

GREATER NEW BEDFORD REGIONAL REFUSE MANAGEMENT DISTRICT

Minutes September 17, 2019

The Greater New Bedford Regional Refuse Management District Committee held a publicly posted meeting on **Tuesday, September 17, 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; Daniel Patten, Christine LeBlanc, Ken Blanchard. Kathleen Towers was not in attendance.

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 8:00 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, and noted that the legal notices of the meeting were posted more than 48 hours prior to the meeting.

4. Warrants Reports and Ratification - (August 6, and August 23, 2019)

Chairperson Beauregard asked for a motion to receive reports and ratify warrants dated August 6, and August 23, 2019. Motion made by Mr. Patten, seconded by Mr. Blanchard. Voted 4-0.

5. Approval of Minutes August 12, 2019

Chairperson Beauregard asked for a motion to approve minutes of August 12, 2019. Motion made by Mr. Patten, seconded by Mr. Blanchard. Voted 4-0.

6. Old Business

a. Customer update

Chairperson Beauregard asked for a motion to receive a Customer Update. Motion made by Ms. LeBlanc, seconded by Mr. Patten.

Mr. Alfonse noted that at the last board meeting the District agreed to reduce the amount due to the District from the towns of Oak Bluffs and Tisbury to \$18,523.84. Both towns agreed to that amount. Attorney Thomas will draft an amendment to the contract which clarifies what waste is acceptable by the District under the contract.

b. Update on Trust for Closure / Post-Closure

Chairperson Beauregard asked for a motion to receive an update on the status of the Trust for Closure / Post-Closure. Motion made by Ms. LeBlanc, seconded by Mr. Blanchard.

Mr. Alfonse noted that the "Resolution Establishing Closure and Post Closure Reserves" was reviewed at a prior meeting. He noted that the resolution may not sufficiently protect the District's closure and post closure reserves and recommended establishing a "trust", a financial assurance mechanism established by MassDEP. He said that the District obtained a trust template from MassDEP which requires a financial institution to serve as the Trustee of the trust instead of the Treasurer, as recommended by the District. Mr. Alfonse also noted that the District's OPEB account lists the Treasurer as the Trustee. Attorney Thomas reviewed and revised the document proposing the Treasurer serve as the Trustee.

Ms. LeBlanc questioned if MassDEP requires their name on the trust. Mr. Alfonse said yes, because MassDEP has to approve any distributions and withdrawals on the account.

Mr. Alfonse is reviewing and awaiting an answer from Bartholomew and Company as to whether they can serve as the Trustee. He confirmed with US Bank that they can function as a Trustee and is also inquiring with State Street bank. Ms. LeBlanc said that there may be another bank, but she believed it may be US Bank. She will look into it. Mr. Beauregard questioned if only certain banks could function as a Trustee. Ms. LeBlanc and Mr. Patten said yes. Mr. Blanchard asked if MassDEP had a list of approved banks, and also if there were any costs associated with it. Mr. Alfonse said that MassDEP did not have a list and noted that the cost was unknown; however he suggested that there may be a maintenance cost.

Mr. Beauregard asked what the total dollar amount was in the account. Mr. Alfonse stated that it was approximately \$8 million (\$4 million in Closure and \$4 million in Post-Closure). He noted that the Closure amount will increase due to a transfer from the unrestricted Closure account since cell 6 is now operational.

c. Easement plan for Landfill-Gas-to-Energy Lease Area

Chairperson Beauregard asked for a motion to authorize the chairperson to sign Grant of Easements and Notice of Site Lease. Motion made by Mr. Patten, seconded by Mr. Blanchard.

Mr. Alfonse referred to Attorney Thomas who noted to board members the final documents for lease extension for the landfill-gas-to-energy facility to Commonwealth New Bedford Energy (CNBE). He stated that the different easement plans in the lease were included in one plan. Attorney Thomas described the two (2) easements. The Site Lease language was amended, and the Grant of Easements begins 2024. Last year CNBE asked for an additional 10 years due to futures market. An RFP was issued and CNBE bid on the RFP. The new Site Lease begins in 2024 and includes options

for renewal. The original easements were coterminous with the lease. New easements were needed to begin with the new lease. He noted that Section 2.3 of the Site Lease includes the electric and leachate easements. The leachate easement allows CNBE to transport condensate from the gas-to-energy plant to the District's leachate system. He also noted another section on the Site Lease that refers to "Other Utilities" easement. It's not clear what the easement is for, but he was informed that the easement appears to be for sewer, telephone, etc. He advised Mr. Alfonse to disregard that section of the Site Lease for the moment and have customer return to the District when the easement is needed. Attorney Thomas showed concern that the "Other Utilities" easement may be used in a way that conflicts with the District's utilities.

Mr. Beauregard questioned whether the utility company would allow a use within the easement. Attorney Thomas noted that it was a 20-foot-wide easement, and although there is space, the District wants to control the use of the easement.

Attorney Thomas noted that the second document is a "Notice of Site Lease". Although the Site Lease was executed on December 31, 2018 it doesn't begin until 2024.

Ms. LeBlanc questioned if the lease was transferable. Attorney Thomas stated that whomever operates the gas-to-energy-plant has the authority to transfer the lease. Mr. Alfonse asked if the District had to approve the transfer of the lease, and Attorney Thomas said it does. He stated that in the Site Lease, there's language which states the approval "can't reasonably withheld".

Chairperson Beauregard asked for a motion to approve. Motion made by Mr. Patten, seconded by Mr. Blanchard. Attorney Thomas noted to Mr. Beauregard that there were two documents for his signature. Vote 4-0.

The group discussed the status of the full scale anaerobic digestion project and the current status of food waste bans in Massachusetts.

7. Old Business

a. Recycling Reimbursement Fund discussion

Chairperson Beauregard asked for a motion to discuss the Recycling Fund. Motion made by Mr. Patten, seconded by Ms. LeBlanc.

Mr. Alfonse noted that the fund was authorized in November 2017 by the District which was intended to help member communities manage the unforeseen added costs for recycling processing. In October 2018, the District Committee approved the transfer of \$83,860 from the Recycling Reimbursement Fund to reimburse the City of New Bedford upon receipt of paid invoice copies. The funds were intended to be used to "enhance recycling educational outreach, and/or improve audits to improve quality or processing" of recyclables. Mark Champagne, Director of the Department of Facilities and Fleet Management recently asked to use the funds to make improvements at the transfer station, which is currently operated by ABC Disposal. He requested to use funds to process wood waste.

The group discussed the roles and responsibilities of the involved parties relative to processing wood waste at the transfer station. Mr. Alfonse explained that bulk wood for chipping is included in the City's

“assessable” tonnage. Wood chips delivered to the landfill are not included in the assessable tonnage, since there is no cost to process and they are used beneficially.

Mr. Beauregard stated that the city’s request is not in accordance with the purpose of the fund. He agreed with Mr. Blanchard noting that the District would pay for the processing of the brush either way.

Mr. Patten asked if brush is normally hauled to the landfill, and if the difference is that the brush is currently being stockpiled at the New Bedford transfer station. Mr. Alfonse explained that periodically the District receives large amounts of wood waste which is processed by the District’s contractor into woodchips. He suggested having the contractor grind the material at the transfer station if the volume was large enough to warrant one day’s work. Attorney Thomas stated that a contractor should process the material and have the material hauled to the landfill within a certain amount of time, otherwise it would be added to the City’s assessment.

The board discussed the costs associated with chipping wood waste. The District could work with the city to process brush, but it could not allow use of the funds from the Recycling Reimbursement Fund.

Mr. Alfonse said that since the city would not be able to use the funds for the processing of wood waste, he noted that the city had another request which was for improved signage at the recycling center and questioned if the board would consider the city’s request. Ms. LeBlanc noted that the signage request would be acceptable.

Mr. Alfonse summarized by noting that it would be acceptable if the District were to fund the processing of the wood waste at the facility, provided it was at a comparable price to what the District pays to process the same volume at the landfill. A tub grinder and operator would be provided for one day at the transfer station by a contractor. Mobilization and demobilization costs are expensive.

After further discussion the board agreed that the District would provide a contractor to grind wood waste at the transfer station.

Chairperson Beauregard asked for a motion to deny the request to use the recycling fund for the wood waste, to authorize the Executive Director, Scott Alfonse, to work with the City of New Bedford to facilitate a different solution to the woodchips and to notify the City of New Bedford that upon receipt of a proposal for new a signage for the transfer station that they could use the fund for that. Motion made by Ms. LeBlanc, seconded by Mr. Patten.

Vote 4-0.

b. Award Environmental Monitoring contract

Chairperson Beauregard asked for a motion to receive the Executive Director’s recommendation regarding the Environmental Monitoring services contract and noted handouts. Motion made by Mr. Patten, seconded by Mr. Blanchard.

Mr. Alfonse noted that three (3) proposals were received for the Environmental Monitoring Services bid. The proposers were Civil & Environmental Consultants (CEC), GZA, and Weston & Sampson. The CEC proposal was the highest ranked technical proposal offering lowest price. They met all minimum criteria. Mr. Alfonse noted the proposal lacked specificity on how they would meet

MBE/WBE goals. The other proposal that was provided by Weston & Sampson did propose to use MBE field services company, Mill City Environmental, to assist with some of the field work. Mill City of Environmental is not a local company and that affects cost. Weston & Sampson's price proposal was \$14,000 higher than CEC.

Ms. LeBlanc noted that CEC used an MBE in the past and questioned why they wouldn't use the same company. She also inquired what the price difference was from last year. Mr. Alfonse noted the price increased from 2015, but scope of work changed. Mr. Alfonse explained that the pricing structure for the RFP and contract were modified since the 2015 contract to better reflect actual work performed.

Attorney Thomas questioned if there were any issues with CEC in the past. Mr. Alfonse said that they perform very well on their contract. He also noted that the District's MBE/WBE policy are goals and are not mandated. The policy needs to be updated. Under 30B, it would be difficult to reject a proposer that could not meet MBE/WBE goals.

Mr. Alfonse noted that the total estimated amount for the first 2 years is \$93,691, and it may fluctuate depending on the scope of every monitoring event.

Motion to accept made by Ms. LeBlanc, seconded by Mr. Patten. Vote 4-0.

c. Parallel Products – Request to meet with District Committee

Chairperson Beauregard asked for a motion to discuss request from Parallel Products. Motion made by Ms. LeBlanc, seconded by Mr. Patten.

Mr. Alfonse referred to page two (2) of the letter dated March 29, 2019, submitted by Mayor Mitchell in response to the Environmental Notification Form submitted to the Massachusetts Office of Energy and Environmental Affairs by Parallel. He noted the highlighted paragraph of the memo which addressed long range planning for the District. Tim Cusson, Vice-President of Parallel Products, recently said he is interested in meeting with District Committee members to discuss the possibility for synergy between the District and Parallel Products.

The group discussed the optics of meeting with Mr. Cusson. Mr. Beauregard noted the importance of complying with the suggestion in the Mayor's letter. Mr. Beauregard suggested scheduling the meeting after another Dartmouth board member was appointed.

Mr. Alfonse suggested informing Mr. Cusson that the board is willing to meet with him to listen to his ideas on synergies between his project and the District.

Members and Attorney Thomas discussed their concerns about the meeting and the project.

d. Director's report

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

Mr. Alfonse briefly reviewed some of the items in the report.

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

8. Set Date for Next Meeting

Net meeting is scheduled for Tuesday, October 22, 2019.

9. Adjourn

Chairperson Beauregard asked for a motion to adjourn. Motion made by Mr. Patten, seconded by Mr. Blanchard. Vote 4-0.

Meeting adjourned at 8:53 a.m.

MEMOS

- 6 a. Customer Update dated 9/12/2019
- 6 b. Update on Trust for Closure / Post-Closure dated 9/12/2019
- 6 c. Easement plan for Landfill-Gas-to-Energy Lease Area (Grant of Easements; Notice of Easements) dated 9/12/2019
- 7 a. Recycling Reimbursement to District Communities dated 9/12/2019
- 7 b. Award Environmental Monitoring Contract dated 9/12/2019
- 7 c. Award Environmental Monitoring contract & Parallel Products – Request to meet with District Committee dated 9/12/2019
- 7 d. Director's report dated 9/12/2019

Approved by vote of District Committee on Tuesday, October 22, 2019.

Scott Alfonse, Executive Director