

GREATER NEW BEDFORD REGIONAL REFUSE MANAGEMENT DISTRICT

Minutes May 24, 2018

The Greater New Bedford Regional Refuse Management District Committee held a publicly posted meeting on **Thursday, May 24, 2018 at 8:00 AM** at the Dartmouth Town Hall, Room 305, 400 Slocum Road, Dartmouth, MA.

District Committee Members in attendance: Nathalie Dias, Vice-Chairperson; Christine LeBlanc, Larry Worden, John Beauregard, Daniel Patten.

Not in attendance: Rosemary Tierney, Chairperson.

Also present: Scott Alfonse, Executive Director; Leonor Ferreira, Secretary; Attorney Matthew J. Thomas, District Counsel.

1. Call to order

The meeting was called to order at 8:03 AM.

2. Salute to the Flag

All in attendance stood to salute the flag.

Mr. Alfonse read the notice advising the Board that the meeting may be recorded by audio and/or video.

3. Legal notices

Legal notices have been posted in New Bedford and Dartmouth.

4. Warrant Reports and Ratification (April 15, 2018; May 3, 2018; May 14, 2018)

Motion to ratify the April 15, 2018, May 3, 2018, and May 14, 2018 warrants made by Mr. Patten, seconded by Ms. LeBlanc. Vote 5-0.

5. Approval of Minutes (April 12, 2018 – Open session and Executive Session)

Motion to approve the April 12, 2018 regular session and executive session minutes made by Mr. Patten, seconded by Ms. LeBlanc. Vote 5-0.

6. New Business

a. Committee status / changes

Motion to discuss the District Committee status/changes made by Ms. LeBlanc, seconded by Mr. Beauregard.

Mr. Alfonse noted that Chairperson Tierney has indicated to Mayor Mitchell that she did wish to be reappointed beyond her term which ends June 30, 2018. She has served the committee for 26 years. Mr. Worden submitted his resignation to Mayor Mitchell effective June 30, 2018 or until a successor is named. The District will honor Chairperson Tierney by naming the access road to the Crapo Hill landfill as "Rosemary S. Tierney Way". The unveiling will take place at the District's office at the June 2018 meeting.

In honor of Chairperson Rosemary Tierney's 26 years of service to the Greater New Bedford Regional Refuse Management District, the District Committee moves to name the access road from Barnet Blvd to the Crapo hill landfill "Rosemary S. Tierney Way". Motion made by Mr. Beauregard, seconded by Mr. Patten. Vote 5-0.

The District Committee designated a Pro-Tem Vice-Chairperson of the meetings in the event the current Vice-Chairperson is unable to attend the Board meetings.

Motion to designate a Pro-Tem Vice-Chairperson in the event the Vice-Chair is unable to attend the meetings. Ms. LeBlanc nominates Mr. Beauregard as Pro-Tem Vice-Chairperson of the meetings, seconded by Mr. Patten. Vote 5-0.

b. FY 2019 professional services agreements – engineering; environmental monitoring; legal; audit.

Motion to discuss the recommendations for services for FY 2019 Professional Services Agreements – Engineering; Environmental Monitoring; Legal; and Audit made by Mr. Patten, seconded by Mr. Beauregard.

Engineering Services

Mr. Alfonse noted that the District has an annual contract with Brown and Caldwell to provide engineering services, and inspection services. Brown and Caldwell also assists with preparation of the Annual Capacity report for MassDEP. Total estimated cost for those services is \$67,900. The unit costs for inspection services, the capacity report, and hourly rates for Brown and Caldwell have remained the same since last year. Based on the increase in engineering services for this fiscal year due to landfill expansion, and the AD facility project, services should be increased from \$35,000 to \$45,000 for FY 2019. Brown and Caldwell will be also be viewing at how the District is using the land for the cranberry bogs.

Mr. Beauregard asked if engineering services were required to be advertised for bids. Mr. Alfonse noted that engineering services are exempt under Chapter 30B. Brown and Caldwell rates are compatible with other engineering firms. Sam Chapin, Brown and Caldwell's engineer, has served the District since inception.

Motion to approve and authorize the Executive Director to sign the contract between the District and Brown & Caldwell in the amount of \$67,900 for bi-monthly inspections, landfill capacity report and general engineering services for FY 2019. Motion made by Mr. Beauregard, seconded by Mr. Patten. Vote 5-0.

Environmental Monitoring Services

Mr. Alfonse noted that the services include collecting and analyzing groundwater, surface

water, leachate, and landfill gas, and preparing and submitting reports summarizing sampling events. The contract has been extended once, and there's a second option to extend for another year.

Ms. LeBlanc asked how often samples were collected, and Mr. Alfonse said that sampling was done quarterly.

Motion to approve and authorize the Executive Director to sign Amendment No. 2 to the contract between the District and CEC in the amount of \$50,246 for environmental monitoring services for FY 2019. Motion made by Ms. LeBlanc, seconded by Mr. Patten. Vote 5-0.0

Legal Services

The hourly billing rate charged by Attorney Thomas has not changed since 2012. FY 2019 legal services includes an increase of \$25 in the hourly billing rate. The services include an initial 25 hours at \$175 per hour, and the remaining hours at \$200 per hour.

Motion to approve and authorize the Executive to sign the Agreement between the District and Attorney Matthew J. Thomas for legal services for FY 2019, to be billed at \$175 per hour for the initial 25 hours of services and at \$200 per hour thereafter. Motion made by Mr. Patten, seconded by Mr. Beauregard. Vote 5-0.

Audit Services

Mr. Alfonse noted that the District's fiscal year ends on June 30, 2018. In the past Hague, Sahady & Co. prepare audits for the District. They have been satisfactorily, and performs the services for a reasonable price. Mr. Alfonse asked the Board if it wants to retain Hague, Sahady & Co. to perform FY 2019 audit at a cost not to exceed \$19,500.

Mr. Patten asked if Mr. Alfonse could look into what other municipalities are paying for auditing services (excluding FY 2019), and compare it to the District's cost. Mr. Alfonse said he would look into it.

Motion to authorize the Executive Director to sign an Agreement between the District and Hague, Sahady in the amount not to exceed \$19,500 for audit services for FY 2019. Motion made by Ms. LeBlanc, seconded by Mr. Beauregard. Vote 5-0.

c. FY 2019 – extension of contracts for security services and materials

Security Services

Mr. Alfonse noted that the Best Security contract has one more option to renew, and the contract requires the increase be tied to the Consumer Price Index (CPI) for all Urban Consumers-Boston SMSA. The hourly rate would increase from \$14.68 to \$15.21 on July 1, 2018.

Mr. Beauregard asked what kind of services are provided by the security guard. Mr. Alfonse said that the security guard monitors the landfill area 7 days per week, during off hours of operation.

Motion to approve and authorize the Executive Director to amend the contract with

Best Security Services by extending the term of the contract to June 30, 2019 and adjusting the total hourly rate to \$15.21. Motion made by Ms. LeBlanc, seconded by Mr. Beauregard. Vote 5-0.

Various Materials

These contracts are for various materials used around the landfill periodically. The District has not had to purchase significant volumes of any of materials for a few years. Contracts include 2 one year extension. This would be the final extension for these contracts. Mr. Alfonse noted the units prices listed for each material for FY 2019. The contract requires that the increase be tied to the Consumer Price Index (CPI) for all Urban Consumers-Boston SMSA.

Motion to approve and authorize the Executive Director to amend the contracts with K.R. Rezendes, G. Lopes and Mario Susi & Son, Inc. by extending the term of the contracts to June 30, 2019 and adjusting the unit prices as reference as reference in table on the memo dated May 18, 2018. Motion made by Mr. Patten, seconded by Ms. LeBlanc. Vote 5-0.

d. Solid waste disposal contracts

Attorney Thomas recommended this be discussed in Executive Session.

e. Discussion of Site Assignment requirements

Mr. Alfonse said that he spoke with Chris Michaud, Dartmouth Director Board of Health regarding the Site Assignment issued by the Board of Health dated 1981. Mr. Alfonse stated that Chris Michaud wanted to confirm that the intent of the Site Assignment conditions #2 and #3 are being met.

Item #2 requirement is that an agent of the Board of Health will inspect the landfill area frequently. Chris Michaud will accompany Brown and Caldwell for inspections once or twice a year.

Item #3 notes area wells will be monitored by the Board of Health periodically. Ms. LeBlanc said she believes that this refers to privately-owned drinking water wells. Mr. Alfonse noted that if "wells" were to be interpreted as monitoring wells, the requirement is being met because the District is collecting samples from monitoring wells regularly. If it was referring to drinking water supply wells, the District has a long standing practice that if a resident lives within proximity to the landfill and wants to have their well tested, the District will test the well and provide the results to the resident. Requests have been minimal, and most of the requests are from the same resident. If the District is going to continue in this role, it should adopt a policy which specifies parameters

Ms. LeBlanc asked what the District tested for. Mr. Alfonse said that testing parameters are for drinking water, and are not the same as those parameters included in solid waste regulations (310 CMR 19.000). Ms. LeBlanc expressed concern with expanding the list to private residences because residents could be contaminating their own wells with their own septic systems from their own use. Mr. Alfonse said that the policy.

Should require an acknowledgement by the property owner that it understands any contaminants detected may be from sources other than the landfill.

Ms. Leblanc noted that there may be DEP notification requirements depending on what is detected in wells. The group discussed the fact that the Site Assignment states the Board of Health will monitor area wells. Mr. Alfonse stated that based on conversations with the Health Director, they were both under the impression that the term “area wells” could be applied to both monitoring wells and private drinking water supply wells. Mr. Alfonse likened monitoring wells to the “first line of defense” in identifying groundwater contamination.

Mr. Patten questioned whether any changes to current practice are required. Attorney Thomas suggested the District adopt a policy on sampling area drinking water wells. Ms. Leblanc added that it should include a “release by the property owner.” Attorney Thomas noted the requirement that contamination of area wells by the landfill could require the District provide water service to affected residents.

Motion to develop a policy by which the District would collect samples from private drinking water supply wells in appropriate circumstances. Motion made by Ms. LeBlanc, seconded by Mr. Beauregard. Vote 5-0.

f. Pollution liability insurance

Mr. Alfonse stated that the insurance quotes from MIIA were not available prior to sending the meeting packets out to Board members. The quote was received on 5/23/2018. It will be discussed at the June meeting. The current policy expires June 30, 2018. Mr. Beauregard asked Mr. Alfonse to submit a copy of the quote for his review.

Motion to table item f. made by Mr. Beauregard, seconded by Ms. LeBlanc. Vote 5-0.

g. Director’s report

Motion to discuss the Director’s report made by Ms. LeBlanc, seconded by Mr. Worden.

Cell 6 Construction – MBE / WBE

Mr. Alfonse noted that David G. Roach and Sons, Inc. was the lowest responsive and responsible bidder, but had not fully addressed the District’s Minority Business Enterprise (MBE) and Women Business Enterprise (WBE) participation on the Cell 6 construction. Mr. Alfonse described the District’s efforts to encourage Roach to increase MBE/WBE participation.

Attorney Thomas stated that the District is in the process of updating its 1977 MBE and WBE policy.

Cell 6 Construction – Subgrade

The District was approached about the possibility of using processed glass in the drainage layer (the layer of sand above the liner), or subgrade reuse (the base of the cell on which clay is installed). Brown & Caldwell will need to test it before it could be approved. Ms. LeBlanc asked if there has been any pilot studies done, and Mr. Alfonse said that there haven’t been any done. Mr. Alfonse noted that there’s a Beneficial Use Determination (BUD) for using glass for subgrade materials.

Mr. Patten asked if glass had an odor. Mr. Alfonse noted that MassDEP said that the material has an odor, which is also a concern.

Clarification of the District's tonnage limit

Mr. Alfonse said that a MassDEP approved the solid waste acceptance increase from 425 per day not to exceed, to an average of 425 tons per day not to exceed 574 tons per day.

Recycling

Recycling IQ (Improved Quality) program is ongoing in New Bedford. Will start the program in August, 2018 for Dartmouth.

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

Need to discuss landfill gas to energy site lease based on the 5/24/18 meeting in Executive Session.

7. Set Date for Next Meeting

The next meeting will be scheduled for June after confirming with Chairperson Tierney.

8. Executive Session –(pursuant to G.L. c30A Section 21(a)(6) since discussion in an open meeting may have a detrimental effect on the negotiating position of the District and to reconvene in open session).

Motion to go into Executive Session pursuant to G.L. c30A Section 21(a)(6) since discussion in an open meeting may have a detrimental effect on the negotiating position of the District and not return to open session. Motion made by Mr. Patten, seconded by Mr. Beauregard.

Roll Call Vote:

Rosemary Tierney – not present

Nathalie Dias – yes

Daniel Patten – yes

Christine LeBlanc – yes

Larry Worden – yes

John Beauregard – yes

The meeting moved to Executive session at 8:50 AM.