

GREATER NEW BEDFORD REGIONAL REFUSE MANAGEMENT DISTRICT

Minutes – June 19, 2019

The Greater New Bedford Regional Refuse Management District Committee held a publicly posted meeting on **Wednesday, June 19, 2019 at 8:00 AM** at the Dartmouth Town Hall, Room 305, 400 Slocum Road, Dartmouth, MA.

District Committee Members in attendance: John Beauregard, Chairperson; Nathalie Dias, Vice-chairperson; Daniel Patten, Christine LeBlanc, Ken Blanchard, Kathleen Towers.

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 8:02 AM.

2. Salute to the Flag

All in attendance stood to salute the flag.

3. Legal notices

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

Mr. Beauregard noted that the legal notices of the meeting were posted in accordance within 48 hours of the meeting.

4. Warrants Report for Ratification - May 30, 2019

Motion to receive the warrant report and ratify warrant dated May 30, 2019 made by Mr. Patten, seconded by Mr. Blanchard. Voted 6-0.

5. Approval of Minutes May 22, 2019

Motion to approve minutes of May 22, 2019 made by Mr. Patten, seconded by Ms. LeBlanc. Voted 6-0.

6. New Business

a. Amend engineering services contract (for FY 2019)

Motion to authorize the Executive Director to amend the “Agreement to Provide Inspection, Reporting and General Engineering Services” for FY 2019 between the District and Brown & Caldwell made by Mr. Patten, seconded by Mr. Blanchard. Vote 6-0.

Mr. Alfonse stated at the last board meeting that the \$35,000 budget for general engineering services was expended. However, after further review, he noted that the board had approved \$45,000 for general engineering services when the contract was approved in May 2018. He noted that he originally sought an authorization to amend the existing contract by additional \$2,000, if necessary.

However, as of June 18, 2019, the line item was at \$47,399.15 for engineering services in FY 2019. There will most likely be additional charges. He noted that one of the large issues is the turnover staff with MassDEP, which has resulted in a higher level of review for everything submitted by the District. The level of effort required for the application was greater than in the past, and he is unsure if it will continue.

Mr. Alfonse recommended that the board authorize an amendment up to an additional \$5,000 in FY 2019 for the engineering services budget, if necessary. He noted that \$65,000 was budgeted for engineering services. District is below its budget but will exceed the contract amount with an amendment.

Mr. Patten questioned if the motion could be amended by \$10,000 for the entire year. Ms. LeBlanc noted it was only for services through the end of the fiscal year.

Motion to amend the motion by authorizing an additional \$5,000 for general engineering services for the FY 19 Agreement to Provide Inspection, Reporting and General Engineering Services made by Mr. Blanchard, seconded by Ms. LeBlanc. Vote 6-0.

b. Amend environmental monitoring contract for one monitoring period (for FY 2020 – 1st quarter)

Motion to authorize the Executive Director to amend the “Agreement to Providing Environmental Monitoring Services” between the District and Civil & Environmental Consultants, Inc. (CEC) by extending the term of the contract to September 30, 2019 to provide for quarterly groundwater, surface water and landfill gas monitoring, leachate monitoring, and reporting to MassDEP, Town of Dartmouth Board of Health, and City of New Bedford. The total cost of this extended period shall not exceed \$12,500 made by Mr. Patten, seconded by Ms. LeBlanc. Vote 6-0.

Mr. Alfonse noted that Civil & Environmental Consultants, Inc. (CEC) was selected in 2015 to provide environmental monitoring and reporting services (quarterly groundwater, surface water and landfill gas monitoring; leachate monitoring; reporting to various regulatory entities). The contract expires on June 30, 2019. Solicitation for a new contract is not yet finalized and is behind schedule. An amendment to the existing contract for CEC to continue to provide services through September 30, 2019 is recommended. CEC has agreed to hold its existing prices for this period. The total estimated cost for this period is \$12,500. Although the contract is not required to be procured under 30B because it's engineering services, it was procured it as a 30B style procurement. The District is bound by the 25% rule which states that the contract cannot be amended more than 25% of the value. \$12,500 is less than the 25% limit on the amendment.

Mr. Blanchard asked if the reason that it was through September 30, 2019 was due to quarterly monitoring. Mr. Alfonse noted that some of the monitoring is on schedule, but one of the surface water monitoring has to coincide with a storm event. It requires a significant storm event to occur where there has to be water flowing off of the property and then collect a sample at those locations which will confirm that the run off from the District's property do not contain certain contaminants.

Motion to approve made by Mr. Blanchard, seconded by Ms. LeBlanc. Vote 6-0.

c. Amend lease for 74 Quanaoag Road (for FY 2020)

Motion to authorize the Executive Director to amend the “Residential Lease Agreement” between the District and Jason Perry for the fourth of five renewal one-year renewal provisions by extending it one 12-month period (July 1, 2019 to June 30, 2020). The rent for the extended period shall be \$1,751.25 per month made by Mr. Patten, seconded by Ms. Towers. Vote 6-0.

Mr. Alfonse noted that the existing tenant at the rental 74 Quanapoag Rd, Freetown property Jason Perry, is an excellent tenant and always pays the rent on time. Tenant wants to keep residing at the property, and has 2 more lease extensions, as it was procured. Jason Perry has been a tenant at the property since 2015.

Mr. Blanchard questioned the details of the property. Mr. Alfonse noted that it was a 4 bedroom, 2 bath house.

Motion to approve made Mr. Blanchard, seconded by Ms. LeBlanc. Vote 6-0.

Attorney Thomas explained to board members how the motion process should be executed. He stated that the Committee Chair should call for the motion, then a second to the motion, then discussion, and then call the question for a vote.

d. Award contracts for temporary labor services, security services, and various materials (for FY 2020).

Motion to award the following contracts and authorize the Executive Director to sign said contracts between the District and the following vendors for the goods and services as indicated. Motion made by Mr. Patten, seconded by Ms. Towers.

- **New Bedford Waste LLC to provide wood chips at rate of \$10.50 per ton. On the question.**

Mr. Alfonse noted that the District procures certain contracts every 3 years. These are all 1 year contracts with the ability to extend annually (Security Services, Temporary Labor, and Materials). There are several materials purchased under the Materials contract. The District awards separate contracts for the vendors offering the lowest price of each material. New Bedford Waste LLC provided the best woodchip price at the rate of \$10.50 per ton.

Ms. LeBlanc questioned if the woodchips were from painted wood, and/or treated wood. Mr. Alfonse said that it cannot be painted or treated woodchips. It has to be clean wood.

Mr. Blanchard asked if the District receives woodchips from the city and town, and what the unit of measure was for the \$10.50. Mr. Alfonse noted that the District receives unprocessed wood, and some woodchips from the city. The District does not purchase a lot of woodchips. All units of measure are priced per ton.

Mr. Blanchard questioned the price discrepancy on Low Permeability soil. Mr. Alfonse noted that each contract would be discussed and voted separately.

Vote 6-0.

- **G. Lopes Construction Inc. to provide low permeability soil/intermediate cover material at \$9.30 per ton; and gravel (option 2) at \$12.30 per ton.**

Mr. Alfonse referred to the memo showing the shaded area with the lowest responsible and responsive bidders. G. Lopes was not the lowest bidder on Low Permeability soil. Although L.B. Corp. dba Tiverton Materials, was the lowest bidder for low permeability intermediate cover, the material proposed to be used did not meet the specifications. The bid to supply that material was rejected. In response to Mr. Blanchard earlier question to the low permeability soil price discrepancy between K.R. Rezendes and the other 2 bidders, a representative from K.R. Rezendes was at the bid opening and the representative may have been confused by what the District was looking for in terms of cover. The bidder proposed to provide clay that would normally be used for capping or a cell

construction project that has to meet a certain permeability test. That was not what the District needed for intermediate cover, and that's why the price was much higher.

Mr. Blanchard questioned if these bids fall under 30B. Mr. Alfonse noted that it would if it exceeded the \$50,000 threshold.

Mr. Beauregard asked if the District purchased a lot of gravel. Mr. Alfonse noted that a couple of meetings ago, he mentioned that the District has been receiving intermediate cover from Aggregate Industries. They produced a stabilized asphalt byproduct that could be used as intermediate cover which the District was getting at no charge. They did away with the product, and the District hasn't been able to find a suitable no-cost replacement.

Vote 6-0.

- **K. R. Rezendes, Inc. to provide modified rock at \$16.00 per ton; recycled asphalt at \$11.00 per ton; daily cover at \$8.75 per ton; processed gravel at \$13.25 per ton; gravel (Option 1) at \$12.50 per ton.**

Mr. Alfonse noted that they were the lowest bidders for those materials. The District requires two different gradations and that's why there are 2 different gravels.

Vote 6-0.

- **L.B. Corp. dba Tiverton Materials to provide 1 ½" stone at \$18.50 per ton.**

Vote 6-0.

- **Best Security Service, Inc. to provide security services from July 1, 2019 to June 30, 2020 at the rate of \$16.74 per hour for non-holiday periods, and \$24.96 per hour for the Holiday Premium Hourly Rate. The total estimated amount of the contract for FY 2020 is \$57,857.28.**

Mr. Alfonse noted that there were 2 bids received for security services. One bid received by mail after the deadline. The bid received after the deadline was returned to the bidder. Best Security was the most responsible bidder. They have been providing this service to the District for a few years.

Mr. Beauregard asked if the security guard was on site every night and asked about the hours of service. Mr. Alfonse explained the hours of service.

Mr. Blanchard asked if the security guards were armed. Mr. Alfonse said the services were for unarmed security services.

Vote 6-0.

- **B.J.'s Service Company Inc., to provide temporary labor services from July 1, 2019 to June 30, 2020 at the rate of \$15.99 per hour per person from July 1 to June 30, 2019, and \$16.99 per hour per person from January 1 to June 30, 2020.**

Mr. Alfonse noted that this was for the temporary labor services contract where is brought in as needed labor for minor grounds keeping and other . An alternate employer endorsement was required and B.J.'s Service Company, Inc. provided the endorsement.

Mr. Blanchard questioned what the alternate endorsement employer meant. Mr. Beauregard said this endorsement is commonly used when a temporary help agency (the insured) is required by its

customer (the alternate employer) to protect the alternate employer from claims brought by the insured's employees. He provided examples of situations how the endorsement employer functioned. If a temporary employee is injured at work, that employee could sue under the temporary agency's worker's compensation. In addition, the employee could also sue the alternate employer claiming they were not trained properly, or they did not receive the right safeguards. He stated that if the employee is considered a temporary employee that employee is covered under the general liability if they sue. If the employee is considered to be a leased employee, which means the employee is at the job site every day and performing the same job every day, and if that employee decides to sue under the general liability, there is no coverage. There's no coverage for a leased employee under general liability. The way around it is for the temporary agency to add the company or facility as an alternate employer. The only remedy for the employee is the worker's compensation through the temporary agency.

Vote 6-0.

e. Award engineering services contract (for FY 2020)

Motion to approve and authorize the Executive Director to sign the "Agreement to Provide Inspection, Reporting and General Engineering Services" for FY 2020 between the District and Brown & Caldwell in the amount of \$61,900 for bi-monthly inspections, landfill capacity report and general engineering services made by Mr. Patten, seconded by Mr. Blanchard.

Mr. Alfonse described the services, which include bi-monthly inspections of landfill operation and maintenance, and of the District's compliance with MassDEP waste bans, prepare an annual landfill capacity report as required by MassDEP, and provide general engineering services throughout the year. In the past the reporting of how capacity has been utilized and how much capacity still remains, has been prepared by Brown and Caldwell using old design data from aerial mapping since the 1990s. The aerial mapping needs to be updated.

Ms. LeBlanc said that there are companies that use drones for mapping. Mr. Alfonse said that Bluesky uses drones for aerial mapping.

Mr. Alfonse said that ground control points would need to be found so that they could tie everything in. If ground control cannot be established, it's estimated that sending a survey party out to recover ground control would be an additional \$1,000.

The proposed Engineering services budget is \$35,000 and the board voted to increase the FY 2019 to \$50,000. The District's FY 20 budget includes \$65,000 for general engineering services. Mr. Alfonse said the District should keep contract budget at \$35,000 and monitor it as it progresses through the fiscal year.

Ms. LeBlanc asked if there were any design phases planned for next year. Mr. Alfonse said no. Ms. LeBlanc responded that engineering costs may be lower without design phases. Mr. Alfonse said, unless unanticipated events happen.

Vote 6-0.

f. Award legal services contract (for FY 2020)

Motion to approve and authorize the Executive Director to sign the "Client Fee Agreement" between the District and Attorney Matthew J. Thomas for legal services for FY 2020, to be billed at \$175 per hour for the initial 25 hours of services and at \$200 per hour thereafter made by Mr. Patten, seconded by Mr. Blanchard.

Attorney Thomas left the room at 8:32 a.m., and returned at 8:39 a.m.

Mr. Alfonse noted that in 2012 the District put out a solicitation for legal services and received Attorney Matthew Thomas's proposal which the board considered to be the most advantageous. Attorney Thomas has been providing legal services to the District since that time. Legal services are not required to be bid under Massachusetts General Law Chapter 30B. Attorney Thomas's hourly rate increased last fiscal year. That was the first time since 2012, and it has remained unchanged since then.

The board discussed the hours and costs for legal services. Ms. LeBlanc asked how many hours, or the average Attorney Thomas tended to work in a year. Mr. Alfonse noted that average expenses were \$15,000 to \$20,000 a year in legal services. Ms. LeBlanc noted that the initial 25 hours does not offer the District much. Mr. Patten stated that the initial 25 hours included on the contract was a guaranteed minimum number of hours for which Attorney Thomas would be paid. Mr. Alfonse said that there has never an instance where service hours for any given year were below this.

Mr. Patten referred to an item discussed earlier, during which Mr. Alfonse said that the item being discussed was not required to be bid under 30B, but it was bid under 30B. The contract was increased by 25%. He asked when legal services was procured 5 years ago if it was procured under 30B. Mr. Alfonse said that it was a general bid. It was solicited from a certain number of bidders.

The Committee discussed the benefits and costs associated with attendance at meetings. The consensus was that it is beneficial to have Attorney Thomas at District Committee meetings.

Attorney Thomas returned to the room at 8:39 a.m.

Vote 6-0.

g. FY 2019 – Benefits category update

Motion to discuss the “Benefits” budget category for FY 2019 made by Mr. Patten, seconded by Mr. Blanchard.

Mr. Alfonse referred to the Benefits budget category and noted that expenses were on track to exceed the budgeted amount. Mr. Alfonse explained that an existing employee who was not previously enrolled in the District's health insurance plan enrolled with family plan coverage in January 2019, and a new employee was hired in July 2018. There was also a 6.5% increase in the health insurance premium for the existing fiscal year. As a result, after payment of District's proposed deposit to OPEB reserve, expenses would exceed the amount budgeted. To prevent this, the District could reduce the proposed deposit to OPEB or vote to increase the budget category. The proposed deposit to OPEB is \$124,472. This is the annual required contribution identified in the OPEB 2017. Since then, the report was run again, and some of the assumptions were changed. The most recent report identified the OPEB account was overfunded by \$2.5 million. Mr. Alfonse said he planned to reduce the transfer to OPEB by \$10,000. Provided the total “Benefits” budget category remains at or below the budgeted amount, no vote of the District Committee is required.

Motion to receive and place on made by Mr. Blanchard, seconded by Ms. LeBlanc. Vote 6-0.

h. Equipment Operator (recent hire) hourly rate for FY 2020

Motion to discuss the recently hired Equipment Operator's hourly rate made by Mr. Patten, seconded by Ms. LeBlanc.

Mr. Alfonse noted that Brett Swiatek was hired April 18, 2019, after the FY 2020 budget was approved. Mr. Alfonse noted that he is working out exceptionally well and that he and Sawn Peckham

discussed Brett's performance and rate of pay. Brett's starting rate was \$24.00 per hour. Based on those discussions there was a recommendation of \$1.50 per hour increase (to \$25.50 per hour) effective July 1, 2019.

Mr. Beauregard noted that it is extremely difficult to find a reliable employee, and if this employee is performing at that level he recommends and agrees with the increase.

**Motion to approve the recently hired Equipment Operator's increased hourly rate to \$25.50 per hour effective July 1, 2019 made by Ms. Towers, seconded by Mr. Blanchard. Vote 6-0.
Vote 6-0.**

i. Directors report

Motion to receive and place on file the Director's Report made by Mr. Patten, seconded by Mr. Blanchard.

Composting at the landfill

The District accepts leaves and yard waste from New Bedford and Dartmouth for composting. It is composted in site assigned areas. As new landfill cells are developed, there is decreasing area to properly compost. During a recent MassDEP visit, staff indicated that the District must take steps to better manage the material. He plans to have Brown and Caldwell develop a plan for properly operated compost area. The current practice of turning windrows with a front end loader is not very efficient. Specialized equipment for turning windrows (windrow turners) are approximately \$350,000, which is difficult to justify for an incidental operation.

Ms. LeBlanc questioned if it had to be done in site assigned land. Mr. Alfonse said that it does not. Other areas have been looked at but should be close proximity to allow material to be weighed on the scale. The non site-assigned area is the field behind the office. The District will consider some of the the areas of the landfill that are not capped but are not going to receive waste for an extended period of time.

Mr. Beauregard asked if there was an end use for the compost. Mr. Alfonse said that there are not a lot of markets for the quality of the product produced.

Ms. LeBlanc suggested the city and the town take their compost back. Make it mandatory to have those communities take 50% back. Mr. Alfonse said that the city and the town have taken some of the compost only as needed.

Mr. Alfonse said that the material had been stock piled for years and it can be used for a big landfill project such as capping. A few years ago, he looked for markets and contracted with Agresource which marketed the finished compost on the District's behalf. They screened the material and produced a quality product, but had difficulties finding end users.

The board discussed the challenges and options associated with moving the compost material out of the landfill area. Mr. Alfonse noted that the material was leaf and yard waste from residential properties. It is not the highest quality, and it is not clean. It contains some trash.

Customer update

The total tonnage of solid waste received as of June 15, 2019 is 452.82 tons for the towns of Oak Bluffs and Tisbury. That's within their monthly allotment of for the month of June. The District billed Tisbury for the rate difference between the waste received, and the waste allowed pursuant to the contract for the period from November 1, 2018 to April 30, 2019. No payments have been received by the District.

Mr. Beauregard asked if customer paid anything. Mr. Alfonse said that they are current on the town's bill.

Mr. Blanchard noted the amount due. The Committee and Attorney Thomas discussed what should be done, since the end of the fiscal year is approaching. Attorney Thomas described the steps taken and suggested future actions.

Mr. Alfonse described some of the dialogue between the District and MassDEP relative to a capping plan. MassDEP is requesting the District develop a sequencing plan for future capping projects.

Ms. LeBlanc questioned if there was intermediate capping on the landfill. Mr. Alfonse noted that there was good intermediate capping, that there haven't been any odor complaints., The key is to control the gas collection and not to create odors.

Mr. Beauregard asked if there were any updates on the anaerobic digester project. Mr. Alfonse noted that according to the Inspector General's Office the District would have to rebid the project.

Mr. Blanchard said the city was looking to build an anerobic digester, and if the District should look at the city's project for collaboration. The Committee and staff discussed the differences between the District's proposed project and the City's proposed project, as well as the challenges with disposing of food waste in the current market.

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

8. Set date for Next Meeting

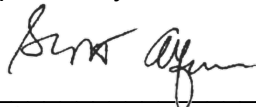
The next meeting will be scheduled in August.

9. Adjourn

Chairperson Beauregard asked for a motion to adjourn meeting. Motion made by Mr. Patten, seconded by Ms. Towers. Vote 6-0.

Meeting adjourned at 9:08 a.m.

Approved by vote of District Committee on Monday, August 12, 2019.



Scott Alfonse, Executive Director