

**GREATER NEW BEDFORD REGIONAL REFUSE MANAGEMENT DISTRICT
DISTRICT MEETING – October 8, 2014**

Final Minutes

The Greater New Bedford Regional Refuse Management District Committee held a publicly posted meeting on Wednesday, October 8, 2014 at 3:30 PM at the Dartmouth Town Hall, Room 305, 400 Slocum Road, Dartmouth, MA.

District Committee Members in attendance: Rosemary Tierney, Chairperson; Nathalie Dias, Vice Chairperson; Christine LeBlanc, Lawrence D. Worden, John Beauregard and Dan Patten.

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

1. Call to Order

Chairperson Tierney called the meeting to order at 3:30 PM.

2. Salute to the Flag

All in attendance stood to salute the Flag.

Chairperson Tierney read the Open Meeting Law advising the Board that the meeting may be recorded by audio and/or video.

3. Legal Notices

Chairperson Tierney noted that the meeting was posted timely in both New Bedford and Dartmouth.

4. Approve Warrants

Mr. Alfonse pointed out that one payment was not included in the warrant sent to Board members in their packets; therefore there is an additional warrant which includes payment to an individual who will be working at the Household Hazardous Waste Collection on October 18, 2014.

The group discussed the purchases from Pete's Tire Barn, which has a State contract.

Chairperson Tierney asked for a motion to approve the both of the October 8, 2014 Warrants. Motion made by Mrs. Dias, seconded by Ms. LeBlanc. Voted 6-0.

5. Approve Minutes of the District Meeting on September 11, 2014 regular meeting

a. Approve Minutes of the September 11, 2014 regular meeting

Chairperson Tierney called for a motion to approve the Minutes of the District Meeting on September 11, 2014. Motion made by Mr. Beauregard, seconded by Mrs. Dias. Voted 6-0.

b. Approve Executive Session Minutes of the September 11, 2014

Chairperson Tierney explained that this agenda item will be moved to Executive Session.

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6. Old Business

- a. Brayton Point – Processed Bottom Ash Reuse Update

Chairperson Tierney asked for a motion to hear an update on Brayton Point; moved by Ms. LeBlanc, seconded by Mr. Patten.

Chairperson Tierney recognized Mr. Alfonse, who explained that the District had a contract to receive the Brayton Point Bottom Ash for \$30 per ton. The President of the company, Andy Kozak, told Mr. Alfonse that he had found a different place to dispose of the bottom ash for less money, but would entertain the idea to dispose of the ash at Crapo Hill for \$15 per ton. Mr. Alfonse explained that it is not the best material; it dries to a very fine consistency and gets dusty. It is limited to cover material only on the working face of the landfill; it may not be used anywhere there may be truck traffic. Due to the operational challenges, Mr. Alfonse does not recommend accepting the material for \$15 per ton. It will not affect the Budget because it wasn't included in it.

Chairperson Tierney asked for a motion to follow the Executive Director's recommendation. Motion made by Mr. Beauregard, seconded by Mr. Worden. Voted 6-0.

7. New Business

- a. Director's Report

Chairperson Tierney called for a motion to receive the Director's Report. Motion made by Mr. Patten, seconded by Mr. Beauregard.

Mr. Alfonse explained that the District submitted an Authorization to Construct application which was received by MassDEP on June 26, 2014; the review was scheduled to end by the end of August. Mr. Alfonse has followed up with the DEP, but there is no more news.

The 74 Quanapoag road tenant has found another place to live, and will be vacating this week. An RFP will go out to bid, and it will be awarded to the highest responsible bidder.

Mr. Beauregard asked at what point does the District cut its losses with regards to Old Tyme. Mr. Alfonse explained that the District hasn't put much more effort into the case since the small claims court awarded a judgment. The Sheriff's lieutenant notified Mr. Alfonse that they are preparing to file for bankruptcy.

The group discussed the DOR yearly training sessions, as well as the Treasurer's training and Mass Municipal Accountants and Auditor's Association, all of which address Municipal Law.

Chairperson Tierney asked for a vote to place the Director's report on file. Voted 6-0.

- b. Brown and Caldwell Engineering Services Proposal

Chairperson Tierney called for a motion to discuss the Brown and Caldwell Engineering Proposal. Motion made by Mrs. Dias, seconded by Ms. LeBlanc.

Mr. Alfonse explained that Brown and Caldwell has submitted a proposal to prepare documents for Phase 2 cells 5 and 6 to provide bidding services and construction quality assurance services during construction. Brown and Caldwell will be preparing an existing conditions survey, which Mr. Alfonse suggests they begin working on immediately; Mr. Alfonse and Ms. LeBlanc will continue to review the proposal so as not to interfere with moving forward on the project. Mr. Alfonse has discussed beginning this \$3,000 segment with Mr. Chapin. Mr. Alfonse noted that the contract that Brown and Caldwell would be advertising is the 1990 edition, and discussed this with Mr. Chapin who is reluctant to update because it would require an overhaul of bid documents. Mr. Alfonse and Attorney Thomas will look into the issue further.

Mr. Alfonse also spoke with Mr. Chapin about decommissioning and installing groundwater and soil gas monitoring wells. Mr. Alfonse said that this could be done by the contractor (Brown and Caldwell would subcontract that out anyway); this may be ultimately more beneficial to the District for better pricing.

Ms. LeBlanc had a comment that there is a provision in the proposal that Brown and Caldwell would reestablish the wetland line; but this has already been flagged and approved by the Conservation Commission.

Mr. Alfonse would suggest – under Task 4 – to add a provision that the District has some input as to who the Construction Monitor is, as this is an important position and is a large portion of the budget.

Mr. Alfonse referred to the table in the packet under Exhibit B, and explained that Ms. LeBlanc had suggested some alternate hours for some of the tasks which, if approved, would result in a reduction of approximately \$15,000.

Mr. Alfonse expects to have a revised proposal to review at the next Board Meeting.

Attorney Thomas told the Board that this process does not have to go through designer selection because the District is not building a building; and that under 30B architect and engineers are exempt; therefore this process does not have to go out to bid.

Attorney Thomas also pointed out that the construction won't actually be on cells 5 and 6; rather just cell 6 – which from now on will be referred to as cell 5. Mr. Alfonse explained that the reasoning behind this is that cell 5 and 6 together are large; it would take a long time to fill them high enough to put in landfill gas collection pipes which would significantly increase the chance of odors. Ms. LeBlanc pointed out that there would be less leachate as well if the cells are built separately.

Chairperson Tierney called for a vote to place the proposal on file. Voted 6-0.

c. Appointment of Treasurer

Chairperson Tierney called for a motion to discuss the appointment of a Treasurer. Motion made by Mrs. Dias, seconded by Ms. LeBlanc. Voted 6-0.

Mr. Alfonse explained that the District hasn't had a Treasurer since June.

Motion made by Chairperson Tierney to appoint Mr. Patten as Treasurer, seconded by Mrs. Dias. Voted 6-0.

d. Status of Subcommittees

Chairperson Tierney called for a motion to organize the Subcommittees. Motion made by Mrs. Dias, seconded by Ms. LeBlanc.

Mr. Alfonse explained that there are four subcommittees:

- 1) Personnel Subcommittee – usually meets once or twice a year in advance of the Budget Subcommittee
- 2) Budget Subcommittee – will meet and make recommendations to the Board
- 3) Haulers Subcommittee – meets prior to expiration of contracts
- 4) New Technology Subcommittee – (More like a Technical Subcommittee) for members who would like to review contracts such as the Brown and Caldwell proposal.

Following some discussion, Chairperson Tierney asked that the Board to entertain a motion to approve all of the nominees as follows:

- 1) **Personnel Subcommittee – Mr. Worden and Chairperson Tierney**

- 2) Budget Subcommittee – Mr. Patten and Mr. Beaugard
 - 3) Haulers Subcommittee – Mr. Patten and Mrs. Dias
 - 4) Technical Subcommittee – Ms. LeBlanc, Mr. Worden and Mr. Beaugard
- Motion made by Mrs. Dias, seconded by Ms. LeBlanc. Voted 6-0.

e. Accept MGL Chapter 32B S. 18

Attorney Thomas explained that the District accepted MGL 32B last January. When MGL 32B is accepted, all of the provisions are accepted except for: Sections 7a, 8a, 9a, 9c, 9d, 9e, 9f, 11a, 11b, 11f, and 16. What most of these sections do is allow for a change in contribution rates.

The District adopted Chapter 32B which means that the District agrees to offer a PPO indemnity insurance plan. The District also adopted Section 7a, which indicates that the District may offer a contribution split that is more than 50/50. Section 16 was also adopted, which allows the District to offer an HMO. What was on the agenda was Section 18 which pushes retirees onto Medicare; however the law has changed so that happens automatically, and the District is not required to vote on it.

f. Paint Stewardship Bill

Chairperson Tierney asked for a motion to hear the Paint Stewardship Bill. Motion made by Mr. Patten, seconded by Mr. Worden. Voted 6-0.

Mr. Alfonse explained that this a proposed piece of legislation which is modelled on successful programs already in effect in other states. It would impose a fee on each gallon of paint sold and require retailers to take back both oil based and latex paint. Interestingly, this bill has the support and endorsement of the trade group American Coatings Association; they are looking for supporters prior to the bill being heard. Mr. Alfonse recommends that the District endorse this bill; it will help offset some of the District's Household Hazardous waste costs.

Chairperson Tierney called for a vote to endorse the Paint Stewardship Bill. Voted 6-0.

8. Public Comment

None.

8. Set dates for next District Committee Meeting

The date for the next District Committee meeting is scheduled for Wednesday, November 12, 2014 at 4:00 PM.

8. Adjourn to Executive Session

Chairperson Tierney asked for a motion to go into Executive Session reason being potential litigation and also stated that the District Committee would not be returning to open session. Chairperson Tierney asked for a roll call vote:

Chairperson Tierney – yes
Natalie Dias – yes
Christine LeBlanc – yes
Larry Worden – yes
John Beaugard – yes
Dan Patten – yes

The meeting was adjourned at approximately 4:22 PM.