

GREATER NEW BEDFORD REGIONAL REFUSE MANAGEMENT DISTRICT MEETING

Meeting Minutes

Wednesday, August 12, 2020

1. Call to order

The Greater New Bedford Regional Refuse Management District Committee held a publicly posted meeting on **Wednesday, August 12, 2020 at 8:00 AM** via web conferencing service.

District Committee members participated remotely.

Chairperson Beauregard called the meeting to order at 8:00 am and read the following notice: "Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 23, 2020 Order imposing strict limitations on the number of people that may gather in one place, as extended by the Governor's March 31, 2020 Order, this meeting of the Greater New Bedford Regional Refuse Management District's District Committee is being conducted via remote participation.

No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings as provided for in the Order.

Despite the committee's best efforts, the board is not able to provide for real-time access, and so a record of this meeting will be posted on the District's website at www.gnbrrmdistrict.org as soon as possible after the conclusion of the meeting. There is no charge to access the recording.

Chairperson Beauregard reminded members that texting and private chats on the video conference platform are not an acceptable method of remote participation. He also wanted to make sure that all members could be heard when they are speaking and if any member cannot hear another member to please let him know. Finally, he informed members that if their remote connection is lost, that they should attempt to sign back in. The time they were disconnected and the time they signed back in will be noted.

OPEN MEETING LAW RECORDING ANNOUNCEMENT

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 or transmissions are being made wither perceived or unperceived by those present and are deemed acknowledged and permissible."

2. Legal notice

Chairperson Beauregard noted that the 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; aye
Daniel Patten, aye
Christine LeBlanc, aye
Ken Blanchard, aye
Michael Gagne, aye

Also present Scott Alfonse, Executive Director; Leonor Ferreira, Secretary; Attorney Matthew J. Thomas, District Counsel, and Cynthia Cammarata, District Accountant.

4. Warrant Report and Ratification – Warrant dated June 10, 23 & 26; July 1, 17 & 28, 2020.
Chairperson Beauregard asked for a motion to receive and ratify the warrant report dated June 10, June 23, & June 26; July 1, July 17 & July 28, 2020. Motion made by Ms. LeBlanc, seconded by Mr. Patten. Roll call vote: John Beauregard, yes; Daniel Patten, yes; Christine LeBlanc, yes; Ken Blanchard, yes; Michael Gagne, yes.

Motion passed - 5 to 0

5. Approval of Minutes – June 25, 2020
Chairperson Beauregard asked for a motion to approve the June 25, 2020 minutes. Motion made by Mr. Patten, seconded by Mr. Blanchard. Roll call vote: John Beauregard, yes; Daniel Patten, yes; Christine LeBlanc, yes; Ken Blanchard, yes; Michael Gagne, abstained.

Motion passed – 4 to 0; 1 abstention

6. Old Business

- a. Long range plan – Request for Design Services

Chairperson Beauregard asked for a motion to discuss the Request for Design Services. Motion made by Ms. LeBlanc, seconded by Mr. Blanchard.

Mr. Alfonse discussed the Draft Request for Design Services that incorporates the Scope of Work that the board discussed, required language, and draft qualifications for a consultant. The scope included written comments received from Ms. LeBlanc. A section was added that describes the District's management team. He noted the importance of describing the Committee because of the qualified and diverse expertise of committee members.

Section 3.5 - Mr. Alfonse noted Ms. LeBlanc suggested adding language, to address for storm debris. That was added to section 4.4.

Section 4, Finding Options for Maximizing Capacity - He noted Ms. LeBlanc suggested language regarding collecting and managing food waste. Language was added to section 5 (Alternative Technologies Analysis) that includes anaerobic digester (AD) as an alternative technology.

Section 4.2 - He noted Ms. Leblanc's comment suggesting the landfill is for the primary use of Dartmouth and New Bedford, and that it is the District's responsibility to preserve the life of the landfill for this purpose. Mr. Alfonse added a bullet to evaluate the impact of reducing incoming commercial, and non-member waste.

Mr. Beauregard noted there was no professional liability insurance requirement listed in the insurance section. Mr. Alfonse acknowledged this oversight. A requirement will be added that the project team carry \$5,000,000 in professional liability insurance.

Mr. Beauregard noted that on item 8.1, the term Workmen's Compensation insurance was no longer used, and it should be changed to Workers Compensation. Mr. Alfonse will make the change.

Ms. LeBlanc questioned if the District was specifying requirements for WBE and DBE companies. The requirement should be stronger than just encourage; the goals should be established. Mr. Alfonse noted that the District encourages the use of minority and women owned business enterprise, but it does not set forth any goals,

Attorney Thomas noted that the District does not have a plan that mandates it and the law in the Commonwealth has changed on that point. However, the evaluation criteria could require this in the consultant qualifications. Mr. Alfonse will add it to the criteria.

Mr. Alfonse noted that the scope of services is broad. He questioned whether or not to look at tools that exist, not just within the District's control, but also within its member communities. He noted New Bedford's site assigned transfer station as a significant asset, and questioned if the District should encourage the project team to work with not just the District but with the District's member communities to evaluate assets incorporate them into the District's future planning. The board agreed and Mr. Alfonse will add a section in the scope for the project team to look at all of the other potential assets in New Bedford and Dartmouth might fit into the project plan.

Mr. Blanchard noted that since the non mandatory briefing session was to be held remotely, and given the chance that there would not be too many bidders, could the meeting be held in person so that bidders could get a good feel for the property. Mr. Alfonse noted that bidders would want to have a site visit and would advertise it as such. There would be a sign up in advance and keep it to a manageable size group as to not violate the governor's order on outgoing gatherings. If any Committee members were interested in attending, it would have to be advertised that as a public meeting. Attorney Thomas noted that if less than four members attend the meetings and there is not a subcommittee, it would not have to be advertised. Members must refrain from any discussion or deliberation at the meeting.

There was discussion on the budget for the project. The group discussed whether to include the dollar amount on the project, and the committee recognized the magnitude and how that might be reflected on the price proposal. No dollar amount was set. The board agreed that it is willing to negotiate a reasonable price based on the complexity of the plan.

Motion to authorize Mr. Alfonse to advertise the Request for Design Services made by Mr. Patten, seconded by Ms. LeBlanc. Roll call vote: John Beauregard, yes; Daniel Patten, yes; Christine LeBlanc, yes; Ken Blanchard, yes; Michael Gagne, yes.

Motion passed 5 to 0

7. New Business

a. Director's report

Chairperson Beauregard asked for a motion to receive and discuss the Director's report.

Motion made by Mr. Patten, seconded by Ms. LeBlanc. Roll call vote: John Beauregard, yes; Daniel Patten, yes; Christine LeBlanc, yes; Ken Blanchard, yes; Michael Gagne, yes.

Motion passed 5 to 0

Mr. Alfonse noted that residential solid waste and recycling tonnage in New Bedford have increased since the beginning of the COVID-19.

He discussed the Landfill Gas to Energy Plant and Anaerobic Digestion Project and the two (2) developments with Commonwealth New Bedford Energy (CNBE), and the pilot anaerobic digester project.

Mr. Beauregard questioned if there was capacity for two (2) 320,000 gallon above-ground storage digester tanks. Mr. Alfonse referred to Attachment C, which was included with the packet, that showed the site plan. Mr. Beauregard also showed concern with previous prolonged negotiation process which was unyielding. Mr. Alfonse noted Ms. LeBlanc questioned if the proposal set forth was substantially different than the initial full-scale anaerobic digestion project. Mr. Alfonse noted that it is different, however, it does not provide direct benefit to New Bedford and Dartmouth in that feed stocks would not likely be sourced from New Bedford and Dartmouth.

Mr. Gagne asked if anaerobic digestion would be considered in the study. He noted he prefers to wait and have it evaluated. Mr. Alfonse noted that risk associated with moving forward with any project that may foreclose a future opportunity.

Mr. Beauregard questioned if these were two mutually exclusive projects. Attorney Thomas noted that they do not necessarily have to be.

Mr. Alfonse referred to the memo and noted that the cranberry license had been signed by SK Wainio who will be operating the bogs.

b. Temporary Labor Services Contract

Chairperson Beauregard asked for a motion to receive and discuss the Director's report.

Motion made by Mr. Patten, seconded by Ms. LeBlanc. Roll call vote: John Beauregard, yes; Daniel Patten, yes; Christine LeBlanc, yes; Ken Blanchard, yes; Michael Gagne, yes.

Motion passed 5 to 0

Mr. Alfonse noted that in May 2019, the District advertised an Invitation for Bids to provide temporary labor services, including options to extend. The unit price would be adjusted by Consumer Price Index if the contract were extended. The District awarded the contract to BJs Service Company, the sole bidder. In June 2020, the District Committee voted to amend the contract to increase the hourly rate by 2% (CPI) to \$17.33 per hour for FY 21. BJs recently informed the District that it can provide service at \$17.33 per hour until December 31, 2020. However, minimum wage will increase \$.75 per hour effective January 1, 2021. After that date, BJs said it cannot provide the service at \$17.33 per hour and is seeking an additional \$0.65 per hour (to \$17.98 per hour) effective January 1, 2021.

Mr. Alfonse noted that Attorney Thomas advised that since the contract is a unit price contract, the hourly rate may be adjusted by no more than 25%. The District Committee could also advertise for new bids.

Members questioned if the increase was already included in the budget.

Mr. Patten noted that the District would have to go out to bid and could not allow for the increase. He showed concern that it would allow for as general policy to award to a lowest bidder and then allow that lowest bidder to come back and bump up their price by 25% which would put them above the second lowest bidder. Mr. Patten noted the difference between the cost of the contract and the individual line

items in the contract. He believes Chapter 30B does not for this type of increase because there is not a total contract price.

Mr. Gagne suggested that the board adhere to the terms and conditions in the contract with BJs and issue another RFP.

Motion to stick to original terms and conditions of the amount of the agreement with BJ's and that before minimum wage changes in January 1, 2021 to June 30, 2021 (6 month contract) that District put out the RFP for the services with options to extend. Include provisions in the RFP to automatically change with minimum wage changes will include any future minimum wage increases, and they cannot come back and say increase it because of the minimum wage.

Motion made by Mr. Gagne, seconded by Ms. LeBlanc. Roll call vote: John Beauregard, yes; Daniel Patten, yes; Christine LeBlanc, yes; Ken Blanchard, yes; Michael Gagne, yes.

Motion passed 5 to 0

8. Set Date for Next Meeting

Next meeting is scheduled for Wednesday, September 23, 2020 at 8:00 a.m.

9. Adjourn

Chairperson asked for a motion to adjourn. Motion made by Mr. Blanchard, seconded by Ms. LeBlanc. Roll call vote: John Beauregard, yes; Daniel Patten, yes; Christine LeBlanc, yes; Ken Blanchard, yes; Michael Gagne, yes.

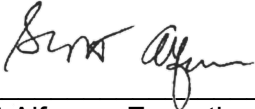
Motion passed 5 to 0

Meeting was adjourned at 9:30 a.m. on August 12, 2020.

MEMOS

- 6a. Request for Design Services
- 7a. Director's Report
- 7b. Temporary Labor Services

Approved by vote of District Committee on September 23, 2020.



Scott Alfonse, Executive Director