

**GREATER NEW BEDFORD REGIONAL REFUSE MANAGEMENT DISTRICT
MEETING**

Meeting Minutes

Thursday, June 16, 2022

The Greater New Bedford Regional Refuse Management District Committee held a publicly posted meeting on **Thursday, June 16, 2022, at 8:00 A.M.** at the Dartmouth Town Hall, Room 315, 400 Slocum Road, Dartmouth, MA.

District Committee Members in attendance: Chairperson, John Beauregard; Daniel Patten, Christine LeBlanc, Ken Blanchard, Michael Gagne, Kelley Cabral-Mosher.

Scott Alfonse, Executive Director; Leonor Ferreira, Secretary; and Attorney Matthew J. Thomas, District Counsel were also present at the meeting location.

1. Call to order / Salute the flag

Chairperson Beauregard called the meeting to order at 8:00 a.m. and led a salute to the flag.

2. Legal notices

Chairperson Beauregard read the following statement:

“Pursuant to the Open Meeting Law, any person may make an audio or video recording of this public meeting, or may transmit the meeting through any medium. Attendees are therefore advised that such recordings and transmissions are being made, whether perceived or unperceived, by those present, and are deemed acknowledged and permissible.”

Mr. Beauregard noted that legal notices of the meeting were posted in Dartmouth and New Bedford more than 48 hours prior to the meeting.

3. Roll call of members

Chairperson John Beauregard, yes
Daniel Patten, yes
Christine LeBlanc, yes
Ken Blanchard, yes
Michael Gagne, yes
Kelley Cabral-Mosher, yes

4. Approval of minutes

Chairperson Beauregard asked for a motion to approve the May 12, 2022, regular session minutes. Motion made by Mr. Patten, seconded by Ms. LeBlanc. All voted in favor.

Motion passed 6 to 0.

Chairperson Beauregard asked for a motion to approve the May 12, 2022, executive session minutes. Motion made by Mr. Patten, seconded by Mr. Blanchard. All voted in favor.

Motion passed 6 to 0.

5. Warrant Report and Ratification – Warrant No. 18-22 (May 11, 2022) and 19-22 (May 27, 2022)

Chairperson Beauregard asked for a motion to accept and ratify warrant number 18-22 dated May 11, 2022, and warrant number 19-22 dated May 27, 2022. Motion made by Mr. Gagne, seconded by Mr. Blanchard. All voted in favor.

Motion passed 6 to 0.

6. New Business

Committee moved to discuss item 6c.

c. FY 2023 Legal Services Agreement

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 2023, to be billed at \$175 per hours for the initial 25 hours of services and at \$200 per hour thereafter made by Mr. Patten, seconded by Mr. Gagne.

Mr. Alfonse noted that Attorney Thomas has been with the District over 10 years and that this would be the third year without a contract hourly increase. He also said that there have been conversations with Attorney Thomas that are not invoiced.

Mr. Gagne noted that legal services for municipal services have increased, and that Attorney Thomas's contract was reasonably priced.

Mr. Blanchard asked if there were any changes to the agreement. Mr. Alfonse said no, noting that it was identical to last year's agreement.

No further discussion.

Motion to approve made by Mr. Blanchard, seconded by Ms. LeBlanc. All voted in favor.

Motion passed 6 to 0.

a. Fiscal year 2022 Budget

i. Salaries

Motion to receive update on Fiscal Year 2022 Salaries and Wages budget made by Ms. LeBlanc, seconded by Mr. Patten.

Mr. Alfonse noted that after further review it was determined funds in the Salaries budget category are sufficient and no transfer is needed.

No further discussion.

ii. Carry forward Equipment Replacement funds from Fiscal Year 2022 to Fiscal year 2023

Motion to carry forward \$225,000 in Equipment Replacement funds for street sweeper replacement from Fiscal Year 2022 to Fiscal Year 2023 made by Mr. Patten, seconded by Ms. LeBlanc.

Mr. Beauregard asked if there were any issues with the original street sweeper. Mr. Alfonse said that the original street sweeper was purchased in 1994 and is operational but not efficient. He noted the locations where the street sweeper is utilized. Mr. Gagne suggested looking into the MS4 requirements and features.

No further discussion.

Motion to approve request to carry forward the \$225,000 from the FY 2022 “Equipment Purchase” line item to the FY 2023 “Equipment Purchase” line item made by Mr. Gagne, seconded by Ms. LeBlanc. All voted in favor.

Motion passed 6 to 0.

- b. Award contract for security services

Motion to award the Fiscal Year 2023 contract for security services to Best Security Services Inc. and authorize the Executive Director to execute the agreement made by Mr. Patten, seconded by Ms. LeBlanc.

Mr. Alfonse noted an Invitation for Bids was issued and there were three Proposers (Best Security, Jet Security, and Madison Security Groups). Best Security provided the lowest bid price (\$18.19 per hour) and has been providing excellent security services to the District.

No further discussion.

Motion to approve made by Mr. Blanchard, seconded by Ms. Cabral-Mosher. All voted in favor.

Motion passed 6 to 0.

- d. Cleanway Disposal and Recycling, Inc. Disposal Agreement Amendment (to United Hauling, Inc.)

Motion to approve and authorize the Executive Director to sign the Amendment to Municipal Solid Waste Disposal Agreement by and between Greater New Bedford Regional Refuse District and Cleanway Disposal and Recycling, Inc. made by Ms. LeBlanc, seconded by Mr. Patten.

Mr. Alfonse noted that Cleanway Disposal was purchased by United Hauling, Inc. (a subsidiary of WIN Waste), and that a request was received from Cleanway Disposal to allow assignment of their contract for the remainder of the fiscal year with WIN Waste. Contract expires June 30, 2022.

Mr. Gagne suggested that certificates of insurance and contract provisions be reviewed by District Counsel as to acts of omissions. Mr. Alfonse noted that District has updated certificate of insurance from WIN Waste and Waste Connections, and agreed with his suggestion to review language on acts and omissions.

Mr. Alfonse said that it would be an amendment to the contract which was drafted by Attorney Thomas.

No further discussion.

Mr. Gagne moved the motion. Seconded by Ms. LeBlanc. All voted in favor.

Motion passed 6 to 0.

- e. Director's Report

Motion to receive the Director's report made by Ms. LeBlanc, seconded by Mr. Patten.

Master Plan –

Mr. Alfonse noted that there's been good progress with Geosyntec. He noted "Task 2 - Expansion Options (Draft May 2022)" of the report and suggested the discussion for the July meeting. He said that the least challenging parts of the landfill have been developed or plan to be developed. He described the challenges associated with additional development.

Ms. LeBlanc asked if Geosyntec would be attending and presenting the options at the meeting. Mr. Alfonse said he will check Geosyntec's availability, and noted that discussion should be similar to the last meeting with Geosyntec on landfill expansion. However, there should be a more in-depth

discussion on this topic alone. Mr. Blanchard asked if there was a cost analysis. Mr. Alfonse said not yet. Attorney Thomas noted that options are limited, and Geosyntec would be looking for direction on some of options, excluding cost analysis.

Mr. Beauregard acknowledged the Shred Day event on Saturday, June 11th by waste reduction staff.

Mr. Alfonse updated the Committee on the status of leave by an employee. Mr. Beauregard noted the need for a leave policy.

No further discussion.

7. Old Business

a. Disposal Agreements update

Motion to receive an update on Disposal Agreements made by Ms. LeBlanc, seconded by Mr. Patten.

Mr. Alfonse discussed the status of disposal agreements with commercial haulers. He noted the agreements were presented to haulers with a set tipping fee and one hauler was requesting a lower tip fee. He summarized prior discussions and verbal agreements with the haulers. He described Attorney Thomas's suggestion that the District explore other opportunities for contracting for solid waste disposal, such as expanding its municipal customer base. He noted that the commercial haulers serve New Bedford and Dartmouth business. He described the District's efforts to secure price stability, longevity with its customer base, and market pricing. He noted that Geosyntec indicated that District's tip fees were below market price.

Attorney Thomas described the District's efforts to offer reduced tip fee if haulers could demonstrate the waste originated from New Bedford and Dartmouth businesses, but the haulers declined. He said that the only way the District arguably could help New Bedford and Dartmouth businesses would be to create one separate collection system for New Bedford and Dartmouth businesses.

Mr. Gagne noted it was a one year interim contract and that Geosyntec will be providing the financial plan. He said that \$92 per ton was a fair price and he would not go any lower, even on a one year interim agreement. He will be looking for recommendations in the financial plan as to the lowest amount of solid waste the District can accept to fund operational costs and build capacity for New Bedford and Dartmouth.

Ms. LeBlanc asked if District will consider renewing Oak Bluffs/Tisbury contract. Mr. Alfonse said Oak Bluffs/Tisbury was a 10 year contract expiring on October 31 and most of the solid waste is received in the first 4 months of the fiscal year. He said that the board could vote to extend it beyond October 31, but recommended the tip fee reflect market price.

Mr. Blanchard asked if any of this would impact New Bedford or Dartmouth municipal waste collection contracts. Mr. Alfonse noted New Bedford's collection contract with Waste Connections expiration date and does not believe there would be any impact.

Mr. Alfonse referred to the "District Customer Proposed Terms Summary (FY23) (revised 6/10/22)" table and noted the tonnages for WIN Waste and Waste Connections. Mr. Beauregard noted the revenue from each hauler. Mr. Patten said he believes the District will not be impacted by a slight reduction in tonnage, and noted the annual deposits to reserves. If less solid waste is accepted, it will provide additional time for the Board to decide how much solid waste to accept, which will put the District in the same financial position over time, and extend landfill life.

Attorney Thomas asked if the committee felt comfortable having District Counsel and Executive Director finalizing negotiations with the haulers.

Motion to authorize the Executive Director to negotiate contracts with WIN Waste and Waste Connections for up to 36,000 tons of waste disposal for Fiscal 2023 at \$92 per ton, and no less than, on terms acceptable to the Executive Director and District Counsel.

Mr. Patten asked for clarification on the 36,000 tonnage total, and referred to "District Customer Proposed Terms Summary (FY23)". There was discussion to clarify the tonnage amounts available. Mr. Alfonse clarified that the total tonnage available was a minimum of 36,100, and maximum was 40,190 which are the totals for the two haulers - WIN Waste (formerly Frades and Cleanway), and E.L. Harvey/Waste Connections (formerly ABC).

Motion amended to authorize the Executive Director to negotiate contracts with WIN Waste and Waste Connections for up to 40,190 tons of waste disposal for Fiscal 2023 at \$92 per ton, and no less than, on terms acceptable to the Executive Director and District Counsel made by Ms. LeBlanc, seconded by Mr. Patten. All voted in favor.

Motion passed 6 to 0.

Mr. Gagne suggested that the District have representatives come in together to discuss the tonnages available and their desired allocations. There was discussion on how tonnage might be allocated and why sealed proposals may be more suitable in the future.

b. Material Disposal Request

Motion to consider the request to dispose of material made by Mr. Patten, seconded by Ms. Cabral-Mosher.

Mr. Alfonse noted this was continuation of discussion from last meeting about material disposal request from McCabe/Kraseman streets. Item was tabled for further discussion with representatives from the City of New Bedford and Town of Dartmouth. Mr. Alfonse noted that Eric Jaikes, New Bedford City Solicitor, indicated there would not be a significant benefit to the City if the District accepted that material. Mr. Beauregard spoke with Shawn MacInnes, Town of Dartmouth Administrator, who also had the same opinion. Mr. Alfonse noted that he received a call from state representative Chris Markey advocating on behalf of the Mason Realty request. Attorney Thomas advised that the committee not accept the material since New Bedford and Dartmouth indicated that there was no benefit to their communities.

Motion not to take material made by Mr. Blanchard, seconded by Mr. Patten. All voted in favor.

Motion passed 6 – 0.

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

None

8. Set Meeting Schedule

The next District Committee meeting is scheduled for Thursday, July 28, 2022 at 8:00 a.m.

Mr. Beauregard said for members to plan on meeting with Geosyntec, otherwise plan for a quick session on July 28th, and then schedule a meeting sometime in August.

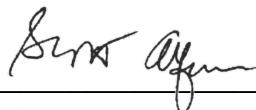
9. Adjourn

Motion to adjourn made by Mr. Patten, seconded by Mr. Gagne. All voted in favor.

Motion passed 6 to 0.

The meeting adjourned at 8:42 a.m.

Approved by vote of District Committee on Wednesday, August 31, 2022.



Scott Alfonse, Executive Director

MEMO

- 6a. Memo - FY 2022 Salaries Budget Review dated 6/13/2022
- 6b. Memo - Contract for Security Services dated 6/13/2022
- 6c. Memo - FY 2023 Legal Services Agreement dated 6/13/2022
Attachment - Client Fee Agreement
Attachments - Individual Work Order For Legal Services 23-07-001 & 23-07-002
- 6d. Memo - Cleanway Disposal and Recycling, Inc. Disposal Agreement Amendment (to United Hauling) dated 6/10/2022
- 6e. Memo - Director's Report dated 6/10/2022
Attachment – Commercial and Municipal Tonnage – Dec 2020 to May 2022
Attachment - Income Statement
- 7a. Memo - Contracts Updated dated 6/10/2022
- 7b. Memo – Material Disposal Request dated 6/10/2022
Attachment – 6b. memo Request to Dispose of Material from McCabe/Kraseman Streets
Attachment – OHI Engineering, Inc. report