

GREATER NEW BEDFORD REGIONAL REFUSE MANAGEMENT DISTRICT MEETING

Meeting Minutes

Thursday, April 15, 2021

1. Call to order.

The Greater New Bedford Regional Refuse Management District Committee held a publicly posted meeting on **Thursday, April 15, 2021 at 8:00 A.M.**

District Committee members participated remotely.

Chairperson Beauregard read the following statement: "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 open to the public, but attendees are required to socially distance. All members of the District Committee are participating remotely. Those members are Ken Blanchard, Michael Gagne, Christine LeBlanc, Daniel Patten, and John Beauregard,

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."

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.

2. Legal notices

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; yes

Daniel Patten, yes

Christine LeBlanc, yes

Ken Blanchard, yes

Michael Gagne, yes

Also present Scott Alfonse, Executive Director; Lee Ferreira, Secretary; Attorney Matthew J. Thomas, District Counsel.

The committee moved to discuss item 7a. New Business

7. New Business

a. Commercial and municipal disposal agreements

Motion to discuss commercial and municipal disposal agreements made by Mr. Patten, seconded by Ms. LeBlanc. Roll call vote: Chair John Beauregard, yes; Daniel Patten, yes; Christine LeBlanc, yes; Ken Blanchard, yes; Michael Gagne, yes.

Mr. Alfonse explained that the District knows it wants to preserve landfill capacity as much as possible for New Bedford and Dartmouth, but commercial and outside municipal contracts provide significant revenue. He explained the importance of identifying the optimal balance of revenue and capacity – how much trash is enough to provide a necessary revenue stream? He recognized that question has not yet been answered, but the planning effort will help inform the District. Despite not having the information, the District still needs to make decisions on commercial contracts for period beginning July 1.

Mr. Alfonse explained that we do not have great information on tip fees at other facilities, which are private. He noted tip fees continue to increase as capacity in Massachusetts continues to decrease.

He explained that some haulers deliver more “out of district” waste than others and suggested the Committee may want to consider this information when deciding on contracts with haulers. Mr. Alfonse reviewed the graph included with the memo and noted the limitations on developing accurate information on where waste originates.

Mr. Alfonse went on to review the table included with the memo. He noted FY 22 and FY 23 tip fees and minimum and maximum limits are proposed for the purposes of discussion. He summarized his discussions with one commercial hauler and their request for an increase of maximum tonnage.

Mr. Gagne asked if the District must issue an RFP for these new contracts. Attorney Thomas responded that solid waste contracts are exempt.

Mr. Alfonse said he believed the contracts should be short term (no more than 2 years) until we have finished the financial analysis of the planning effort. He also noted fluctuations in solid waste market make it difficult to project tip fees long-term.

He suggested that the District could seek to increase the amount of solid waste accepted if it found it needed additional revenue. He referred to the proposed tonnage limits and

noted that a slight reduction in tonnage and increased tip fee will result in slight revenue reduction. He believes the District can absorb this short-term until it is more informed in its decision-making process.

He stated the importance of maintaining a diverse customer base and asked for the Committee's thoughts on commercial contracts.

Mr. Patten suggested tonnage reductions should be percent across the board, and it should be equitable amongst the haulers. He prefers equity among commercial haulers.

Mr. Gagne noted tonnage from one hauler and expressed concern about waste coming from outside the District. Mr. Beauregard agreed and noted the importance of preserving the remaining capacity for waste originating in New Bedford and Dartmouth. Ms. LeBlanc noted that in the past, the outside waste helped generate revenue but questioned whether it is still necessary. Mr. Beauregard noted its more important to extend the life of the District (landfill).

Attorney Thomas noted that there was no obligation to extend any contract, and everything is subject to negotiation. He noted that Mr. Gagne's and Mr. Beauregard's concerns about out-of-District waste are valid. He noted the data on where waste originated may be considered anecdotal. But haulers have data because they bill customers and know their locations. He suggested the District could limit out of District waste in the future. He acknowledged the challenges.

Mr. Alfonse stated that haulers have expressed concerns about having to submit such confidential information to a public entity. Attorney Thomas suggested using a third party to obtain such information and providing a summary report to the District without details. Attorney Thomas also noted the importance of continuing to generate enough revenue to fund necessary reserve funds. He also noted that from a collection standpoint, it is important not to grant too much capacity to one hauler. He echoed the concerns of others about out-of-District waste.

Mr. Gagne stressed the importance of knowing how much revenue needs to be generated to cover operational and long-term needs. Mr. Alfonse noted that the District did a cursory analysis a few years ago but plans to get a more detailed analysis as part of its long-range plan.

Attorney Thomas noted that District could enter into a one-year contract to provide the District time to perform this analysis. Mr. Blanchard asked what the schedule was for the long-range plan. Mr. Alfonse estimated it could be a one-year project. The Committee had previously discussed prioritizing the financial plan but noted that the consultant will likely have to complete certain tasks prior to this. Mr. Beauregard noted the difficulty in making the decision without that information and asked when the contracts expire. Mr. Alfonse replied the expiration is June 30, 2021.

Ms. LeBlanc suggested that if we entered into 1-year contracts, that we require haulers provide information on the origin of their waste. The data could be used in the plan. Attorney Thomas said it could be done and noted it is common to rely on third parties to collect potentially confidential information required for plans and studies.

Mr. Beauregard noted that Attorney Thomas had a commitment soon and would have to leave the meeting and moved the discussion to the COVID 19 update.

7b. COVID-19 Update

Attorney Thomas noted that the District could require its employees to be vaccinated, especially given the District's essential function. We would have to make accommodations if someone sought a medical or religious exemption.

Mr. Beauregard asked if the District mandated but a person sought a religious or health exemption, could it still be required? Attorney Thomas responded that the District would then have to attempt to provide an accommodation to the employee. However, if none were available, the employee could be terminated.

Mr. Blanchard asked what an accommodation would be.

Mr. Thomas responded that it would have to be case by case. If there was a way to do their job, then there could be an accommodation.

Mr. Blanchard noted that it appears 66% of the District employees have been or plan to be vaccinated.

Mr. Alfonse noted his concern is mostly with landfill staff, where more than half of the employees may not plan to be vaccinated.

Ms. LeBlanc asked for clarification as to whether employees work physically close. Mr. Alfonse explained the steps the District took to distance employees but noted that there are instances where employees must work in close proximity to each other.

Attorney Thomas said that one of the accommodations that can be offered is a mask or face shield requirement for unvaccinated workers. He noted the Equal Opportunity Commission issued guidance and suggested it be shared with Committee.

Mr. Alfonse suggested incentivizing employees who have been vaccinated. Mr. Thomas noted that new federal law includes a premium pay provision for employees that are essential workers who worked during pandemic. Premium pay could be the incentive. However, he believes the District can negotiate this from a strong negotiating position.

Chairperson Beauregard stressed the importance of retaining employees and noted the District's past difficulty attracting candidates.

Mr. Alfonse noted that we moved to the COVID-19 update prior to completing the discussion on 7a. Municipal and Commercial Disposal Agreements.

7a. Municipal and Commercial Disposal Agreements (continued)

Attorney Thomas noted that Freetown did provide a notice to extend, but it was submitted late. Mr. Alfonse asked if this constitutes a “default”. Attorney Thomas said no, and that the District can accept the late notice.

Mr. Gagne noted that Freetown is in a management transition. He agreed with Attorney Thomas’s recommendation to accept the late notice.

Motion that despite the fact that the notice that the Town of Freetown will exercise its Option to Extend in accordance with paragraph 14 of the waste disposal agreement was inadvertently delivered late to the District, the District will accept the Notice. The District has determined that the Town of Freetown is not in default of the provisions of the Agreement, and assents to the notice of its option to extend for a period of 5 years (July 1, 2021 to June 30, 2026). Motion made by Mr. Gagne, seconded by Ms. LeBlanc.

Mr. Blanchard asked if the District should limit the extension to one year as it is doing with other customers. Attorney Thomas replied that the way the contract is written, if the District accepts the notice, it cannot renegotiate a contract. The contract would end, and it would have to renegotiate the contract.

Mr. Alfonse noted that Freetown’s tonnage is approximately 1 to 2% of the total tonnage and is not significant.

Mr. Gagne said he shared Mr. Blanchard’s concern and suggested that for the sake of consistency, we should have a one-year contract.

Mr. Alfonse asked if the District had the option to not extend if they are not in default. Attorney Thomas said the District did not. Attorney Thomas noted that they waived that ability to extend by delivering it late. By the District saying it would accept the late notice, if they are not in default, the contract renews. The District could acknowledge the notice was late, and it would accept it on the proviso that it would be a one-year extension.

Mr. Gagne expressed his support of that, since it would remain consistent with how the District is treating the other customers. Mr. Beauregard agreed.

Attorney Thomas left at 8:41 a.m.

Mr. Patten suggested extending the Freetown contract for 2 years instead of one year. Their fiscal year begins July 1. It is likely that they will begin their budget process in January 2022, and the District may still not have the financial information it seeks from

the planning study at that point. After the study, we can determine what happens for the remaining 3 years.

Mr. Beauregard suggested only extending it for one year and revisiting it next year. Mr. Beauregard expressed his desire to limit contracts to one year.

Mr. Blanchard noted that the District was considering 2-year contracts for commercial haulers and thought a 2-year contract aligned more with the schedule of the plan. Mr. Beauregard suggested that in the event it does not take a full year, contracts may be locked into an additional year.

Mr. Blanchard and Ms. LeBlanc agreed a one-year term made sense.

Mr. Blanchard and Mr. Beauregard said he agreed with Mr. Patten regarding the across-the-board tonnage adjustment. There was consensus that this across-the-board cut would not apply to Freetown's tonnage, given the small amount.

Mr. Alfonse summarized that the Freetown contract would be amended by extending it for one year with tip fee of \$64.94 per ton.

The group discussed that there was a motion on the floor.

Mr. Gagne amended his motion that there be an amendment to the Agreement for a 1-year period at 64.94 per ton.

Mr. Blanchard expressed the importance of explaining to Freetown the District's decision to limit it to one year. Mr. Alfonse agreed to notify Freetown of the context in which the decision was made.

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

Motion passed 5 – 0

The group discussed the commercial contracts and considered a one-year term and a % decrease across the board. Mr. Patten suggested reducing the tonnage by 6% across the board. The group agreed to that reduction.

Motion to proposed extending the contracts with ABC, Cleanway and Frade's subject to 6% reduction in maximum tons the haulers would be allowed to bring in at the tip fees proposed in the memo provided for a one-year period. Motion made by Mr. Patten; seconded by Mr. Blanchard.

Roll call vote: Chair John Beauregard, yes; Daniel Patten, yes; Christine LeBlanc, yes; Ken Blanchard, yes; Michael Gagne, yes.

Motion passed 5 – 0

7b. COVID-19 Update (continued)

Mr. Alfonse explained that he sought a sense of the board as to whether the District should mandate vaccinations or whether we should incentivize.

Ms. Ferreira noted that there had not yet been a motion to discuss this.

Motion to receive a COVID-19 update made by Ms. LeBlanc, seconded by Mr. Blanchard. Roll call vote: Chair John Beauregard, yes; Daniel Patten, yes; Christine LeBlanc, yes; Ken Blanchard, yes; Michael Gagne, yes.

Motion passed 5 – 0

Mr. Blanchard suggested delaying any action. Mr. Gagne agreed and suggested tabling to May meeting. Ms. LeBlanc agreed we should table and discuss it later, but suggested we need to mandate masks.

Mr. Alfonse noted that state guidelines still require masks inside and outdoors in public. The District has deemed the landfill as a public place and as such, masks are required to be worn by everyone indoors and outdoors. He noted that compliance has not been 100%. Ms. LeBlanc noted that if employees set the stage, customers will follow suit.

Mr. Gagne noted that if employees are outside and more than 6' apart, masks should not be required. Employees should have their face covering available at all times. Mr. Blanchard agreed.

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

Motion passed 5 – 0

4. Approval of minutes – March 18, 2021.

Motion to approve the minutes of the March 18, 2021 meeting made by Mr. Blanchard, seconded by Mr. Patten. Roll call vote: Chair John Beauregard, yes; Daniel Patten, yes; Christine LeBlanc, yes; Ken Blanchard, yes; Michael Gagne, yes.

Motion passed 5 – 0

5. Warrant Report and Ratification – Warrants dated March 22, 2021 and April 9, 2021.
Motion to ratify warrants dated March 22, 2021 and April 9, 2021 made by Mr. Patten, seconded by Ms. LeBlanc. Roll call vote: Chair John Beauregard, yes; Daniel Patten, yes; Christine LeBlanc, yes; Ken Blanchard, yes; Michael Gagne, yes.

Motion passed 5 – 0

6. Old Business

a. Solid waste planning services – qualifications review discussion

Motion to discuss the status of the Request for Qualifications for solid waste planning services made by Ms. LeBlanc, seconded by Mr. Blanchard. Roll call vote: Chair John Beauregard, yes; Daniel Patten, yes; Christine LeBlanc, yes; Ken Blanchard, yes; Michael Gagne, yes.

Motion passed 5 – 0

Mr. Alfonse reviewed the memo and noted that Shawn, Marissa, and he had not reached a decision on the three highest ranked proposers. The group discussed the schedule for interviews (April 26, 27 (afternoon) or 28).

b. District employee Compensation Study.

Motion to discuss status of the District employee compensation study made by Mr. Patten, seconded by Ms. LeBlanc. Roll call vote: Chair John Beauregard, yes; Daniel Patten, yes; Christine LeBlanc, yes; Ken Blanchard, yes; Michael Gagne, yes.

Motion passed 5 – 0

Mr. Alfonse said that the District solicited quotes from five consultants and received three responses. He reviewed the responses, focusing on the lowest price quotes. Two consultants tied for the lowest price. They meet most of the minimum required qualifications. He had not completed checking references. If one of the proposers has references superior to the other, he recommended choosing the proposer with more favorable references. If both had consistently favorable references across the board, he suggested as a tie breaker they be offered the opportunity to give a final and best offer.

He said the District's policy for contracts less than \$50,000 does not require Committee approval. He noted that it would be preferable for the Committee to vote to award this contract, given the nature of the services.

MOTION to award the contract to the proposer offering the most advantageous proposal including a proposer who had superior references over another proposer, or if both proposers have equal quality references, then the proposers would be invited to submit a final and best offer for the services, and award to the lowest price proposer made by Mr. Blanchard, seconded by Ms. LeBlanc. Roll call vote: Chair John Beauregard, yes; Daniel Patten, yes; Christine LeBlanc, yes; Ken Blanchard, yes; Michael Gagne, yes.

Motion passed 5 – 0.

The group discussed the tie breaking procedure. Ms. LeBlanc asked if Mr. Alfonse had a feeling for one proposer over another. Mr. Alfonse explained that there is a limited pool of consultants that perform this service, and all seem to have provided good quality service. Mr. Alfonse noted that he prefers to select references randomly, rather than rely on references selected by the proposer. Mr. Alfonse feels both finalists are equally qualified.

7. New Business (remaining items)

Mr. Patten suggested taking up items c. i, ii., and iii. together.

- c. i. Invitation for Bids for manufacturer certified compactor rebuild.
- ii. Invitation for Bids purchase alternative intermediate cover material
- iii. Request for Proposals to lease 74 Quanapoag Road, Freetown, MA

Motion to take up an invitation for Bids to perform a manufacturer-certified rebuild of the Caterpillar 826H landfill compactor, an Invitation for Bids to purchase asphalt processing biproduct material approved by MassDEP as landfill intermediate cover material, and a Request for Proposal to lease residential property located at 74 Quanapoag Rd, Freetown, MA made by Mr. Patten, seconded by Ms. LeBlanc. Roll call vote: Chair John Beauregard, yes; Daniel Patten, yes; Christine LeBlanc, yes; Ken Blanchard, yes; Michael Gagne, yes.

Motion passed 5 – 0

Compactor

Mr. Peckham was present and summarized the scope of the work. Mr. Beauregard how much the rebuild would cost. Mr. Peckham estimated the cost of the rebuild of \$350,000, which is approximately ½ the cost of new compactor. Mr. Beauregard asked if the District would get less life out of a rebuilt compactor than a new one. Mr. Peckham explained that the life would not likely be less than a new one. Mr. Blanchard asked if there was a scheduled maintenance plan through Caterpillar. Mr. Peckham explained that District staff performs scheduled maintenance.

Asphalt Bi-product

Mr. Alfonse reviewed the memo provided to the Committee. Mr. Blanchard asked how many tons per year of intermediate cover is used and Mr. Alfonse said he would provide this information.

Lease Residential Property

Mr. Alfonse reviewed the memo. Mr. Beauregard asked if the tenant understands the District's requirement to advertise the Request for Proposals.

Mr. Blanchard asked if Attorney Thomas drafted the lease between the tenant and the District and Mr. Alfonse confirmed he did.

Vote to authorize all three. Roll call vote: Chair John Beauregard, yes; Daniel Patten, yes; Christine LeBlanc, yes; Ken Blanchard, yes; Michael Gagne, yes.

Motion passed 5 – 0

c. Director's Report

Motion to receive Director's report made by Ms. LeBlanc, seconded by Mr. Patten. Roll call vote: Chair John Beauregard, yes; Daniel Patten, yes; Christine LeBlanc, yes; Ken Blanchard, yes; Michael Gagne, yes.

Motion passed 5 – 0

Mr. Alfonse noted that a correction to the memo and said all customer receivables are current (no past due residential tenant).

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

Mr. Alfonse said he received another inquiry from the Town of Tisbury asking if the Committee has taken any action on their request.

Mr. Gagne asked that the District advertise the Household Hazardous Waste Collection in the Dartmouth Weekly publication. He also suggested using WBSM to advertise the event. Ms. LeBlanc suggested sandwich boards at New Bedford and Dartmouth transfer station.

8. Set Date for Next Meeting

Next meeting is scheduled for Tuesday, May 25, 2021 at 8:00 a.m.

9. Adjourn.

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

Motion passed 5 – 0

Meeting adjourned at 9:30 a.m. on April 15, 2021.

MEMOS

- 6a. Solid Waste Planning Services – Qualifications review
- 6b. District Employee Compensation Study
- 7a. Commercial & Municipal Disposal Agreements (Expiring on June 30, 2021)
- 7b. COVID update
- 7c. Authorize Invitation for Bids
- 7d. Director's Report

Approved by vote of District Committee on Tuesday, May 25, 2021.

Scott Alfonse, Executive Director