

**GREATER NEW BEDFORD REGIONAL REFUSE MANAGEMENT DISTRICT  
DISTRICT MEETING – November 12, 2014**

Final Minutes

The Greater New Bedford Regional Refuse Management District Committee held a publicly posted meeting on Wednesday, November 12, 2014 at 4:00 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 Daniel Patten.

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

**1. Call to Order**

Chairperson Tierney called the meeting to order at 4:00 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 notes that the meeting was posted timely in both New Bedford and Dartmouth.

**4. Approve Warrants**

Mr. Alfonse pointed out that there were three warrants because after closing there were two other expenses that need to be processed.

Chairperson Tierney asked for a motion to approve the November 12, 2014 Warrants. Motion made by Mr. Patten, seconded by Mr. Beauregard. Voted 6-0.

**5. Approve Minutes of the District Meeting on October 8, 2014 regular meeting**

**a. Approve Minutes of the October 8, 2014 regular meeting**

Chairperson Tierney called for a motion to approve the Minutes of the District Meeting on October 8, 2014. Motion made by Mrs. Dias, seconded by Ms. LeBlanc. Voted 6-0.

**b. Approve Executive Session Minutes of the September 11, 2014 and October 8, 2014**

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

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## **6. Old Business**

### **a. Brown and Caldwell Engineering Services Proposal**

**Chairperson Tierney asked for a motion to review the Brown and Caldwell Engineering Services Proposal. Motion made by Mr. Patten, seconded by Mr. Beauregard.**

Mr. Alfonse stated that after the last meeting he spoke with Sam Chapin at Brown & Caldwell and reviewed the proposed budget hours and mainly with recommendations made by Ms. LeBlanc. Sam adjusted their proposed budgeted man hours and looked at other line items outlined in the memo. The overall number of hours have been reduced. Mr. Alfonse had Brown & Caldwell delete the task to decommission wells because the District can improve the prices in the construction contract and possibly get better prices. The total proposal fee has been reduced from \$198,849 to \$185,500. One of the issues discussed was the standard construction contract. Brown and Caldwell proposed to use 1990 version but there is a 2013 edition that has better language. Attorney Thomas reviewed it and suggested the District use the more recent contract. Brown and Caldwell said initially there would be a significant level of effort if the District were to switch to the more recent contract, but after reviewing it, Sam Chapin feels that he can keep his level of effort at a minimum. He reduced some of the other lower paid engineer hours under that task and has absorbed a few additional hours of his services. Staking of the buffer zone to facilitate land clearing prior to the issuance of the wetlands permit was not included in the original contract, but was included in this revision. Because the District didn't know when the wetlands permit was going to be issued, the District needed to do some land clearing so that material could be removed out of the new work area. The staking was authorized, as well as the existing conditions survey plus engineering services that Brown and Caldwell has performed prior to the land clearing. This leaves a total of \$175,030 of work to be approved. Mr. Alfonse's recommendation is that the committee approve the proposal as it is presented and then authorize the transfer of \$185,030 from Phase 2 Reserve account.

**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 Mrs. Dias, seconded by Mr. Patten.**

Mr. Alfonse asked if there were any questions that he could address. Mr. Alfonse suggested to have a quarterly financial statement included in the report for the committee's review. Mr. Patten asked when the requests for the proposals for the 74 Quanoag Road rental property will be ready. Mr. Thomas stated that the proposal could be done after the committee votes on it. Mr. Beauregard asked if the District had someone in mind for the rental property. Mr. Alfonse stated that someone has expressed interest in the property. A friend of a District employee is interested in leasing the property and has no time constraints to leave their current property. This person is looking for a bigger house. Mr. Thomas informed the Board that the District needs to comply by chapter 30B. Leasing property with 30B is complicated. The draft is ready but more input is needed from the committee to finalize it. Mr. Thomas can have the proposal done in a week.

Mr. Beauregard asked how many odor complaints are received on a weekly basis. Mr. Alfonse explained that it depends on the weather. At this time a year the District tends to have more because of rain and cold. These two factors tend to keep hydrogen sulfide in lower areas. Odor complaints are mainly from 2 residents. One is closest to the landfill and the other resident is about a mile away in a cul-de-sac in Freetown. Mr. Beauregard asked what steps the District takes when residents call with odor complaints. Mr. Alfonse explained that the gas plant operates with a vacuum so that the gas plant actually sucks the gas out of the landfill and into the gas plant and sometimes if the vacuum is low that can contribute to the odors. Also, flares are used at the

landfill to burn off the gas. There is a 24 hour hotline for odor complaints. Typically the District receives one complaint. If there were 5 or 6 calls at one time, than there's something serious going on and the District has to respond. When there is a Lot of rain trash decomposes fast and gas generation increases.

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

b. Update on reserve accounts and FY 2014 Reconciliation

**Chairperson Tierney called for a motion to discuss the update on reserve accounts and FY 2014 Reconciliation. Motion made by Mrs. Dias, seconded by Mr. Beauregard. Voted 6-0.**

Mr. Alfonse stated that at the end of each fiscal year the district has an audit performed by Hague & Sahady. Hague & Sahady has concluded the audit activities and has produced the final audit which is included with packet. Mary Sahady typically meets with the District Committee in early December to discuss the audit. An important piece of the audit is page 41, which shows actual revenues and actual expenses. The excess of revenues over expenses was \$1,545,671. Mr. Alfonse stated that at this time of year, the District looks at the reserve funds balances and allocate moneys from the excess of revenues over expenses to reserves for future projects. Mr. Alfonse stated that in the packet there is a table 7B and explained the contents of the table, including the proposed deposits to reserve. Mr. Alfonse said that a couple of those deposits would bring the balance after deposit above the reserve goal. On the Equipment Reserve, back in April the District approved the purchase of a new bulldozer and the District has not yet paid the bill. The invoice is in the November 12, 2014 warrant. On the OPEB Reserve those deposits would bring the reserve above the goal. However, recent recalculations by the District based on the new insurance rates for employees and retirees under Mayflower may increase OPEB liability. The Reconciliation shows revenues, expenses, community tonnage and assessment. Mr. Alfonse stated that after the audit, the District looks at actual expenses and actual tonnage from New Bedford and Dartmouth for FY14, and reconciles the difference.. Dartmouth will owe \$1,254 and New Bedford will get a credit of \$1,254. Attorney Thomas asked if that was against the FY15 assessment. Mr. Alfonse explained that it will be applied against FY16 assessment. Mr. Patten asked if there was a reserve established for the unfunded liability retirement system. Mr. Alfonse said there was not. Mr. Alfonse will be talking to Mary Sahady on this issue.

**Chairperson Tierney called for a vote to accept the FY 2014 Reconciliation. Motion made by Mr. Patten, seconded by Ms. LeBlanc. Voted 6-0.**

c. New Bedford Business Park – Lot 7

**Chairperson Tierney called for a motion to discuss the New Bedford Business Park Lot 7. Motion made by Mrs. Dias, seconded by Ms. LeBlanc. Voted 6-0.**

Mr. Alfonse explained that Ahead is interested in purchasing Lot 7 which is behind Ahead and owned by the District. Lot 7 does not abut the District but it may provide access to Lot 9. Mr. Beauregard asked if there is a road between ZAP and Ahead. Mr. Alfonse stated that there is a solar farm on Lot 8 and that there is an unimproved road to get to the solar farm. Mr. Alfonse stated that there are two points that the district should consider. The first is that the District make sure it maintains access to Lot 9 if it sells Lot 7. The disposition of Lot 7 is subject to 30B, so an RFP would need to be issued. Mr. Beauregard asked if the District needs to sell or wants to sell the Lot. Mr. Alfonse stated that we don't need to sell. The District typically acquires properties that abut the landfill or are strategic to the District. The District did not consider Lot 7 as strategic, with one exception, which was a way to prevent Ahead from expanding in the business park. The District did grant an option for the Industrial Foundation to purchase the property back from the District. At the time the relationship with Ahead and the District was contentious. Ahead is now under new ownership. Mr. Beauregard stated that he did not want to penalize the new ownership for previous ownership. Mr. Thomas stated that in order to sell Lot 7, the District needs to declare Lot 7 as surplus property and a vote by the committee is needed. Mr. Thomas stated that if there are any restrictions on the reuse or conditions of the sale, they should be identified in the vote. Mr. Thomas suggested conditions of the sale. If the property is sold to Ahead, have Ahead sign a

covenant stating that neither Ahead nor anyone they sell to can complain about the landfill odor about normal operations of the landfill. Mr. Alfonse urged caution with that language because the State Solid Waste regulations contain language that requires the District to control odors at the landfill. Mr. Thomas also stated that, assuming Lot 7 is surplus property, then the District should determine the value of the property. Dartmouth assesses at 100% and so does New Bedford. The District can use the assessed value as the basis for the evaluation. Mr. Alfonse asked if the District could use the fact that the Industrial Foundation sells Lots for \$75,000 per acre. Mr. Thomas said yes it could, as long as the District is able to support it. The reason is, if the property is sold for less than its evaluation, the District needs to file with the Inspector Generals' office explaining why the District is selling for less than determined value. Mrs. Tierney asked if it was valuable to the District to keep Lot 7 as property the District may need in the future. Mr. Beauregard stated that by selling Lot 7, the District may actually be reducing the value of Lot 9. Mr. Beauregard asked if there was a way that Mr. Thomas could make the sale contingent upon Ahead developing the road to Lot 9. Mr. Thomas stated that the District could try. Mr. Alfonse stated that there is language in the deed that prevents Lot 7 from being used for any landfill related purposes. The Lot is 4.64 acres and 3.4 acres are upland. Mr. Beauregard stated that the issue should be discussed further and it should be tabled. Mr. Alfonse asked for Mr. Thomas to review the deed. Mr. Thomas will review the deed and report on the next meeting. Mr. Alfonse stated that Ahead is not in a hurry to purchase the Lot, but would like to see some movement. Mrs. Tierney suggests to table the item and take it under advisement.

On a related matter, Attorney Thomas stated that he had a comment about another real estate matter – 74 Quanapoag Road. Under 30B, once proposals are opened, they become public documents. If a Request for Proposals is done, the District could split the proposal where it would have a confidential piece and a non-confidential piece. Mr. Thomas stated that when putting out solicitations the District needs to include terms of the lease. Mr. Alfonse stated that the property is going out for bids because it is for long term with extensions. Mr. Thomas said that if the District signs an inter-governmental arrangement with the Dartmouth Housing Authority, then they could lease it and there would not be a need for an RFP. Mr. Alfonse stated that Property is in Freetown therefore the District would need to contact the housing authority in Freetown. Mr. Alfonse is putting together the RFP and inserting the lease with it. Ms. Leblanc asked if Mr. Thomas is suggesting a two part proposal. One would be for a credit information and the other part would be for the price. Mr. Thomas suggest prequalification for potential bidders. Mr. Alfonse asked how the District would keep the prequalification from public information. Mr. Thomas said that it was exempt. Mr. Alfonse said that he would like to check with the Office of the Inspector General to make sure this can be done. Mr. Thomas said he would check with them. Mr. Alfonse will have the RFP draft ready for next meeting.

**Motion made by Chairperson Tierney to take Lot 7 under advisement and table it, seconded by Mrs. Dias. Voted 6-0.**

d. Request from Green Seal Environmental

**Chairperson Tierney called for a motion to discuss the request from Green Seal Environmental. Motion made by Mr. Patten, seconded by Ms. LeBlanc. Voted 6-0.**

Mr. Alfonse stated that the District has been approached by Green Seal Environmental to accept disposal of a 1,000 tons of waste water treatment plant sludge from Yarmouth. Mr. Alfonse said that it has potential to bring in good revenue for a small volume to the District. Mr. Alfonse stated that the sludge would have to meet certain requirements of the State. If District is interested in pursuing it, the first step is for Mr. Alfonse to meet with Board of Health to find out if it would allow the District to accept the material. Ms. Leblanc asked what the mixing ration was. Mr. Alfonse stated that mixing ratio is 3 to 1, but could make it 4 to 1. Attorney Thomas asked if this would be the first time that the District accepted sludge. Mr. Alfonse said that the District had one other request from Wind River facility in Taunton, MA. Ms. Leblanc asked if the district takes in dredge spoils. Mr. Alfonse replied that the District hasn't taken any spoils since Mr. Alfonse became the Executive Director.

The Committee agreed the issue should be explored further.

e. Dartmouth DPW request to use recycling funds

**Chairperson Tierney called for a motion to approve a Dartmouth DPW request to use recycling funds. Motion made by Mr. Beauregard, seconded by Mr. Patten. Voted 6-0.**

f. New Bedford request to use recycling funds

**Chairperson Tierney called for a motion to approve a New Bedford request to use recycling funds. Motion made by Mr. Patten, seconded by Mr. Worden. Voted 6-0.**

#### **8. Public Comment**

None.

#### **9. Set dates for next District Committee Meeting**

The date for the next District Committee meeting is scheduled for Thursday, December 11, 2014 at 4:00 PM.

John Beauregard left the meeting at 5:01 p.m.

#### **10. Adjourn to Executive Session**

**Chairperson Tierney made a motion to go into Executive Session reason being to approve the Executive Session Minutes and also stated that the District Committee would not be returning to open session. Seconded by Ms. LeBlanc. Chairperson Tierney asked for a roll call vote:**

**Chairperson Tierney – yes  
Vice Chair Dias – yes  
Christine LeBlanc – yes  
Larry Worden – yes  
John Beauregard – absent  
Dan Patten – yes**

**The meeting was adjourned to Executive Session at approximately 5:02 p.m.**