

Minutes approved May 14, 2013

**GREATER NEW BEDFORD REGIONAL REFUSE MANAGEMENT DISTRICT
DISTRICT MEETING – April 16, 2014**

Final Minutes

The Greater New Bedford Regional Refuse Management District Committee held a publicly posted meeting on Wednesday, April 16, 2014 at 3:45 PM at the Dartmouth Town Hall, Room 305, 400 Slocum Road, Dartmouth, MA.

District Committee Members in attendance: Rosemary Tierney, Chairperson; Isaac Graves, Nathalie Dias, and Christine LeBlanc. Stephen Mitchell and Jeff King were not present.

Also present: Scott Alfonse, Executive Director; Cynthia Cammarata, Secretary and Matt Thomas, District Counsel.

1. Call to Order

Chairperson Tierney called the meeting to order at 3:45 PM.

2. Salute to the Flag

All in attendance stood to salute the Flag.

3. Legal Notices

4. Approve minutes of January 29, 2014 and March 13, 2014.

Chairperson Tierney called for a motion to approve the minutes of January 29, 2014 and March 13, 2014 as amended on the agenda. Motion made by Mr. Graves, seconded by Ms. LeBlanc. Voted 4-0.

Mr. King arrived.

5. Review and Approve Warrant

Chairperson Tierney called for a motion to approve the Warrant. Motion made by Mrs. Dias, seconded by Mr. Graves.

Ms. LeBlanc questioned if we could withhold payment on the Frade's invoices since their payments are late. After a discussion, it was decided that the District will not withhold payment.

Chairperson Tierney asked for a vote to approve the warrant. Voted 5-0.

6. New Business

a. Directors Report

Chairperson Tierney asked for a motion to receive, accept and listen to the Directors Report. Motion made by Mr. King seconded by Mrs. Dias.

Mr. Alfonse wanted to bring the event flyer to everyone's attention.

Mr. Alfonse explained that New Bedford will order an additional 6,000 carts for their automated collection program, and is looking for a place to store them and the City has asked if the excess carts can be stored at

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the District. The carts can be stored outdoors and solely at the risk of the City.

Chairperson Tierney asked for a vote to place the report on file. Voted 5-0.

b. Landfill Bulldozer Bid

Chairperson Tierney asked for a motion to vote to award a contract to Southworth Milton for \$337,897 and transfer that amount from the Equipment reserve for the purchase. Motion made by Mrs. Dias, seconded by Mr. Graves.

Mr. Alfonse told the Board that the bids for the bulldozer were opened on Monday. Southworth Milton is the lowest bidder with whom the District has had prior favorable experience with. The recommendation is to award the bid to Southworth Milton, and transfer \$337,897 from the Equipment Reserve into the Major Equipment line item. The current balance in the Reserve account is \$1,259,535. Mr. Alfonse pointed out that two of the most expensive pieces of equipment that the District owns are the compactor and the bulldozer; the compactor was purchased a couple years ago.

Chairperson Tierney asked vote to award the contract to Southworth Milton for \$337,897 and to transfer that amount from the Equipment Reserve into the Major Equipment line item. Voted 5-0.

c. Health Insurance Update

Chairperson Tierney asked for a motion to accept an update on Health Insurance from the Executive Director. Motion made by Ms. LeBlanc, seconded by Mr. Graves.

Chairperson Tierney recognized Mr. Alfonse, who explained that the Select Board in Dartmouth has invited the District to attend a meeting on April 28th at 7:00 PM. This date was rescheduled; this was on the agenda for April 7th, but the District did not receive notification.

Attorney Thomas told the Board that there had been some confusion; there is no doubt that the insurance bill not only covers the cost, but also the stop loss, administrative costs and the working deposit. The argument that the District isn't paying for everything is not true. The other argument that Dartmouth let the District on by accident - is impossible. The only thing the District and Town of Dartmouth don't have is a joint purchase agreement, although we are functioning as if we have one.

Mrs. Dias said that at the Health Insurance Advisory Committee meeting she explained that the District is on New Bedford's Retirement, and Health Insurance was through Dartmouth.

Attorney Thomas pointed out that the Health Insurance Advisory Committee is just that - and advisory committee; they are not the ones who are making the decision. It is the Board of Selectman's decision. Attorney Thomas suggested that the District could always go back to New Bedford and ask.

Mr. Alfonse has discussed this with the Angela Natho, the Personnel Director for the City of New Bedford, who is not in favor of allowing it; however, ultimately it would not be her decision.

Attorney Thomas stated that it only makes sense that the District has retirement with New Bedford and health insurance with Dartmouth. He commented on how fortunate the City and Town are to have the Refuse District, as disposal costs are so low.

Attorney Thomas explained that last year Dartmouth changed the method of how they are paying the health insurance bill. They are no longer paying in arrears like everyone else does. Last year they funded 14 months. They claim that they don't have a working deposit anymore because they are paying ahead. The bottom line is that part of that is the District's money. Mr. Alfonse said that he has asked Mr. Barnes how much of the working deposit is the District's; Mr. Barnes position is that none of it is the District's.

Sahady regarding these payments, and she recommended that the method of how the money will actually flow be spelled out in the agreement.

- Article three references all of the permits and approvals that the District has received; the District holds all of them. Section 3.1 allows CRMC Bioenergy, LLC to use it and 3.2 says that if they don't comply with all of the provisions, it defaults the agreement. Section 3.3 stipulates that they need to give the District a copy of all correspondence. Section 3.4 stipulates that they are solely responsible for any penalties. Attorney Thomas added Section 3.5 after a conversation today, which acknowledges that CRMC Bioenergy, LLC is solely responsible to maintain all of the equipment.
- Article four deals with the digestate; the liquid byproduct of the process. There are three permits for its use 1) inject it into the landfill, 2) mix with the posi-shell 3) mix with the lawn and leaf compost. CRMC Bioenergy, LLC will need to get approval from the District as to how they will be using the digestate. These documents cover the pilot project; not the commercial phase.
- Article six addresses the issue of compensation. The project will allow the District to now have a process in place so that people will be able to comply with DEP's rules on organic waste, and have it done in such a way so that it is increasing the methane gas. During the pilot program, CRMC Bioenergy, LLC will pay a 5% royalty from the documented gross tipping fees from the waste coming in. CRMC Bioenergy, LLC and all of their haulers will be signing a hauler form just as all of the District's customers do. Section 6.1 requires them to determine the method on how the waste coming in is measured, and will need the District's consent. Mr. Alfonse said that District staff will be a part of this process. This agreement is written in such a way that there may be changes to find the best possible way to move forward without rewriting the agreement, as this is the nature of a pilot project. The District will make one dollar for every MMBTU above the baseline, so as they are producing more gas the District will get some payment. Reporting to the District is required within 30 days of CRMC Bioenergy, LLC's year end.
- Article seven says that if they are going to use the scale, the District can limit when so that it doesn't interfere with normal operations.
- Article eight allows the project to be inspected with reasonable notice of the District.
- Article nine says CRMC Bioenergy, LLC can't assign the project without prior approval of the District.
- Article ten indemnifies the District in case anything happens.
- Article eleven covers general things, including Section 11.2, which says just because the District didn't default the first time something happens, it doesn't mean that the District won't default in the future. It has the notices. The permits will be attached as well as the hauler form. Ms. LeBlanc suggested that the path that the haulers take should be identified. Mr. Alfonse told the Board that is outlined in the hauler handbook; Attorney Thomas will be sure that a reference to the hauler handbook is included.

Ms. LeBlanc asked about an odor control plan. Mr. Alfonse said that the closed loop system would keep odor contained. Ms. LeBlanc asked about the off gassing of the trucks. Mr. Alfonse said that Brown and Caldwell looked at the whole process and will confirm that they addressed this issue.

Chairperson Tierney asked for a vote to approve and authorize the signature of the agreement authorizing the development and operation of a pilot project between the anaerobic digester, the District and CRMC Bioenergy, LLC. Voted 5-0.

Chairperson Tierney moved to item #4 under 6d and asked for a motion to approve and authorize the signature of the consent agreement between the District and CRMC Bioenergy, LLC., and the Mass Business Development Cooperation. Motion made by Mr. Graves, seconded by Ms. LeBlanc.

Attorney Thomas explained that this is a consent that allows CRMC Bioenergy, LLC to pledge the assignment of the license and operating agreement to Mass Business Development. Whomever they choose to bring in would still need approval of the District.

Chairperson Tierney asked for a vote to approve and authorize the signature of the consent agreement between the District and CRMC Bioenergy, LLC., and the Mass Business Development Corporation. Voted 5-0.

6. Public Comment

Mr. Alfonse looked into the request for a donation from Cindy Marlin for the Dartmouth 350 celebration. The District is providing an in-kind donation of a trailer for the celebration. The recommendation is that unless there is a direct connection to solid waste management in New Bedford and Dartmouth, that the District not make donations. Ms. LeBlanc suggested setting up recycling bins at events. All present agreed.

Chairperson Tierney asked for a vote. Voted 5-0.

7. Set dates for next District Committee Meeting

The date for the next District Committee is scheduled for Wednesday, May 14th, 3:30 p.m.

8. Adjourn to Executive Session

The meeting adjourned to executive session at approximately 4:55 PM. Chairperson Tierney stated that the reason for going into Executive Session is potential litigation and also stated that the District Committee would not be returning to open session. Ms. LeBlanc excused herself from the meeting. Chairperson Tierney called for a roll call vote.

Chairperson Tierney - Aye

Nathalie Dias - Aye

Jeff King - Aye

Isaac Graves - Aye

Christine LeBlanc – not present

Stephen Mitchell – not present