

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

Meeting Minutes

Thursday, June 13, 2024

The Greater New Bedford Regional Refuse Management District Committee held a publicly posted meeting on Thursday, June 13, 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, 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."

3. Roll call of members

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

4. Approval of Minutes

a. Draft Minutes of May 16, 2024- Regular Session

MOTION to approve the draft minutes of the May 16, 2024 meeting, regular session made by Mr. Patten, seconded by Ms. LeBlanc. All voted in favor. Motion carried 5-0.

- b. Draft Minutes of May 16, 2024- Executive Session

MOTION to approve the minutes of the May 16, 2024 meeting, executive session made by Ms. LeBlanc, seconded by Mr. Patten. All voted in favor. Motion carried 5-0.

5. Warrant Report and Ratification

- a. Warrant 22-24 Ratification

MOTION to ratify Warrant 22-24 dated May 20, 2024. made by Mr. Patten, seconded by Ms. LeBlanc. All voted in favor. Motion carried 5-0.

Attorney Thomas entered the meeting at 8:02 a.m.

6. Old Business

- a. FY23 Reconciliation Transfer Adjustment follow-up

MOTION to continue discussions regarding the FY23 Reconciliation made by Mr. Patten, seconded by Ms. LeBlanc.

Mr. Novelli mentioned that a letter was sent to Hague & Sahady as requested at the previous meeting and reviewed Hague & Sahady's response letter with the Committee. The letter explained that the discrepancies were due to the District's errors and were not the auditors' responsibility. It mentioned that the auditors prepare the reconciliation amount using figures provided by the District, but they do not actually calculate the amount. The letter mentioned that Hague & Sahady was not aware of the vote that the District made in 2019 to retain the investment income in the reserve accounts, and that they would have made adjustments if they were aware.

Mr. Novelli described the District's subsequent response, which was emailed. The District accepted responsibility for the income being posted to the wrong accounts, but also provided evidence that the auditors were made aware of the 2019 vote in multiple instances. The policy adopted in that vote had been reflected in the subsequent audits after 2019.

Chairperson Beauregard mentioned that he received a phone call from Hague, Sahady ahead of receiving this letter in which the District management staff and Committee were all blamed for this. He was unhappy that the auditors did not accept any responsibility for this and reiterated that they were definitely made aware of the 2019 vote. The vote was in the District's meeting minutes, which the auditors are supposed to review, and was referenced in other correspondence as well.

The Committee discussed the current agreement with Hague and Sahady and the upcoming audit.

Mr. Patten mentioned that he was not happy when he read the letter. He said that the letter sounded like it was written by a lawyer, not by the auditor, and that the blame was being placed on everyone except for them. The letter could have been much shorter and simpler and could have explained how the issue would be corrected moving forward. He also said that his name was mentioned for conversations that happened after the audit. There were no conversations between him and the auditors before the letter was sent, except for figuring out how to resolve the issue. He explained that their software should be able to detect variances from year to year, and if the interest went from \$5,000 one year to \$100,000 the next, they should have noticed and flagged it.

Mr. Novelli expressed his confidence that the books are accurate and that the upcoming audit will not have these issues. The Committee expects that the upcoming audit will go much more smoothly and agreed to stick with the current agreement for the upcoming audit. They plan to go out to bid for auditing services after the current agreement.

7. **New Business**

- a. Vote to appropriate funds from OPEB Trust (for FY 2024 retiree health care costs)

MOTION to consider an appropriation from the OPEB trust made by Mr. Gagne, seconded by Mr. Patten.

Mr. Novelli explained that the District pays for retirees' (and their dependents) health insurance throughout the year and calculates the total amount at the end of the year to be transferred from the OPEB reserve. For FY2024, the amount calculated is \$73,160.

MOTION to appropriate \$73,160 from the OPEB trust to pay for the District's share of the FY 2024 health insurance benefits for retirees of the District and their dependents made by Mr. Patten, seconded by Ms. LeBlanc. All voted in favor. Motion carried 5-0.

- b. Vote to appropriate funds from the Unemployment Reserve

MOTION to consider an appropriation from the Unemployment Reserve made by Mr. Patten, seconded by Ms. LeBlanc.

Mr. Novelli explained that there is one former employee currently collecting unemployment. The invoice for charges incurred in June has yet to be received, and the total charges through May are \$19,000. He expects the June invoice to be \$3,900.

Mr. Novelli explained that the maximum potential charges under this claim are \$24,700 and that the individual started collecting in December.

MOTION to appropriate up to \$22,900 from the District's Unemployment Reserve to pay for unemployment expenses incurred during Fiscal Year 2024, pending the June invoice amount made by Ms. Conzatti, seconded by Mr. Patten. All voted in favor. Motion carried 5-0.

- c. FY2025 Brown and Caldwell Contract Proposal

MOTION to discuss the FY2025 Brown and Caldwell Proposal made by Ms. LeBlanc, seconded by Ms. Conzatti.

Mr. Novelli reviewed the proposal with the Committee. Ms. LeBlanc asked about the number of events, and Mr. Novelli explained that there were two separate inspections that each happened bi-monthly for a total of 12 events. Mr. Novelli mentioned that the general engineering budget is similar to the FY24 budget after being amended. The Main Pump Station rebuild task now includes more work than was initially anticipated and includes construction oversight for the installation of the pumps, in addition to support for the bidding process.

Ms. LeBlanc asked if any additional permitting or notifications to DEP were required. Mr. Novelli did not believe so, but said he would make sure.

MOTION to approve and authorize the Executive Director to sign the contract between the District and Brown & Caldwell in the amount of \$118,300 for bi-monthly inspections, landfill capacity report, general engineering and completion of the Main Pump Station rebuild for FY 2025 made by Mr. Patten, seconded by Ms. LeBlanc. All voted in favor. Motion carried 5-0.

d. FY25 Commercial Contracts update

MOTION to receive an update on FY25 Commercial Contracts made by Ms. LeBlanc, seconded by Ms. Conzatti.

Mr. Novelli mentioned he received a request from Lawrence Waste Services to increase the maximum tonnage in their FY25 contract proposal to up to 5,000 tons. He explained how the proposed tonnage amounts were calculated and that the existing maximum was not much higher than the minimum, which is tough for them to plan for operationally. He mentioned that Lawrence was on track to hit their minimum tonnage in FY24, but is well below their maximum. Allowing this additional tonnage in FY25 would be at a higher tipping fee, so the District would receive increased revenue for tonnage that could have been received in FY24. Lawrence's tonnages would be significantly lower in FY25 compared to FY24. He believes this request is reasonable and noted that this does not guarantee that 5,000 tons will be delivered. FY24 was the first year doing business with Lawrence and he has had a good experience with them as a customer so far.

The Committee agreed with raising Lawrence's maximum tonnage to 5,000 tons in FY25.

MOTION to approve a maximum tonnage of 5,000 tons in the Contract with Lawrence Waste Services in FY2025 made by Ms. LeBlanc, seconded by Mr. Patten. All voted in favor. Motion carried 5-0.

e. Staff Report

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

Mr. Novelli mentioned that there had not been any odor complaints since the last meeting and complimented the operations staff. He explained some recent fluctuations in landfill gas collection and efforts to maximize the gas provided to the power plant in coordination with CNBE. He also mentioned that the contract with the USDA for bird control has been effective and there has been a noticeable reduction in bird activity at the landfill.

Mr. Gagne asked if Mr. Novelli could provide a comparison of the City of New Bedford's tonnages delivered between FY23 and FY24, after a change in haulers. Mr. Novelli mentioned that he had looked at this recently and had not noticed any significant change. He would send the graph to Mr. Gagne as requested.

Attorney Thomas has noticed that the Capitol trucks do not say "City of New Bedford" on them, which is a requirement of their contract, and asked what controls were in place at the landfill regarding Capitol trucks entering under the City's account. Mr. Novelli explained that Capitol provided truck numbers of the trucks that are dedicated to the City collection route, and those are the only Capitol trucks that are allowed over the scale. He will also meet with the City to enforce this contract provision with Capitol and agreed that this is a better solution than keeping track of truck numbers.

Mr. Novelli explained that there is currently an employee on extended sick leave. The vote accepted at the March 14 meeting was to grant compensated sick leave at 20 hours per week for up to 4 weeks to the employee, and the employee will be out for longer than the 4 weeks initially anticipated. He is not sure exactly when the employee will return at this point. The group discussed options for extending the compensated sick leave.

Chairperson Beauregard reminded the Committee that short-term disability insurance is available to District employees at their own expense that would cover instances like this. He recommended that employees be encouraged to sign up for this.

Mr. Gagne recommended that the compensated leave be extended for another month and that the District Counsel prepare a policy recommendation to address future issues at the next meeting.

Mr. Patten stated that the compensated leave is not the District's official policy, and does not want to set a precedent for future instances. He agreed with paying the employee enough to cover his health insurance, and suggested paying the employee 10 hours per week for an additional 4 weeks. Attorney Thomas mentioned that the Employee Handbook does not spell out a policy for this situation, where an employee requires sick leave beyond accumulated time.

Mr. Gagne mentioned that other municipalities are developing short-term disability policies. He suggested Mr. Novelli research these through the Mass Personnel Association to see what policies have been adopted.

After further discussion, Mr. Patten suggested the employee be paid at 10 hours per week for an additional 8 weeks, noting that the employee would likely be out longer than an additional 4 weeks with recovery time, and suggested that be the extent of the benefit. Mr. Gagne agreed with this and noted that the employee may be able to start working from home part-time within that time frame.

MOTION to continue the extended sick leave compensation for up to an additional 8-week period at 10 hours per week, and that a letter be drafted notifying the employee that there will be no further extensions after that 8- week period made by Mr. Patten, seconded by Ms. LeBlanc. All voted in favor. Motion carried 5-0.

The Committee expressed their best wishes to the employee.

Mr. Novelli mentioned that Dartmouth had begun a pilot food waste drop-off program at its Transfer Station for residents to be able to divert food waste. The bins are serviced by Black Earth Compost, who also offer a subscription service to pick up compost curbside at residents' houses, and the Town of Dartmouth is funding the program. The District is trying to promote different options for residents to divert food waste, including backyard compost bins and now drop-off bins in New Bedford and Dartmouth. The Dartmouth Board of Health was notified and did not have an issue- the food waste is placed in compostable liners to keep the bins clean.

Ms. LeBlanc mentioned that hurricane season is nearing again and asked about the status of a disaster debris management plan. She suggested that when the District meets with the new Town Administrators that it be discussed. FEMA has a lot of requirements to receive federal funding that can be tricky to navigate. Mr. Novelli mentioned that there are companies on the state contract that help prepare these plans. Ms. LeBlanc highlighted that they know how to manage FEMA, which is an important aspect. The Committee suggested that the Dartmouth DPW be involved in the process.

Mr. Novelli explained that the District has talked about creating a regional plan for Dartmouth and New Bedford. It can be difficult to coordinate both municipalities and a time-consuming process, and little progress was made in the last year. He suggested the District fund the creation of this plan. Chairperson Beaugard agreed with the District taking the lead and funding this plan.

Mr. Gagne pointed out that finding places to stage the debris is challenging in New Bedford, which is an important part of the plan. They do not want to resort to using parks. He suggested that Agreements be developed with companies that process the debris to have a contract in place when a storm occurs. He noted that in Hurricane Bob, debris sat for almost a year before being processed. Mr. Novelli will work on getting proposals for this work.

MOTION to accept the Staff Report and place on file made by Ms. LeBlanc, seconded by Ms. Conzatti.

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. Motion made by Ms. LeBlanc, seconded by Mr. Patten. All voted in favor. Motion carried 5-0.

The Committee entered into Executive Session at 9:15 a.m.

The Committee returned to Open Session at 9:28 a.m.

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

MOTION to discuss the Pollution Liability Insurance Renewal made by Mr. Patten, seconded by Ms. LeBlanc.

Attorney Thomas stated that this discussion qualifies under this heading because the pollution liability insurance policy is going to expire before the next meeting.

Mr. Novelli described the proposal received for a 3-year pollution liability policy. The Committee agreed that the proposal was reasonable and noted that it can be difficult to obtain this type of policy for a landfill.

MOTION to approve and authorize the Executive Director to execute the 3-year Pollution Liability Insurance Renewal with Nautilus Insurance Company as presented for a total of \$57,213.28 made by Mr. Gagne, seconded by Mr. Patten. All voted in favor. Motion carried 5-0.

10. Set Meeting Schedule

The next meeting is currently scheduled for July 18. The Committee did not yet schedule a meeting for August and will determine if it is necessary.

11. Adjourn

MOTION to adjourn made by Mr. Patten, seconded by Mr. Gagne. All voted in favor. Motion carried 5-0.

The meeting adjourned at 9:30 a.m.

Approved by vote of District Committee on July 18, 2024.



Anthony Novelli, Executive Director

MEMOS

- 6A. FY23 Reconciliation Adjustment Follow-Up
Attachment- Letter from Hague, Sahady & Co.
- 7A. Vote to appropriate funds from OPEB Trust (for FY 2024 retiree health care costs)
- 7B. Vote to appropriate funds from the Unemployment Reserve
- 7C. FY2025 Brown and Caldwell Contract Proposal
Attachment- Crapo Hill Landfill- FY 2025 General Engineering Services.
- 7D. FY25 Commercial Contracts Update
- 7E. Staff Report
Attachment- Flyer- Dartmouth Food Waste Drop-Off Program
Attachment- Photo of plastic rooster.
Attachment- Income statement as of 6/4/2024
Attachment- Tonnage graph as of 6/4/2024
- 8A. Pollution Liability Insurance Renewal