

*Accepted 1/9/13*

RHODE ISLAND RESOURCE RECOVERY CORPORATION  
BUSINESS MEETING

Wednesday, November 28, 2012

4:30 P.M.

65 Shun Pike

Johnston, RI 02919

In Attendance

Michael Quinn, Chair

Michael Sabitoni, Vice Chair

Geoffrey Kirkman, Treasurer

Geri-Ann DiPaolo

Jared Rhodes

Charles Lombardi (Arrived at 4:35p.m.; Departed at 7:15p.m.)

Sheila Dormody (Departed at 7:10p.m.)

Absent

Fred Stolle

Richard Licht

Staff Present

Mike OConnell, Executive Director

Brian Card, Director of Operations and Engineering

Gary Maddocks, Chief of Security

Chris Jocelyn, HR Director

Nancy Minson, HR Coordinator

Tim McCormick, Chief Financial Officer

Pat Cerbo, Purchasing Director

Sarah Kite, Director of Recycling Services

Mike McGonagle, Director of IT and Planning

Marcel Lussier, MRF Business Manager

Others Present

Ron Ronzio, Allied Court Reporter

Kelly Carpenter, Senate Fiscal

Michael Hogan, House Policy Office

Joe Rodio, Sr. Rodio & Ursillo

David Ursillo, Rodio & Ursillo

Jerry Petros, Hinckley Allen & Snyder

Tom Holt, K& L Gates

Jim White, Local 57

Alfred Calcogni, Calson Corporation

Caroline Calcogni, Calson Corporation

George Calcogni, Calson Corporation

Jim Dervay, JH Lynch  
Armando Borges, JH Lynch  
Greg Olson, FUOE

### **Call to Order**

Chairman Quinn called the meeting to order at 4:36P.M. Pledge of Allegiance followed by Roll call. Commissioners Sabitoni, DiPaolo, Rhodes, Kirkman, and Lombardi present.

### **Agenda Items**

#### **1. Executive Session**

Motion to move to Executive Session under 42-46-5(2) made by Commissioner DiPaolo seconded by Commissioner Sabitoni. Roll call taken. Passed 5-0.

Motion to approve the executive session meeting minutes from 10/10/12 made by Commissioner DiPaolo. Seconded by Commissioner Sabitoni. Passed 5-0.

Motion to seal the executive session and accept the minutes made by Commissioner Dormody Seconded by Commissioner Sabitoni. Passed 6-0.

Motion to return to regular session made by Commissioner DiPaolo and seconded by Chairman Quinn. Passed 6-0.

#### **2. Approval of Meeting Minutes from 10/10/12**

Motion to accept the minutes made by Commissioner Sabitoni. Seconded by Commissioner DiPaolo. Passed 6-0.

#### **3. Executive Director's Update**

OConnell reported to the Board that there will be five projects in which we plan to finance through a bond. The first project is the sewer connection to NBC. The second is the Brook Street electrical. The third is the underdrain project. The fourth and fifth projects are the largest which are the pre-treatment plant and another project that is associated with holding tanks, and a pump station. It is all related to the leachate project work. In order to facilitate these projects we can refinance them through the bond. The total for all projects is estimated at \$37 million.

It was brought to our attention very recently that there have been some issues with the apprenticeship program, which is required by statute for projects greater than \$1 million. Further information will be given when we reach the Underdrain Project on the agenda.

On January 15<sup>th</sup>, we are going to go to mediation on the Carisi Case and try to settle. Most of the claims are very small. One of the claims is large and that one will be addressed in mediation.

We are in the process of updating our 20 year plan for this facility. It is being sponsored by RI Resource Recovery, DEM, and Statewide Planning led by Jared Rhodes. The purpose is to

update our mission, vision, strategies and objectives, how to finance the operation, what are the technologies that we are going to be looking at, and how to increase our recycling. The due date for completion is 18 months, which is approximately mid 2014. The Board will be kept updated by the Governance Subcommittee.

Landfill Trust Fund interviews start tomorrow on 11/29/12. They will go for most of the day and a good portion of Friday. Our intent is to interview four firms for the investment strategy and whittle it down to two, and then we will interview five firms for custodial services. Hopefully we can whittle that down to three and bring them back the board who will interview those candidates.

We have decided to seek and evaluate a Project Labor Agreement for three projects that cross over the June 30, 2013 time frame when nearly all trade agreements expire. The three projects are related to storage tanks, pump stations, sewer infrastructure, and the pre-treatment plant. We are going to meet for a second time on December 10<sup>th</sup> then there will be an open hearing on December 17<sup>th</sup>. If it is approved to adopt a Project Labor Agreement, there will be an agreement between the Contractor and the Labor Unions and that we will bring to the Board in January for approval.

#### **4. New Contracts**

##### **a. Health Insurance 2013**

Resolution: Be it resolved that the Board of Commissioners authorizes the Executive Director to enter into a contractual agreement not to exceed \$1,084,558 with United Healthcare for 2013 Employee Insurance Benefits. Motion to accept made by Commissioner DiPaolo and seconded by Commissioner Dormody. Passed 6-0.

##### **b. Aggregate Material**

Resolution: Be it resolved that the Board of Commissioner authorizes the Executive Director to enter into a contractual agreement for the supply and delivery of Aggregate Materials IFB No. 965 between Rhode Island Resource Recovery Corporation and J.R. Vinagro Corporation of Johnston, RI for an amount not to exceed \$1,270,000 (for approximately 300,000 tons of RPGM at the unit price of \$4.23/ton) The contract will commence upon execution and continue until August 31, 2013. Motion to accept made by Commissioner Lombardi and seconded by Commissioner Kirkman. Passed 5-0. Commissioner Sabitoni recused.

##### **c. Rock Crushing Services**

Resolution: Be it resolved that the Board of Commissioner authorizes the Executive Director to enter into a contractual agreement for the IFB No. 967 – Rock Crushing Services with J.R. Vinagro Corporation of Johnston, RI for an amount not to exceed \$216,700. This award shall also include a contingency in the amount of \$32,505 (15%) and shall only be used with prior written approval by the Executive Director. The total amount requested for approval is \$249,205. This contract will commence on or about December 1, 2012 and continue until November 30, 2013. Motion to accept made by Commissioner Kirkman and seconded by Commissioner DiPaolo. Passed 5-0. Commissioner Sabitoni recused.

**d. Rubber Edges**

Resolution: Be it resolved that the Board of Commissioner authorizes the Executive Director to enter into a contractual agreement for the purchase and delivery of rubber edges IFB No. 964 between Rhode Island Resource Recovery Corporation and F7B Rubberized, Inc. located in New Bedford, MA, for a total aggregate amount not to exceed \$40,000.00 This contract will commence on or about December 1, 2012 and continue until November 30, 2013 with the Corporations option to renew, under the same terms and conditions, for two additional one year periods. Motion to accept made by Commissioner Sabitoni and seconded by Commissioner Dormody. Passed 6-0.

**e. Brook Street Electrical Upgrades**

Resolution: Be it resolved that the Board of Commissioner authorizes the Executive Director to enter into a contractual agreement for IFB No. 996- Brook Street Electrical Upgrades with E.W. Audet & Sons, Inc. of Providence, RI for an amount not to exceed \$742,520 for bid items 1-22. This award shall also include a contingency in the amount of \$55,689 (7.5%) and shall only be used with prior written approval by the Executive Director. The total amount requested for approval is \$798,209. No motion to accept. Commissioner's would like OConnell to amend his resolution. Commissioner Sabitoni recused himself.

**f. Temporary Labor Services**

Resolution: Be it resolved that the Board of Commissioner authorizes the Executive Director to enter into a contractual agreement for the supply of temporary labor IFB No. 959 between Rhode Island Resource Recovery Corporation and American Labor Services, Inc. of Providence, RI for an amount not to exceed \$200,000.00. The contract will commence on or about December 1, 2012 and continue until November 30, 2013 with the Corporations option to renew, under the same terms and conditions, for two additional one year periods. This approval included the provision to perform an evaluation of this firm after the first three months of performance. Should the evaluation deem that the firm is not meeting the obligations of the contract, the Board authorizes the Executive Director to terminate this contract and enter into a contract with the next lowest bidder, Employment 2000, Inc. of Providence, RI. Motion to accept made by Commissioner Sabitoni and seconded by Commissioner DiPaolo. Passed 6-0.

**g. Underdrain Treatment System**

Jim White, the President and Business Manager of Local 57, for operating engineers spoke to the board about this project. He stated that there is a RI statute that any public works project over \$1 million requires the use of apprentices that are recognized by the RI Department of Labor and Training. The reason for this is to give people in RI a chance to learn a craft and also to create construction workers for the future. He reported that as of yesterday morning, Calson Corporation did not have a program for apprentice construction laborers. The RI Department of Labor and Training sent a letter out which stated that their apprenticeship unit received credible information that the construction craft laborer apprenticeship program being sponsored by Calson Corporation is not being properly conducted, operated, and administered. Calson does not have an apprenticeship program needed for this project. According to Mr. White, the

Department of Labor and Training has begun the process of de-registering Calson Corporation's apprenticeship program.

Albert Calcagni, of Calson spoke to the Board and stated that they have three apprenticeship programs, all of which are currently registered. They have one for electrical, carpenters, and laborers from the Department of Labor and Training. They received a letter from the Department of Labor and Training and responded immediately. The apprenticeship school postponed the program from September to January which was out of their control. Their apprentice was enrolled and paid for, he received his card, and will be attending class. The School contacted Bernie, who is the head of the apprenticeship program at the Department of Labor and Training and resolved the issue. The letter was sent out to other companies that have apprentices enrolled in the program as well, not just them. The school claimed to not have enough students to conduct the class and that was the reason for it being postponed.

OConnell's response to the letter is that it states that de-registering proceedings will terminate if and when Calson Corporation complies with their apprenticeship agreement standards. It doesn't say they're not, or that they are de-certified. As long as they comply, then there is no issue.

Resolution: Be it resolved that the Board of Commissioner authorizes the Executive Director to enter into a contractual agreement for the IFB No. 962 – Phase V Underdrain Treatment System with Calson Construction Corporation of Johnston, RI for an amount not to exceed \$2,323,000 for bid items 1-38. This award shall also include a contingency in the amount of \$174,225 (7.5%) and shall only be used with prior written approval by the Executive Director. The total amount requested for approval is \$2,497,225. Motion to accept made by Commissioner Kirkman. No other motion to accept. We will have a separate meeting later in December to give Calson Corporation an opportunity to provide documentation that their apprentice program is certified.

#### **h. Curbside Recycling Bins**

Resolution: Be it resolved that the Board of Commissioner authorizes the Executive Director to enter into a contractual agreement for the supply and delivery of 5,000 green and 30,000 blue curbside recycling bins for an amount not to exceed one hundred ninety seven thousand dollars (\$197,000) between the Rhode Island Resource Recovery Corporation and Peninsula Plastics, TLD., of Fort Erie, Ontario, Canada. Motion to accept made by Commissioner Dormody and seconded by Commissioner Kirkman. Passed 3-0. Commissioner Dormody was not present at time of vote, departed at 7:10p.m. Commissioner Sabitoni stepped out of the meeting during vote. Commissioner Lombardi departed at 7:15p.m.

#### **i. Legal Services 2013 APS/HAS/R&U, KLG**

Resolution: Be it resolved that the board of commissioners authorizes the Executive Director to approve legal spending for calendar year 2013, up to the amount of \$1,875,000 as illustrated in the chart attached which would be \$125,000 to Adler, Pollock; \$275,000 to Hinckley Allen; \$600,000 to Rodio & Ursillo and \$825,000 for KL Gates. Motion to accept made by

Commissioner Sabitoni and seconded by Commissioner Dormody. Passed 4-0. Commissioner DiPaolo not present at voting. Commissioner Lombardi not present at voting.

## **5. Contract Renewals**

### **a. Tires and Tire Repairs**

Resolution: Be it resolved that the Board of Commissioner authorizes the Executive Director to enter into renewal agreements for tires and tire repair services IFB No. 895 between Rhode Island Resource Recovery Corporation and the following two bidders: Ocean State Tire, Co., Inc. of Cranston, RI and Service Tire Truck Centers, Inc. of Bethlehem, PA. The total aggregate amount of these contracts is \$300,000, to be split between the two vendors based on the Corporation need for repair service and for tire purchases. This term of these contracts will commence on or about January 1, 2013 and continue until December 31, 2013. Motion to accept made by Commissioner Sabitoni and seconded by Commissioner Dormody. Passed 4-0. Commissioner DiPaolo not present at voting. Commissioner Lombardi not present at voting.

### **b. Commodity Marketing Services - MRF**

Resolution: Be it resolved that the Board of Commissioner 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 \$200,000.00 (\$2.05/ton with volume pricing), under the same terms and conditions for the first renewal of the contract for the period beginning January 1, 2013 to December 31, 2013. Motion to accept made by Commissioner Kirkman and seconded by Commissioner Dormody. Passed 4-0. Commissioner DiPaolo not present at voting. Commissioner Lombardi not present at voting.

## **6. Contract Increases or Extensions**

### **a. Legal Services 2012**

Resolution: Be it resolved that the Board of Commissioners authorizes the Executive Director to increase the current approved budget for legal services for Rodio and Ursillo, Hinkley Allen Synder, and Adler Pollock by \$331,427 for a total amount in 2012 of \$1,113,430. Motion to accept made by Commissioner Sabitoni and seconded by Commissioner Dormody. Passed 4-0. Commissioner DiPaolo not present at voting. Commissioner Lombardi not present at voting.

## **7. Other Business**

### **a. Clean and Lien Program**

We received a letter from the Mayor of Providence dated November 8, 2012 proposing a plan to reinstate the "clean and lien" program that they had to suspend due to the city's financial difficulties. The proposal is for RIRRC to charge tipping fees against the City of Providence's anticipated recycling profit share. In FY12 the city received \$203,517 in recycling profits. If applied exclusively to the City's "clean and lien" program, Providence could have removed over 6,000 tons of municipal solid waste from problem properties. Kite's suggestion is to use the anticipated profit share as a bank to where the city could tip against a separate fee, a different code, and then that amount of tonnage would be reimbursed to the corporation at the end of the year when the profit share is calculated. The only issue would be if there was no profit. Her

recommendation in that case would be to only authorize 50% of the previous year's profit share. Kite does not recommend rolling over any debt forward. We would work with the city to identify the number of clean and lien and try to estimate the tonnage, then set up a cap so they do not go over the limit. All of the commissioners are in support of this program.

**9. Next Meeting Date**

Wednesday, January 9, 2013

Motion to adjourn made by Commissioner Dormody and seconded by Commissioner Sabitoni.  
Motion passed 4-0.

Adjourned at 7:45P.M.

