

**GREATER NEW BEDFORD REGIONAL REFUSE MANAGEMENT DISTRICT  
DISTRICT MEETING – January 13, 2015**

**Final Minutes**

The Greater New Bedford Regional Refuse Management District Committee held a publicly posted meeting on Tuesday, January 13, 2015 at 8:00 AM at the Dartmouth Town Hall, Room 305, 400 Slocum Road, Dartmouth, MA.

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

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

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**1. Call to Order**

Chairperson Tierney called the meeting to order at 8:00 AM.

**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, and asked that the Legal Notices be placed on file.

**4. Approve Warrants**

Chairperson Tierney asked for a motion to approve the Warrant. Motion made by Mr. Beauregard to accept the warrant, seconded by Mr. Patten; voted 6-0.

**5. Approval of December 11, 2014 Meeting Minutes**

Chairperson Tierney called for a motion to approve the Minutes of the District Meeting on December 11, 2014. Motion made by Mr. Patten, seconded by Ms. LeBlanc. Voted 5-0. Mrs. Dias abstained as she did not attend that meeting.

**6. New Business**

**a. FY 2014 Reconciliation Revision**

Chairperson Tierney asked for a motion to approve the FY2014 Reconciliation Revision. Motion made by Mrs. Dias, seconded by Mr. Patten.

Mr. Alfonse explained that at the last Board Meeting Mary Sahady, District Auditor, noted that the audit report typically includes a page which shows the amount of cash available for reconciliation. However the FY14 Non-GAAP schedule included a noncash amount resulting from an OPEB account

adjustment. Therefore, the amount of cash available for Reconciliation was overstated, and is actually \$1,037,043. Accordingly, the proposed deposits to reserves has been revised. Mr. Alfonse referred to the schedule of District Reserve Balances and Goals which illustrates the proposed deposits to reserves from the FY14 reconciliation as well as the proposed deposits from the FY16 Budget, and compares the resulting estimated balances with the District's goals.

**Motion to accept the FY14 Reconciliation Revision made by Mr. Beauregard, seconded by Mr. Patten. Voted 6-0.**

**b. Household Hazardous Waste Collection Contract**

**Chairperson Tierney asked for a motion to approve the contract for FY15 services. Motion made by Mr. Patten, seconded by Ms. LeBlanc.**

Mr. Alfonse explained that Clean Harbors is under the statewide contract. The loads are charged by full car load, one half and one quarter loads; prices remain unchanged from last year.

**Chairperson Tierney called for a vote to approve the contract for FY15 services. Voted 6-0.**

**c. Authorization to Advertise Invitation for Bids for Construction of Phase 2 Cell 5**

**Chairperson Tierney asked for a vote to authorize the advertisement of the Invitation for Bids for Construction of Phase 2 Cell 5. Motion made by Mrs. Dias, seconded by Ms. LeBlanc; voted 6-0.**

**d. Procurement and Contract Execution Policy**

**Chairperson Tierney asked for a motion to revise the Procurement and Contract Execution Policy. Motion made by Mrs. Dias, seconded by Mr. Worden.**

Chairperson Tierney recognized Mr. Alfonse, who explained that the District has a Procurement and Contract Execution Policy which requires the District Committee's approval of advertising procurements and execution of contracts with a value of \$25,000 or more. The dollar figure was based on the amount included in MGL Chapter 30B. Effective July 1, 2014 the new Chapter 30B threshold was revised to \$35,000. Mr. Alfonse asked the District Committee if they want to consider amending the policy to comply with the new Chapter 30B threshold. Mr. Beauregard and Attorney Thomas remarked that the District's policy should follow with the law; all in attendance agreed.

**Chairperson Tierney asked for a vote to revise the Procurement and Contract Execution Policy. Voted 6-0.**

**e. Director's Report**

**Chairperson Tierney asked for a motion accept the Director's report. Motion made by Mr. Beauregard, seconded by Mrs. LeBlanc.**

Mr. Alfonse wanted the Board to be aware that the District has experienced some increased odor complaints. There has been over 10 inches of rain since November, which creates a greater potential for odor problems. The DEP has received four complaints in the last three months. Mr. Alfonse referred to the letter from Mark Dakers of DEP. The resident who complained has not taken advantage of the odor hotline or the direct phone numbers to Mr. Alfonse and Mr. Peckham, all of which have been provided to her. Because of this, the District hasn't had an opportunity to respond in these cases because by the time the District receives the notification from DEP (usually on the next day or after a weekend) the odor issue is no longer present. Mr. Peckham has been responsive to odor issues whenever he is notified. In response to a neighbor's phone call, he was at the landfill covering up some

potential odor sources on both New Year's Eve and New Year's day. Mr. Alfonse has spoken with Mr. Dakers, and will respond to the MassDEP letter next week after the revised odor plan is completed. Attorney Thomas suggested that Mr. Alfonse begin a paper trail and send a letter to the resident reminding her of the hotline numbers.

Mr. Alfonse notified the Board that the District purchased a 2011 Chevy; the older truck is being used in the landfill and Shawn is now driving this truck. Attorney Thomas pointed out that this will need to be ratified; it will be on the next meeting's agenda.

Mr. Beauregard asked about the resident who requested that their drinking water be tested. The District has tested that well before – there is an occupant who is ill. Although it's highly unlikely that anything be found in the water, the District is responsive to such requests and will test the water again.

**Chairperson Tierney asked for a vote to accept the Directors Report. Voted 6-0.**

## **7. Old Business**

### **a. FY 2016 Budget**

**Chairperson Tierney asked for a motion discuss the FY2016 Budget. Motion made by Mrs. Dias, seconded by Mr. Worden.**

Mr. Alfonse explained that the only change to the Budget since the last Board Meeting are the allocations to the reserves. The funds available for deposits to reserves have been adjusted to make up a portion of the difference from change in the amount available on the Reconciliation and the unallocated amount from the previous draft budget. No other line items have been revised. The budget must be voted by January 21, 2015.

**Mr. Beauregard made a motion to accept the FY2016 Budget, seconded by Ms. LeBlanc. Voted 6-0.**

### **b. NB Business Park Lot 7**

**Chairperson Tierney asked for a motion to hear the update on the New Bedford Business Park Lot 7. Motion made by Mr. Paton, seconded by Mr. Worden.**

Attorney Thomas explained that there are three issues that need to be resolved pertaining to the property:

1. Deed: The incorrect name is on the Deed.
2. Permission: In order for the District to sell the property, permission from the Industrial Foundation must be granted; however, no such process has been identified.
3. Easement: if the District were to develop or sell the lot prior to a road going in, an easement may be granted.

Attorney Thomas has gone the registry to discuss the land. It is partially registered land and partially recorded land. The Land court advises the District to amend the certificate of title first for the name change; when the certificate is amended we would then reference that in a confirmatory deed that would get recorded.

Attorney Thomas spoke with Attorney Mathieu, who is representing the Industrial Foundation; they agreed that the certificate of title be amended for all three points:

1. The name will be corrected.

2. A Notice Provision is being set up. Once a Purchase and Sales agreement is signed, it will attached to a certified letter giving 14 days to respond either - yes or no. If there is no response, an affidavit on record would be filed at the registry which would indicate that the District did give notice as required.
3. The Industrial Foundation will explicitly give the District an easement for the parcels.

Once that is all completed, it will then be recorded.

The name change is an error on the grantor; a discussion ensued regarding who will be paying for what. Attorney Thomas will keep Mr. Alfonse advised of costs. The District needs a clear title no matter what; it is a good time to rectify the other issues at the same time. Mr. Beauregard asked about getting an appraisal now; Mr. Alfonse will begin the process getting appraisals on both lots separately. He is communicating with Ahead. It was noted that this won't be a sole source sale - there will need to be an RFP.

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

None.

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

To be determined after the Bid opening scheduled for February 6, 2015.

#### **10. Adjourn**

Chairperson Tierney asked for motion to adjourn. Motion made by Mr. Patton, seconded by Mr. Beauregard. Voted 6-0.

The meeting was adjourned at 8:50 AM.