

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

Meeting Minutes

Thursday, May 16, 2024

The Greater New Bedford Regional Refuse Management District Committee held a publicly posted meeting on Thursday, May 16, 2024, at 8:00 AM at the Dartmouth Town Hall - Room 309, 400 Slocum Road, Dartmouth, MA 02747.

**District Committee Members in attendance:** Chairperson John Beauregard, Daniel Patten, Christine LeBlanc, Michael Gagne, Kelley Cabral-Mosher, and Caroline Conzatti.

**Also in attendance:** Anthony Novelli, Executive Director; Lee Ferreira, Executive Assistant; and Matthew J. Thomas, District Counsel.

**1. Call to order / Salute the flag**

Chairperson Beauregard called the meeting to order at 8:00 am and led the pledge of allegiance.

**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.

All legal notices of the meeting were posted in Dartmouth and New Bedford more than 48 hours prior to the meeting."

Chairperson Beauregard recognized and welcomed Ms. Conzatti, New Bedford committee member to the group.

**3. Roll call of members**

Chairperson John Beauregard- Yes  
Christine LeBlanc- Yes  
Daniel Patten- Yes  
Michael Gagne- Yes  
Kelley Cabral-Mosher- yes  
Caroline Conzatti - yes

**4. Approval of Minutes**

a. April 11, 2024 Draft Committee Meeting Minutes

**MOTION to approve the minutes of the April 11, 2024 meeting, regular session made by Mr. Patten, seconded by Ms. LeBlanc. Ms. Conzatti abstained from the vote because she did not attend the meeting. All voted in favor. Motion carried 5-0.**

b. April 11, 2024 Draft Executive Session Minutes

**MOTION to approve the minutes of the April 11, 2024 executive session minutes made by Mr. Patten, seconded by Ms. LeBlanc. Ms. Conzatti abstained from the vote because she did not attend the meeting. All voted in favor. Motion carried 5-0.**

5. Warrant Report and Ratification

a. Warrant(s) ratification

**MOTION to ratify warrant(s) 19-24 dated April 5, 2024; warrant 20-24 dated April 19, 2024; and warrant 21-24 dated May 8, 2024 made by Mr. Patten, seconded by Ms. LeBlanc. All voted in favor. Motion carried 6-0.**

6. Old Business

a. Draft addition to the Employee Handbook

**MOTION to discuss the draft additions to the Employee Handbook made by Ms. LeBlanc, seconded by Mr. Patten.**

Chairperson Beauregard recognized Mr. Novelli.

Mr. Novelli reviewed the existing sick leave language in the Employee Handbook and the related discussions of previous meetings. He noted that the draft amended language includes a sick leave buy back policy consistent with the Personnel Subcommittee's recommendations. The maximum payout of \$8,100 is the same as the City of New Bedford's maximum payout for sick leave buyback and is comparable to Dartmouth's (slightly lower). The proposed language also extends this benefit if an employee passes away to their estate.

Mr. Patten referred to section 4.5 Sick Leave of the memo which stated that *"Each full-time District Employee shall be credited with sick leave at the rate of one (1) day per month for each full month of service starting as of the first day of the fiscal year, July 1"*, and asked if this language means that an employee who started in August would have to wait until the following July to receive their sick leave. Mr. Novelli clarified that employees earn sick time for every complete calendar month they work, regardless of what month they start.

Mr. Novelli mentioned that this was not fully discussed when previously updating the Employee Handbook, and recommended that the Committee approve this amended language to the Employee Handbook effective August 22, 2023 (when the rest of the updated Employee Handbook was approved).

**MOTION to amend section 4.5 Sick Leave of the Employee Handbook to include a sick leave buy back policy and death benefits policy as proposed (*Each full-time District Employee shall be credited with sick leave at the rate of one (1) day per month for each full month of service starting as of the first day of the fiscal year, July 1. Sick leave not used during the fiscal year may accumulate to a maximum of one hundred eighty (180) days. Any accumulated sick leave days credited to present District Employees on the effective date of this policy will remain in effect. Upon retirement, or resignation not associated with a pending termination for cause, a full time District Employee who has completed 10 years of service shall be compensated at a rate of 30% of their daily rate of pay for all unused sick days, up to and including a***

*maximum accumulation of 180 days provided said amount shall not exceed Eight Thousand One Hundred (\$8,100.00) Dollars. Upon the death of a full-time District Employee, the District Employee's Estate shall be entitled to the compensation set forth above. All accumulated sick days will be forfeited at the time of termination). Motion made by Ms. LeBlanc, seconded by Mr. Patten. All voted in favor. Motion carried 6-0.*

## 7. New Business

### a. Proposed FY24 Budget Amendments

**MOTION to discuss the proposed FY24 Budget Amendments made by Ms. LeBlanc, seconded by Mr. Patten.**

#### Tipping Fees Revenue

Mr. Novelli noted that the FY24 budget was accepted on January 19, 2023. When the FY24 budget was accepted, it was anticipated that E.L. Harvey would be delivering approximately 18,500 tons of waste with a projected revenue of \$1,776,000. However, shortly before the start of FY24, E.L. Harvey decided not to utilize the Crapo Hill Landfill for waste disposal and the District was forced to seek other customers. The District was able to execute other commercial contracts, but at a lesser total incoming tonnage, which preserves capacity but also results in less revenue. The District will receive about 5,000 less tons of waste and about \$413,500 less in revenue compared to the initial projections in FY24. The proposed adjustment would change the \$1,776,000 budgeted to EL Harvey to a total of \$1,362,500: \$1,262,500 for Lawrence Waste, \$55,000 for DelPrete Disposal, and \$45,000 for the Town of Lakeville.

#### Landfill Gas Revenue

Mr. Novelli noted that the initial FY24 budget projected a significant increase in landfill gas revenue compared to previous years. He had notified the Committee at a prior meeting that the District was not likely to meet this projection. There was an EPA regulation for renewable energy credits (RECs) called eRINs that was expected to be passed at the time the budget estimate was prepared but has yet to be implemented. The District still receives revenue from the purchase of landfill gas, as well as contingent payments for the sale of other RECs associated with the operation. FY2023 was a very good year when the projection was made, and the total revenue received for FY2024 will be significantly lower than initially anticipated. The proposed amendment would reduce the revenue from this line item from \$775,506.40 to \$275,000.00.

#### Deposit to Reserves

Because of the decreased total revenue from tipping fees and landfill gas, the budgeted deposit to Phase 2 Reserve will be decreased from \$1,857,528 to \$913,251. He reminded the Committee that additional revenue over this budget amount may be received, and that it would be deposited into the District's reserves with the audited reconciliation. He noted that nothing else in the budget would be changed.

Mr. Beauregard asked if there was anything else in the budget that he foresaw as a problem. Mr. Novelli noted that there weren't any other concerns.

Ms. Conzatti asked if this would affect the FY25 budget. Mr. Novelli said that it would not. The District budgeted less for landfill gas revenue because it was aware of the eRINs credits and had a better idea of what the commercial revenue would be when creating the budget.

**MOTION to approve and accept the proposed FY24 budget adjustments to the commercial accounts revenue (from \$3,639,600.00 to \$3,226,100.00), landfill gas revenue (from \$775,506.00 to \$275,000.00), and the deposit into Phase 2 Reserve (from \$1,857,528 to \$913,521) as proposed,**

**which reduces the total revenue to \$4,937,188 and the total expenses to \$4,937,188. Motion made by Mr. Patten, seconded by Ms. LeBlanc. All voted in favor. Motion carried 6 – 0.**

- b. Proposed FY23 Reconciliation transfer adjustment

**MOTION to discuss the proposed FY23 Reconciliation transfer amount made by Mr. Patten, seconded by Ms. LeBlanc.**

Mr. Novelli discussed the memo noting that effective January 2019, the District Committee voted to retain the interest and investment income earned from non-restricted investment accounts in the respective accounts. Upon review of the FY23 reconciliation, it was noticed that there was a significant amount of interest income that was factored into the total revenue over expenses (reconciliation) amount to be transferred into reserves. That amount never left the respective reserve accounts, but is currently scheduled to be transferred from the operating account into Phase 2 Reserve as part of the FY23 reconciliation transfer and should not be deposited again. The investment income was incorrectly recorded on the income statements and appeared as operating income, which is why it was included in the reconciliation.

He explained that a similar situation happened with the FY22 reconciliation, where some of the investment income was recorded as operating income and factored into the reconciliation amount. He reviewed the memo that detailed the total amounts.

Mr. Novelli mentioned that the situation and proposed resolution were discussed with Mr. Patten and with the auditors. They all agreed on the proposed resolution to adjust the transfer to reserves to acknowledge that these amounts would remain in the respective accounts.

Attorney Thomas noted that this will not affect the assessments to the member communities because they are assessed based on the total tonnage delivered each year, which was correct in the reconciliation.

Chairperson Beauregard questioned how Mr. Novelli was able to discover this, but the auditors had not.

Attorney Thomas asked Mr. Patten if auditors generally investigated everything, or if they picked and chose what to focus on. Mr. Patten noted that auditors generally picked and chose what they are testing, but they should be comparing prior years to the current year and believed this should have been discovered. He explained that when the interest income jumped over \$100,000 in FY22 that he thought one possibility could have been a huge increase in interest rates, but this still should have been a red flag. The increase from \$100,000 to over \$400,000 in FY23 was a red flag that should have been picked up.

Chairperson Beauregard was aware that the District was having some accounting challenges ahead of the audit. The auditors were notified of this, and he had requested a fine-tooth audit from them.

Mr. Novelli mentioned that there was an accountant transition midway through FY2022. The previous accountant coded the investment income to a different, but similar account number than had been done in the past. This income previously showed up on the income statement under the heading of non-operating revenue, but the account used was grouped into the heading of interest income, along with interest earned from the operating bank accounts. So, some of the interest income in FY22 was recorded as non-operating and some was recorded as investment income, which helps explain why the FY22 amount was significantly less than FY23.

Chairperson Beauregard stated that this difference should have been noticed if the prior year was being compared.

Chairperson Beauregard suggested that a letter be sent to Hague, Sahady expressing the Committee's dissatisfaction with the need for this adjustment, and requesting a written explanation of what happened and an assurance that something like this would not happen again. He expressed concern that other items may have been missed in those audits as well.

The FY23 audit calculated \$2,017,759 available for the Reconciliation. The following transfer was approved by the District Committee on 11/14/2023:

- \$1,917,759 Transferred into the Phase 2 Design and Construction Trust Fund
- \$100,000 Transferred into the Landfill Closure Trust Fund

**The proposed adjustment to the FY23 Reconciliation acknowledges that interest income from reserve accounts will remain in the respective reserve accounts and reduces the transfer into the Phase 2 Design and Construction Fund by \$510,529.57.**

- **\$170,012.77 To remain in the Phase 2 Design/Construction Reserve**
- **\$56,269.62 To remain in the Environmental Contingency Reserve**
- **\$39,636.72 To remain in the Building/Capital Improvement Reserve**
- **\$86,119.94 To remain in the Land Purchase Reserve**
- **\$2,413.39 To remain in the Interest Waiver Reserve**
- **\$30,673.27 To remain in the Future Solid Waste Management Reserve**
- **\$6,722.60 To remain in the Recycling Reimbursement Reserve**
- **\$22,744.35 To remain in the Post Closure > 30 Years Reserve**
- **\$10,838.80 To remain in the Legal Reserve**
- **\$32,237.11 To remain in the Equipment Reserve**
- **\$52,861.00 To remain in the Closure Reserve (Cells Not Yet Constructed)**
- **\$100,000.00 To be transferred into Landfill Closure Trust**
- **\$1,407,229.43 To be transferred into Phase 2 Design/Construction Reserve**

**MOTION to acknowledge and accept the adjusted transfer to reserves associated with the FY23 and FY22 Reconciliation as presented. Motion made by Mr. Patten, seconded by Ms. LeBlanc. All voted in favor. Motion carried 6-0.**

c. FY 24 Brown & Caldwell Amendments

**MOTION to discuss the FY24 Brown and Caldwell Contracts made by Ms. LeBlanc, seconded by Ms. Conzatti.**

Mr. Novelli discussed the memo noting that Brown and Caldwell has been assisting the District with the preparation of bid documents for the Main Pump Station rebuild. He mentioned that the initial scope did not include replacing the pumps, but after further investigation it is recommended that they both be replaced. Doing this also required additional electrical engineering work associated with the bid document preparation that was outside of the original scope. These pumps are over 20 years old and he hopes that if they do all this work now, this will be the last time it will have to be done. Brown and Caldwell's estimate for the additional scope of work, as well as the review of new pumps and corresponding upgrades is \$13,900.

Ms. LeBlanc asked what the budget was for the new pumps going in. Mr. Novelli replied that he received an estimate of \$200,000 from Brown and Caldwell that was included in the FY25 budget, but that did not include purchasing the new pumps.

Mr. Gagne suggested that Brown and Caldwell reach out to New Bedford Public Infrastructure, who has experience with these systems, to notify them of the project to see if they have any

recommendations, problems, or concerns to be aware of. This would be precautionary and he mentioned it would be good to document the correspondence.

Attorney Thomas mentioned that there had been issues with solids from the Anaerobic Digester in the leachate lines in the past, but that it has not been an issue recently and the AD project is not expected to continue.

Mr. Novelli also mentioned that the general engineering budget with Brown and Caldwell for the year had been expended. He noted that additional funds would be needed if the District needed additional work done before the end of the year.

Mr. Beauregard asked for an update on Brown and Caldwell's team. Mr. Novelli explained that Ms. Welcome is the Project Manager. She visited the site recently and plans to be on-site with the bi-monthly inspections and will meet in person with Mr. Novelli and the Operations Manager at those times. Brown and Caldwell also has specialists in other departments that are available to the District and can be utilized as needed.

**MOTION to approve and authorize an Amendment to the FY24 Brown and Caldwell contract allowing an additional \$13,900 for the Main Pump Station rebuild task and \$5,000 for General Engineering services. Motion made by Ms. LeBlanc, seconded by Mr. Patten. All voted in favor. Motion carried 6-0.**

Before leaving the room for the next item, Attorney Thomas thanked the Committee for the opportunity to provide legal services. He mentioned that it is always an honor working with the group, and that he hoped to continue to do so. He left the meeting room at 8:31 a.m.

d. FY25 Legal Services

**MOTION to discuss the legal services contract made by Ms. LeBlanc, seconded by Mr. Patten.**

Mr. Novelli discussed the memo noting the proposed agreement details for legal services with Attorney Thomas for Fiscal Year 2025. He noted that Attorney Thomas is very involved and interested in the waste and recycling industries and keeps up to date with what is going on in other municipalities.

Ms. LeBlanc asked what has been expended to date on legal services. Mr. Novelli noted the budgeted amount and the expended amount for legal services thus far.

Mr. Gagne confirmed that Attorney Thomas's industry knowledge is very valuable, as well as his historical knowledge of the District and its administration from when he was City Solicitor. He mentioned that the rates are reasonable and expressed his favorable recommendation to sign this contract.

**MOTION to approve the contract with Attorney Thomas as presented and to authorize the Executive Director to sign both the yearly retainer and the hourly rate agreements for July 1, 2024- June 30, 2025. Motion made by Mr. Gagne, seconded by Ms. LeBlanc. All voted in favor. Motion carried 6 – 0.**

Attorney Thomas returned to the meeting room at 8:35 a.m.

e. Staff Report

**MOTION to receive the Staff Report made by Ms. LeBlanc, seconded by Mr. Patten.**

Mr. Novelli discussed the memo noting that there haven't been any landfill odor complaints for the second month in a row and commended the landfill staff. Ms. Conzatti asked if this was normal. Mr.

Novelli explained that there are times of year where odors are more common, related to barometric pressure, and that the landfill staff does a lot operationally to try to minimize odors.

He mentioned that some of the gas wells have stopped producing recently, likely from liquid accumulation in the pipes. The District's lead gas technician does a great job maintaining and troubleshooting the gas system for issues like this, and sometimes these pipes are buried deep in the landfill and there is not a lot that can be done.

He mentioned that landfill staff completed additional safety trainings recently.

Mr. Gagne said that on the Safety Training, that the Department of Industrial Accident has a good training handbook on what to provide those operating equipment. He mentioned that the DIA usually only shows up when there's an accident and someone gets injured. They usually want the safety trainings documented if they do show up and he suggested Mr. Novelli obtain a copy of that handbook and if they provide the training associated with the document. He noted that this happened in another community, where they didn't have the workforce training on equipment operation documented and they were penalized. Mr. Gagne said the handbook came out within the last five years. It required that municipalities abide by the same OSHA standards as the private sector, and described how municipalities could implement it.

Mr. Novelli noted that there are many safety documents at the landfill and that they would be reviewed and updated as needed and that staff would be provided reminders.

Mr. Novelli discussed financials noting the Accountant will be on medical leave next week. The District's previous Accountant can work part-time, and in the past when the Accountant was out, the Executive Assistant performed some additional Accounting functions (payroll, billing, etc.) to stay on top of things.

Mr. Patten asked how long is the Accountant expected to be out for. Mr. Novelli was told that the initial estimate was about four (4) weeks.

**MOTION to approve a \$300 per week stipend beginning 05/27/2024 for every week the Executive Assistant performs essential Accountant duties while the Accountant is on sick leave. Motion made by Mr. Gagen, seconded by Ms. LeBlanc. All voted in favor. Motion carried 6-0.**

Chairperson Beauregard recognized Ms. Ferreira and thanked her for stepping up when needed. Mr. Novelli echoed his appreciation.

Mr. Novelli clarified to Ms. LeBlanc that the previously accepted motion was to pay the Accountant at 50% of their salary for up to 4 weeks while on sick leave (beyond their earned sick time).

Mr. Novelli mentioned that a recent Clothing Repair Day sponsored by the District went well and received positive feedback from the community. Instead of throwing clothes away, residents could bring them to this event. Many items only need minor repair such as zippers or button replaced. The Committee expressed their support for this idea and for future events. Mr. Gagne asked if Ms. Perez-Dormitzer came up with the idea. Mr. Novelli agreed and commended her. The District sponsored this initial event and gained valuable insight for future events. The staff will apply for a grant from MassDEP to fund additional events and the District plans to continue.

Mr. Patten noted the Clothing Pick up in New Bedford and asked if Ms. Perez-Dormitzer could gather a listing and post it with events to let people know what schools have drop off locations for clothing. He said if a resident has a couple of clothing items to donate, it might be easier to find a bin nearby than to call a donation center for pick up. It would be beneficial to the school because they receive money for the bins and beneficial to get those items out of the waste stream.

Mr. Novelli mentioned that the Waste Reduction staff does maintain a map of clothing drop-off locations within the area. Mr. Patten suggested that this map be posted at the same time as advertising the clothing pick-ups so people know their options.

The group discussed some locations available for recycling clothing and that the District should publicize where available bins are.

**MOTION to accept the Staff Report and place it on file made by Ms. LeBlanc, seconded by Mr. Patten. All voted in favor. Motion carried 6-0.**

**8. Executive Session**

**MOTION that the District Committee go into Executive Session pursuant to General Law Chapter 30A, Section 21(a)(7) and General Law chapter 4, Section 7, Clause Twenty-Sixth(d) to discuss inter-agency or intra-agency memoranda or letters relating to policy positions being developed by the District and then reconvene in Open Session. The minutes of this Executive Session will become public once the policy positions being developed by the District have been fully developed.**

Roll call vote-

Chairperson Beauregard- yes, Christine LeBlanc- yes, Daniel Patten- Yes, Michael Gagne- yes, Kelley Cabral-Mosher- yes, Caroline Conzatti - yes. All voted in favor.

The committee entered into Executive Session at 8:48 a.m.

The Committee returned to open session at 9:10 a.m.

**9. Items That Could Not Be Reasonably Anticipated 48 Hours In Advance**

None

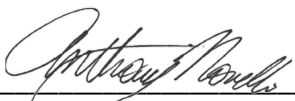
**10. Set Meeting Schedule**

The next meeting is currently scheduled for Thursday, June 13, 2024. The following meeting was scheduled for Thursday, July 18, 2024.

**11. Adjourn**

**MOTION to adjourn the meeting made by Mr. Gagne, seconded by Mr. Patten. All voted in favor. Motion carried 6-0.** The meeting was adjourned at 9:39 a.m.

Approved by vote of District Committee on June 13, 2024.

  
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Anthony Novelli, Executive Director



- 6A. Draft amendment to the Employee Handbook dated 5/16/24
- 7A. Proposed FY24 Budget Amendments dated 5/16/24  
Attachment – GNBRRM District Fiscal Year 2024 Budget
- 7B. Proposed FY23 Reconciliation Transfer adjustment dated 5/16/24  
Attachment – GNBRRMD Supplementary Information – Statement of Revenues and Expenses – Budget and Actual (Non-GAAP Budgetary Basis) For the Year Ended June 30, 2022  
Attachment – GNBRRMD Income Statement Ending June 30, 2022 as of May 9, 2024
- 7C. FY24 Brown & Caldwell Contract Amendments dated 5/16/24
- 7D. FY25 Legal Services dated 5/16/24  
Attachment – Client Fee Agreement  
Attachment – Individual Work Order for Legal Services number 25-07-001 and number 25-07-002
- 7E. Staff Report dated 5/16/24  
Attachment – Commercial and Municipal Tonnage: January 2023 – April 2024  
Attachment – Clothing Repair Day Photos  
Attachment – Income Statement ending June 30, 2024, as of May 9, 2024