recommend firm.

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

4. **REVIEW AND RECOMMEND FOR BOARD APPROVAL RESOLUTION REGARDING REFURBISHMENT OF CONVEYORS CV-126 & CV-226 AT THE MID-CONNECTICUT WASTE PROCESSING FACILITY**

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 an agreement with Lydon Millwright Services, Inc. to refurbish Conveyors CV-126 & CV-226 at the Mid-Connecticut Waste Processing Facility, substantially as presented and discussed at this meeting.

The motion was seconded by Director Savitsky.

Mr. Tracey said that this resolution is a capital project that was identified in the Grillo engineering report in 2006. He explained the conveyors being refurbished are associated with the primary trommels. Mr. Tracey said that this is a job that management had wanted to complete the prior year, however several of the vendors did not obtain the licenses necessary to perform the work. Mr. Tracey said several of the vendors have since obtained these necessary licenses. Mr. Tracey said there were two bid responses. He explained one of the bidders does not have the necessary license and as a result has been disqualified.

Director O'Brien asked that the resolution contain a definition of what "DCP" means. Mr. Tracey replied that "DCP" means Department of Consumer Protection. Director O'Brien asked that it be stated that the vendor that was disqualified does not have the required licenses for performing the work in the State of Connecticut. Director O'Brien also asked that the discussion in the beginning of the second paragraph be bolded.

Mr. Quelle explained the bid was done with two options. He explained that management had analyzed two options for responses to the bid, the first to complete the work utilizing a separate producer for the parts, and the second option for the vendor to perform the job and to supply the parts themselves.

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

5. **REVIEW AND RECOMMEND FOR BOARD APPROVAL RESOLUTION REGARDING HVAC SYSTEM IMPROVEMENT AT THE MID-CONNECTICUT WASTE PROCESSING FACILITY**

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 execute an agreement with Air Temp Mechanical Services to implement the HVAC improvements for the Control Room/Visitors Area at the Mid-Connecticut Waste Processing facility, substantially as presented and discussed at this meeting.

The motion was seconded by Vice-Chairman Martland.

Mr. Romano said that MDC has commented in the past year that the HVAC system's quality has deteriorated over time and needs to be upgraded.

Mr. Tracey said the upgrades were being performed for several reasons. He said that management has determined that the original system did not function as it was intended and was under designed. Mr. Tracey said that the operator and MDC have complained that the system maintenance has required frequent repairs and has failed frequently.

Mr. Tracey said that a second reason management is improving the system is to provide protection for the recently completed computer electronic upgrade of the PLC Skata system. Vice-Chairman Martland expressed concern over the spread in the prices. He explained his concern stemmed from the possibility of poor spec writing. Mr. Kirk said that when the specs are written they are accompanied by a spec tour. He asked Mr. Tracey if the specs are ever changed after a site tour.

Mr. Tracey said the specs for the project are very tight due to a good stable of consultants and not frequently changed after the site tour. He said that there are some questions after the site tour but they typically concern clarifications on bid documents and agreements and questions regarding what the conditions under which one may impose liquidated damages are. Mr. Tracey asked Mr. Romano to discuss any questions resulting from the pre-bid.

Mr. Romano said that questions from those who submitted bids related to the time frame and the types of chillers that CRRA wished to use. He explained bidders were looking for more specific information which was actually provided on the submitted drawings. He said that the questions were general and did not require a change to the specifications.

Mr. Kirk said it has been his experience that the best measure of how the specs are written is indicated by the frequency and size of change orders during development. He explained this has only occurred very rarely. Vice-Chairman Martland said that in construction today there are frequently attorneys utilized to find a way to make as many change orders as possible after a bidder has secured the contract.

Chairman O'Brien asked if it is accurate to assume that the present system does not meet the recommended requirements for the PLC system. Mr. Quelle said that the high summer temperatures

(which have been up to 90 degrees) are not ideal conditions for the equipment and the particular level of the room is an issue. Chairman O'Brien asked that this information be included in the write up.

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

6. **REVIEW AND RECOMMEND FOR BOARD APPROVAL RESOLUTION REGARDING MUNICIPAL SOLID WASTE EXPORT TRANSPORTATION AND DISPOSAL SERVICES – MID-CONNECTICUT AND WALLINGFORD PROJECTS**

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

RESOLVED: That the Board of Directors, in accordance with the Connecticut Resources Recovery Authority's Procurement Policy, hereby approve the contract with We Care Transportation, LLC, and Murphy Road Recycling for Municipal Solid Waste Export Services as presented and discussed at this meeting.

The motion was seconded by Director Savitsky.

Director Savitsky asked for information on We Care transportation. Mr. Kirk replied that they are a large garbage truck transportation outfit which typically partners up with Seneca Meadows of New York. He explained management uses them frequently due to their large number of trailers. Director Savitsky asked if We Care has any connection to the many issues in Danbury, CT. Mr. Kirk said that management was not aware of any connection.

Director Savitsky asked when an RFP is issued for this type of work if management has the right to review the companies' corporate structure and financing. She explained in this type of business she believes these issues are a concern when evaluating whether the company is appropriate to do business with.

Ms. Hunt replied that CRRA does have the right and asks the companies if there have been any convictions of the company or principals. Director Savitsky said that she is looking for some kind of back up for a companies' denial of such charges. Chairman O'Brien said that he believes CRRA is heavily constrained by statute as far as what types of questions and back-up can be requested. He explained beyond public documents CRRA is limited in what documentation it can request. Chairman O'Brien suggested a write-up provided by Halloran & Sage that had been previously drawn up regarding a similar manner be provided to Director Savitsky.

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

7. **REVIEW AND RECOMMEND FOR BOARD APPROVAL RESOLUTION REGARDING REVISION TO WALLINGFORD PERMITTING, DISPOSAL AND BILLING PROCEDURES**

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

RESOLVED: That the Board hereby approves the revision to Section 4.2 of the Wallingford Project Permitting, Disposal and Billing Procedures, substantially as presented and discussed at this meeting.

The motion was seconded by Vice-Chairman Martland.

Vice-Chairman Martland asked why the write-up specified which roads can be used by the hauler. Mr. Gaffey replied that the specifications were requested by the Mayor of Wallingford. He said that initially the prohibition existed north of the intersection of South Cherry St. (the main road the plant is on) and John St. which is a cross over street from Route 5. Mr. Gaffey said that the trucks were prohibited to travel anywhere north of those streets.

Mr. Gaffey said that the procedures have always explicitly defined which way trucks from out of town headed to the Wallingford plant can enter. He explained a loophole had existed in the regulations which said a hauler hauling out of the east end of Wallingford did not have to comply with the same restrictions as those trucks coming from out of town.

Mr. Gaffey said at the specific request of the mayor of Wallingford the revision now closed that loophole and included any trucks entering or leaving the Wallingford plant. Mr. Gaffey added that more streets which are in the northern section of the before mentioned intersection were also added.

Mr. Gaffey said a \$125.00 fine will be given to any haulers found in violation of these terms. He explained that management is diligent in enforcing these fines and regulations. He explained the one exception is for haulers who are providing service to a customer on that particular day on the before mentioned streets.

Vice-Chairman Martland asked Mr. Gaffey if the prohibited routes are considered short cuts to the plant. Mr. Gaffey replied that that is correct.

Chairman O'Brien asked Mr. Gaffey to include the specific offenses which warrant the penalty, as well as the amount of the penalty in the write-up.

Director Savitsky said it is very important for CRRA to accommodate the requests of project member towns. The Committee agreed.

Mr. Gaffey said that management has written, sent e-mails and discussed these changes at hauler meetings to ensure the haulers are aware of the revisions, he added that the drivers are also personally informed. Mr. Kirk added that the changes were also discussed at three Wallingford Policy Board meetings.

Chairman O'Brien suggested that the Wallingford Mayor be asked to publically thank CRRA for making these changes in order to ensure that other project member towns are aware of CRRA's efforts.

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

8. **INFORMATIONAL**

Director Savitsky asked Ms. Hunt when final numbers would be tallied on legal fees. Ms. Hunt replied that those figures would most likely be compiled in the middle August.

9. **EXECUTIVE SESSION**

Chairman O'Brien requested a motion to enter into Executive Session to discuss pending litigation, real estate acquisition matters, and RFP responses. The motion made by Director Savitsky and seconded by Vice-Chairman Martland 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
Virginia Raymond
Mike Tracey

The Executive Session commenced at 10:20 a.m. and concluded at 11:15 a.m. Chairman O'Brien noted that no votes were taken.

ADJOURNMENT

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

The meeting was adjourned at 11:15 a.m.

Respectfully submitted,

Moira Kenney
Secretary to the Board/Paralegal