

RHODE ISLAND RESOURCE RECOVERY CORPORATION  
BUSINESS MEETING  
Tuesday, October 5, 2010  
10:00 A.M.  
65 Shun Pike  
Johnston, Rhode Island 02919

*approved and  
accepted  
11/2/10*

In Attendance

Douglas Jeffrey, Chair  
Geri-Ann DiPaolo, Vice-Chair  
Bradford Gorham, Treasurer (arrived at 10:05)  
Carole Bell  
Charles Lombardi (arrived at 9:12)  
Michael Quinn  
Jared Rhodes, II (arrived at 9:12)

Absent

Michael Sabitoni

Staff Present

Michael OConnell, Executive Director  
Brian Card, Director of Operations and Engineering  
Sarah Kite, Director of Recycling Services  
J. Timothy McCormick, CFO  
Gary Maddocks, Jr., Chief of Security and Facilities Manager  
Christine Jocelyn, Human Resources Director  
Robert Lough, Security Officer and Safety Coordinator  
Marcel Lussier, MRF Business Manager

Others Present

Joseph Rodio, Sr., Rodio & Ursillo  
Linda George, Senate Fiscal Office  
Michael Nugent, House Policy Office  
Ron Ronzio, Allied Court Reporters

**Call to Order**

Chairman Jeffrey called the meeting to order at 10:10 A.M. Pledge of Allegiance followed by Roll Call. Commissioners Jeffrey, DiPaolo, Bell, and Quinn present, constituting a quorum.

Agenda Items

**1. Approval of Minutes from September 8, 2010 meeting**

Commissioner Quinn made a motion to approve the minutes. Seconded by Commissioner DiPaolo. Passed 4-0.

## **2. Executive Director Report**

There was a haulers' meeting on September 23 with about a dozen attendees. The main issues reviewed were the route around the landfill and transit time for the haulers.

We submitted our application for the EDA grant on September 29. We requested 80% funding of the \$5.5 million project. We should know within 30 days.

We are moving forward with design work for the sewer connection with the NBC work and our preliminary on-site pre-treatment design.

We met with Bright Fields, a solar power company that wants to put solar power on about 80 acres at the top of the completed landfill. In 30 days or so they will get back to us with a proposal.

We talked to Neo Energy who is expecting to hear from National Grid on the 20<sup>th</sup> of October whether they're in the finals.

As a point of information, one of our haulers has leased about 10,000 square feet at the Tipping facility to extract recyclables. The balance then goes to the landfill.

Ridgewood site work continues. They're about 50% done and are expecting an infusion of cash by November 1. It's 18 to 24 months away from being completed.

We have cleared an area off 295 on Shun Pike for the Town of Johnston to park their school buses until the lot in the industrial park is paved.

We've seen some increases in recyclable volume at the MRF. Solid waste volumes remain steady. We're well on target for our budget volumes.

We have asked for additional information from the City of Cranston to see the basis for their \$2.1 million claim, but we also want to understand how they spent the money. If we owe it, we'll pay it. If we don't owe it, we're not paying it.

Commissioner Jeffrey states that he and Commissioner DiPaolo met with members of the Cranston City Council and the mayor's Director of Administration, their attorney, and others at City Hall to just listen. It was decided that the NBC project was too far along to revisit the Cranston sewer option. We instructed our attorney to go to the city attorney, Kirshenbaum, and get it resolved. It is in process.

OConnell continues that there have been exchanges for requests for information. RIRRC is currently waiting for 6 or 7 documents that were requested.

There is a meeting scheduled for today with NBC to review the various and final discharge limits for our permit so that we can begin design of our pre-treatment facility to meet those limits.

### 3. New Contracts

- a. Perimeter Fencing \$264.6K

**Resolution:** Be it resolved that the Board of Commissioners authorizes the Executive Director to enter into a contractual agreement for the installation of chain link fence (Option A) between the Rhode Island Resource Recovery Corporation and Antonelli & Sons Landscaping and Construction of Johnston, Rhode Island for an amount not to exceed \$264,587.50. The contract will commence upon execution. Commissioner DiPaolo moved for resolution. Commissioner Quinn seconded. Resolution passed 5-0.

### 4. Contract Renewals

- a. All Insurance Except Workers' Comp \$457.7K
- b. Workers' Comp Insurance \$262.4K

**Resolution:** Be it resolved that the Board of Commissioners authorizes the Executive Director to renew the contractual agreement with both Troy, Pires & Allen and Babcock & Hellewell to provide insurance coverage and broker services for the period November 1, 2010 through November 1, 2011 for an amount not to exceed \$720,138. Motion made by Commissioner DiPaolo. Seconded by Commissioner Quinn. Passed 6-0.

- c. Marketing/Logistics Services for Recycling Materials \$200.0K

**Resolution:** Be it resolved that the Board of Commissioners authorizes the Executive Director to renew the contractual agreement with WM Recycle America LLC, 6255 Sheridan Drive, Williamsville, NY 14221 to provide marketing services for commodities generated by the Materials Recycling Facility for a not to exceed amount of \$200,000 (\$2.15 per ton), under the same terms and conditions for the second and final renewal of the contract for the period beginning January 1, 2011 to December 31, 2011. Motion made by Commissioner Lombardi. Seconded by Commissioner Bell. Passed 6-0.

### 5. Contract Increases

None

### 6. Other Business

- a. Labor Contract Approval for Local 57 if ratified by members.  
Negotiations have continued but not yet ready for a vote by members.

- b. EDA Sewer Grant

**Resolution:** Be it resolved that the Board of Commissioners endorses the project to connect and discharge all waste water from RIRRC, the Industrial

Park, and Ridgewood Power to NBC as well as efforts of the Executive Director and his staff to seek funding and approve the application to the EDA for up to 80% of the construction costs for the estimated 12,300 feet of sewer line for RIRRC to connect to NBC in Johnston. Motion made by Commissioner Gorham. Seconded by Commissioner Quinn. Passed 6-0.

- c. Request for indemnification and reimbursement of legal fees from Austin Ferland \$6.8K

**Resolution:** Be it resolved that the Board of Commissioners has determined, pursuant to section 7-1.2-814(f)(1)(i) of the Rhode Island General Laws, that former commissioner Austin Ferland has not met the standards for indemnification or reimbursement for legal fees set out in section 7-1.2-814(b) of the Rhode Island General Laws, as incorporated (by reference to its predecessor statute) into Article XI of the Corporation's By-Laws, for the reasons stated in the Bureau of Audits' September 22, 2009 report. Counsel for the Corporation is authorized to communicate the Board's decision to counsel for Mr. Ferland. Motion made by Commissioner Quinn. Seconded by Commissioner Lombardi. Passed 6-0.

- d. KL Gates Letter of Engagement

Chairman Jeffrey recommended a subcommittee of Commissioners Gorham and DiPaolo work with Attorney Rodio to review the Letter of Engagement that incorporates a percent cap on proceeds should any suit proceed to trial and report at the next meeting. Motion made by Commissioner Lombardi. Seconded by Commissioner Bell. Passed 6-0. Check against minutes when received.

Attorney Rodio will meet with Commissioners DiPaolo and Gorham to review the concerns of the Board and take those directly to KL Gates. KL Gates will need to review these with their own Compensation Committee.

In the interim, the matter of the Letter of Engagement is tabled until the November meeting.

- e. Safety Performance Overview

Gary Maddocks presented an overview of RIRRC's safety performance and safety program. He reviewed the structure of the newly formed Safety Committee, the trends of accidents and incidents as well as workers' compensation premiums. He also reviewed accomplishments such as the Operators' Manual, the Safety Manual, increased industrial hygiene monitoring, increased training and inspections, and the improved safety group and individual safety awards. A focus has been placed on reporting all incidents at the corporation which explains spikes in 2008 and 2009. Recordkeeping in general has improved greatly since 2007 and earlier when it was difficult to find records. Lt. Lough is now a Certified Safety and

Health Officer having completed the OSHA classes and certification requirements which has allowed the corporation to expand its safety program. Safety has improved greatly, accidents and incidents have decreased, and things are trending in the right direction.

**Adjournment to Executive Session**

Commissioner Gorham moved to go into Executive Session pursuant to the pending litigation exception of the Open Meetings Act. Seconded by Commissioner DiPaolo. Passed 6-0.

Motion made by Commissioner Lombardi to seal the record and adjourn Executive Session. Motion seconded by Commissioner Gorham. Passed 6-0.

Next meeting Tuesday, November 2, 2010 at 9 A.M.

Motion to adjourn made by Commissioner Quinn and seconded by Commissioner DiPaolo. Passed 6-0.

Adjourned at 11:42 A.M.