

**GREATER NEW BEDFORD REGIONAL REFUSE MANAGEMENT DISTRICT
DISTRICT MEETING – June 9, 2015**

Final Minutes

The Greater New Bedford Regional Refuse Management District Committee held a publicly posted meeting on Tuesday, June 9, 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, Vice Chairperson; Christine LeBlanc, Lawrence D. Worden, Daniel Patten, and John Beauregard.

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

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1. Call to Order

Chairperson Tierney called the meeting to order at 8:02 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 noted that the meeting was posted timely in both New Bedford and Dartmouth, and asked for a motion that the legal notices be placed on file. Motion made by Mr. Beauregard, seconded by Mr. Patten; voted 6-0.

4. Approve Warrants

Chairperson Tierney asked for a motion to approve the June 2015 Warrant. Motion made by Mr. Patten, seconded by Ms. LeBlanc; voted 6-0.

5. Approval of May 7, 2015 Meeting Minutes

Chairperson Tierney called for a motion and vote to approve the May 7, 2015 District Meetings Minutes. Motion made by Mr. Beauregard, seconded by Mr. Patten. Voted 6-0.

6. New Business

a. Directors Report

Chairperson Tierney asked for a motion to receive the Executive Director's report and place it on file. Motion made by Mr. Patten, seconded by Ms. LeBlanc; voted 6-0.

b. Cell 5 Construction Update

Chairperson Tierney asked for a motion to receive the Cell 5 Construction Update. Motion made by Mrs. Dias, seconded by Mr. Patten.

Chairperson Tierney recognized Mr. Alfonse, who referred to the Memo in the packet. He explained that things are moving slowly as there was a material delay. During the next six to seven weeks they will be working on the sub grade.

At the last District Meeting, Mr. Alfonse reported that there was a potential conflict of interest regarding the Construction Monitor. This person was working on behalf of Brown and Caldwell but was an employee of the company who was under contract to the Contractor. Mr. Alfonse informed the Board that she has been replaced by someone who has much more experience and whose work is known by Ms. LeBlanc.

Chairperson Tierney asked for a vote to place the Cell 5 Construction Update on file. Voted 6-0.

c. Request from ABC Disposal

Chairperson Tierney asked for a motion to consider the request from ABC Disposal. Motion made by Ms. LeBlanc, seconded by Mr. Beauregard.

Mr. Alfonse told the Board that ABC was a customer of the District between 1995 and 2009, at which time they opted not to renew their contract. Since that time, they have continued as a customer on a limited basis.

At this time they would like to enter into a short term one year contract. They expect to bring in 3 – 5 trailers a day which would amount to approximately 6,000 tons per year. This amount is within the District's permitted limits. Mr. Alfonse explained that their Rochester facility is not yet up and running, and they may have contractual obligations to take waste.

Mr. Alfonse referred to the schedule included in the packet which illustrates the contract rates with our current customers as well as Freetown's proposed contract rates. The gate rate is \$71 per ton.

New Bedford Waste currently has an invoice over 90 days. After a discussion, the Board Members agreed to offer ABC a one year contract of \$71 per ton, with a 3 percent discount for invoices paid within 30 days for disposal of a minimum of 5,000 tons and maximum of 7,000 tons (monitored on a quarterly basis).

Mr. Patten made a motion to enter into a one year contract with ABC for waste disposal of a minimum of 5,000 tons, maximum of 7,000 tons, at \$71 per ton with a discount of 3% if paid within 30 days. Motion seconded by Ms. LeBlanc; voted 6-0.

d. Authorize advertisement of Invitation for Bid/Requests for Proposals

Chairperson Tierney asked for a motion authorize advertisement of Invitation for Bid/Requests for Proposals for temporary labor services, wastewater maintenance services and environmental monitoring and inspections. Motion made by Mr. Beauregard, seconded by Ms. LeBlanc.

Mr. Alfonse told the Board that temporary labor went out to bid twice last year, but he received no response – even from the company that the District currently uses. The temporary agencies aren't accustomed to the process. Mr. Alfonse said that on average there are two temps on site daily, although this can range depending on the District's needs. Ms. LeBlanc suggested the possibility of obtaining help from the inmates at the jail. Mr. Beauregard discussed some of the differences between a temporary employee and a leased employee. If a worker is there every day, they would be considered a leased employee. Temporary employees would be covered

under the general liability insurance policy. If a leased employee gets hurt on the job, they may collect workers compensation. Mr. Beauregard explained that now there is a trend that these workers are also going back to the employer where they were working and suing because they claim they were injured due to a lack of training. There is no insurance that the District could obtain to cover this; however, the leasing employer may put an alternative employer endorsement on their policy.

The District will include the requirement of the alternative employer endorsement for the temporary labor/leased employee RFP. Mr. Alfonse will also contact the Sheriff's office to see if help from the inmates would be a possibility.

Mr. Alfonse would like to put Waste Water Maintenance Services out to bid, which includes maintaining the gravity lines and leachate. The annual amount fluctuates and may be below the \$35,000 threshold.

Environmental Monitoring and Inspections are currently performed by Brown and Caldwell. After a discussion, it was decided to solicit an RFP for environmental monitoring services, and to stay with Brown and Caldwell for Inspection Services.

Mr. Patten made a motion to put out an RFP for leased employees/temporary labor, for waste water maintenance service, and for monitoring services, seconded by Ms. LeBlanc. Voted 6-0.

e. Draft Vehicle Use Policy

Chairperson Tierney asked for a motion to discuss a vehicle use policy. Motion made by Mr. Beauregard, seconded by Ms. LeBlanc.

Mr. Alfonse explained that an employee recently was involved in an auto accident while she was performing duties for the District, which inspired a conversation about the need for a vehicle use policy. Mr. Alfonse has reviewed several resources including the Massachusetts Office of Inspector General's Guide, the Town of Needham's Vehicle Use Policy and MIIA's Sample Policies and Procedures, and has prepared a draft Vehicle Use for review.

Mr. Beauregard will provide a Mr. Alfonse a fleet safety program which includes rules that the drivers must follow while driving such as no texting or phone calls. The Board decided to table the discussion on the Vehicle Use Policy due to its comprehensive nature. Mr. Beauregard and Mr. Alfonse will meet to review the policy in detail and then bring it back to the Board for approval.

Mr. Beauregard made a motion to table the discussion of the vehicle use policy until the July meeting, seconded by Mrs. Dias; voted 6-0.

Ms. Dias made a motion to discuss the current issue of the employee's private vehicle which was damaged in an accident. The motion was seconded by Ms. LeBlanc.

Mr. Alfonse told the Board that the automobile was totaled; there is a police report and there is no evidence of negligence on the part of the employee. The deductible in this instance is \$1,000.

Mr. Beauregard made a motion to reimburse the employee for the \$1,000 deductible, seconded by Ms. Dias. Voted 6-0.

f. Items which could not have been reasonably anticipated 48 hours in advance

None. 7. Set Date for Next Meeting (July)

The next District Meeting is scheduled for Tuesday, July 21, 2015 at 8:00 AM.

8. Old Business

- a. Special Municipal Employees update

Chairperson Tierney asked for a motion to hear the Special Municipal Employee update. Motion made by Mrs. Dias, seconded by Mr. Beauregard.

Mr. Alfonse told the Board that in New Bedford, the positions are designated as Special Municipal Employees until it is revoked. He spoke with Mr. Cressman, who said that in Dartmouth the designation is made for one year. He also confirmed that the designation applies to all Board Members. Mr. Beauregard was in attendance at the meeting where he and Ms. LeBlanc were voted as such, but Mrs. Dias was not voted at that time. He and Ms. LeBlanc have also received letters confirming this vote, but Mrs. Dias has not. Attorney Thomas said that it should be the position, not the person. Mr. Alfonse will draft a letter every year on behalf of the District Committee Members.

Mr. Alfonse contacted Deirdre Roney who is the General Counsel at the Massachusetts State Ethics Commission. She confirmed that it is customary to appoint counsel as well as engineers as Special Municipal Employees. She said the designation should be made by the city council and/or select board in each municipality that is a member of the regional entity, and Mr. Alfonse referred to the information she provided which is in the packet.

Attorney Thomas explained that there is a separate advisory that says that the appointing authority is the one who designates the Special Municipal Employees; the information provided by Attorney Roney explains why Board Members should be voted Special Municipal Employees. Attorney Thomas recommends that the District Committee designate District Council, Special Council and any consultants that the District retains as Special Municipal Employees.

Mr. Patten made a motion to table the discussion until the July meeting, after Attorney Thomas has clarified who designates Special Municipal Employees; seconded by Ms. LeBlanc; voted 6-0.

- b. New Bedford Business Park Lot 7 (to be discussed in executive session)

Chairperson Tierney asked for a motion to discuss the New Bedford Business Park Lot 7. Motion made by Mr. Worden, seconded by Ms. LeBlanc.

Attorney Thomas told the Board that the Land Court has approved the name change/correction; they now need to send an order to the District Registry for the Certificate of Title to be changed.

Attorney Thomas and Tom Mathieu have been working on the first right of refusal provision of the deed and have developed the following process: The District will send the letter of agreement via a certified mail notice, and the Industrial Foundation will have 30 days to exercise their right of first refusal. The Attorneys have also written an easement addressing the second issue regarding the easement to use 6A and 6B, and 8A and 8B; which the Industrial Foundation is now reviewing. The District may then convey the property with the easement to the purchaser.

Adjourn to Executive Session

Chairperson Tierney announced that the Board will go into Executive Session to discuss

the purchase/sale/lease of Lot 7 and will not reconvene; and asked for a roll call vote.

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

The meeting was adjourned at 9:13 AM.