

**GREATER NEW BEDFORD REGIONAL REFUSE MANAGEMENT DISTRICT  
DISTRICT MEETING – September 24, 2015**

Final Minutes

The Greater New Bedford Regional Refuse Management District Committee held a publicly posted meeting on Thursday, September 24, 2015 at 8:00 AM at the Dartmouth Town Hall, Room 305, 400 Slocum Road, Dartmouth, MA.

District Committee Members in attendance: Roll Call: Rosemary Tierney, Chairperson; Nathalie Dias, Vice Chairperson; John Beaugard, Lawrence D. Worden, Daniel Patten. Christine LeBlanc was not in attendance.

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 8:05 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.

**4. Approval of Warrants Dated August 17 and September 24, 2015**

Chairperson Tierney asked for a motion to approve the Warrants Dated August 17 and September 24, 2015. Motion made by Mr. Beaugard, seconded by Mrs. Dias; voted 5-0.

**5. Approval of Minutes**

**a. Approve July 24, 2015 minutes**

Chairperson Tierney asked for a motion to approve the July 24, 2015 minutes. Motion made by Mrs. Dias, seconded by Mr. Patten. Voted 5-0.

**6. Old Business**

**a. Cell 5 Construction Update**

Chairperson Tierney asked for a motion to receive an update on the Cell 5 Construction from the Executive Director. Motion made by Mr. Patten, seconded by Mr. Beaugard.

Mr. Alfonse told the Board that due to delays in the installation of the subgrade material, the contractor is about four weeks behind schedule. Other than that, the construction has been proceeding relatively smoothly. It is possible that there may be a change order as a result of

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seeding of the berms; Brown and Caldwell did not include that in the specifications because the last time the District did this. This may be offset by a credit that the District should receive for a storm water basin which has been eliminated from the plans. The third potential change order has to do with respect to the completion date; the contractor has missed two milestones to date; the final completion date is October 31<sup>st</sup>. There are liquidated damages stipulated in the contract. Attorney Thomas stated that the District has been putting the Contractor on notice; so there is a paper trail. Mr. Alfonse told the Board that the District's contract with Brown and Caldwell ends on October 31<sup>st</sup>; therefore the District may incur additional costs for the Construction Quality Assurance at approximately \$2,500 per week.

## **7. New Business**

### **a. Director's Report**

**Chairperson Tierney asked for a motion to receive the Director's report and place it on file. Motion made by Mr. Worden, seconded by Mr. Patten.**

Mr. Alfonse gave an update on Westport and Freetown – Westport Board of Health met on Monday, and they have their Town Counsel looking into the three year contract now. Freetown will discuss it on their October 5<sup>th</sup> meeting when their Select Board Chairman is present.

Mr. Alfonse received a phone call from Mr. Camara regarding the \$64 tipping fee offered to Westport. Mr. Camara was not happy because ABC and NB Waste are paying the gate rate of \$71 per ton. Alfonse pointed out that not only is this a three year contract, it is also with a municipality.

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

### **b. Tonnage Update**

Chairperson Tierney recognized Mr. Alfonse, who referred to the graph outlining the Commercial and Municipal Monthly Tonnage graph. He explained that this year the District will be below the limit, but is concerned that if this trend continues, the District may exceed the limit next year. New Bedford and Dartmouth have made huge strides in reducing waste. The greatest spike is attributable to ABC and NB Waste tonnage. The District has been sustaining the budget without their revenue, but the extra money is helpful right now because the District is building cell 5 and will be closing cells over the next few years. The Board discussed the differences between a spot market and contracted customers; and private versus municipal customers and associated risk.

### **c. Environmental monitoring contract**

**Chairperson Tierney asked for a motion to award environmental monitoring contract to Civil and Environmental Consultants. Motion made by Mrs. Dias, seconded by Mr. Beauregard.**

Mr. Worden questioned why Chemserve's proposal was so low; Mr. Alfonse also found that concerning in addition to the fact that their field person only had six months of experience. Many of the staff at CEC were employed and Brown and Caldwell at some time; CEC had a more favorable price than Brown and Caldwell. The superior level of experience and qualifications that CEC possesses ranked the company as highly advantageous. In conclusion, CEC had a highly advantageous proposal for the best price.

**Chairperson Tierney asked for a vote to award environmental monitoring contract to Civil and Environmental Consultants. Voted 5-0.**

**d. Frade's Disposal contract**

**Chairperson Tierney asked for a motion to consider the request from Frade's Disposal to amend contract terms. Motion made by Mrs. Dias, seconded by Mr. Patten.**

In accordance with the discussion at the last Board meeting, Frade's Disposal was notified that the District would impose interest charges in accordance with the contract terms beginning September 1, 2015. Rick Frade, President of Frade's Disposal, expressed his concern with the District's decision, and said that other solid waste facilities do not impose interest and that it would create a significant hardship for the company. Mr. Frade requested that the Board reconsider its decision. Mr. Alfonse referred to the letter from Mr. Frade included in the packet. SEMASS doesn't impose interest, but other competitors do, such as Casella and Waste Management. Due to the nature of their business, Frade's is often not paid within thirty days. After a discussion, it was recommended that the contract be amended to 60 days, from this point forward. Also, the Executive Director may allow four invoice waivers per year without coming to the Board.

**Chairperson Tierney asked for a vote to amend Frade's Disposal contract to impose interest at 12% on balances over 60 days from this point forward. The Executive Director may award a waiver to four invoices per year for all contracts. Voted 5-0.**

There was a discussion regarding frequency of billing. Some customers are invoiced on a weekly basis; others on a monthly basis; therefore the vote must be amended.

**Mr. Patten made a motion to amend the vote, seconded by Mr. Worden, to allow the Executive Director, at his discretion, to award a waiver on interest charges to four invoices for weekly customers and two invoices for monthly customers per year. Voted 5-0.**

**e. Stage 4 Final Cover**

**Chairperson Tierney asked for a motion to consider proposal from Brown and Caldwell. Motion made by Mr. Patten, seconded by Mr. Worden.**

Mr. Alfonse referred to the proposal from Brown and Caldwell provided in the packet. Ms. LeBlanc has not had the opportunity to review this; however Mr. Alfonse would like the Board to consider the first task of design in order to get the project moving. Task one is for \$15,650 and is for the closure design plans.

**Chairperson Tierney asked for a motion to amend the original motion to authorize task one of the Brown and Caldwell proposal. Motion made by Mr. Patten, seconded by Mr. Worden. Voted 5-0.**

**f. Review of Executive Session minutes.**

The Board will need to go into Executive Session in order to discuss these minutes.

**g. Phase 2 and Land Acquisition reserve funds**

**Chairperson Tierney asked for a motion to move investments valued at \$2,331,939.18 (or an amount equal to the balance of the Land Acquisition Reserve) from Phase 2 Reserve to Land Acquisition Reserve within Bartholomew and to use \$2,331,939.18, (or an amount equal to the balance of the Land Acquisition Reserve) in the Bank of America money market account to pay Phase 2 cell 5 expenses. Motion made by Mr. Patten, seconded by Mrs. Dias.**

Mr. Alfonse explained that the Land Acquisition Reserve is currently held as cash in a Bank of America account. The District would like the Land funds to be held in a Bartholomew account. However, cash will be needed for the Phase 2, cell 5 project work. Mr. Alfonse is asking for the

Board's approval to keep the cash in the Bank of America account for Phase 2, and move an equal amount of Bartholomew Phase 2 holdings into a Bartholomew Land account. This would eliminate the need purchase investments for Land and to sell investments for Phase 2; and eradicate the associated broker fees.

Chairperson Tierney asked for a vote move investments valued at \$2,331,939.18 (or an amount equal to the balance of the Land Acquisition Reserve) from Phase 2 Reserve to Land Acquisition Reserve within Bartholomew and to use \$2,331,939.18, (or an amount equal to the balance of the Land Acquisition Reserve) in the Bank of America money market account to pay Phase 2 cell 5 expenses. Voted 5-0.

Chairperson Tierney asked for a motion to go into Executive Session to discuss the Real Estate matters, and will reconvene after the Executive Session. Motion made by Mrs. Dias, seconded by Mr. Patten. Chairperson Tierney asked for a roll call vote:

Chairperson Tierney – yes  
Vice Chairperson Dias – yes  
John Beauregard – yes  
Dan Patten – yes  
Larry Worden – yes  
Christine LeBlanc – not in attendance

The meeting moved Executive Session at 8:56 AM.

The meeting reconvened from Executive Session at 9:13 AM.

## **7. New Business**

### **f. Review of Executive Session minutes.**

Chairperson Tierney asked for a motion to release the minutes of executive sessions held on June 18, 2014 to approve Executive Session Minutes of April 16, 2014; November 12, 2014 to approve minutes of September 11, 2014 and October 8, 2014; and on March 11, 2015 (7a), April 2, 2015 (9a) and June 9, 2015(8b) to discuss New Bedford Business Park Lot 7. Motion made by Mr. Patten, seconded by Mr. Worden. Voted 5-0.

## **8. Set Date for Next Meeting**

The next District Meeting is tentatively scheduled for Thursday, October 29, 2015 at 8:00 AM.

## **9. Adjourn**

Chairperson Tierney asked for a motion to adjourn. Motion made by Mr. Beauregard, seconded by Mrs. Dias; voted 5-0.

The meeting was adjourned at 9:17 AM.