

GREATER NEW BEDFORD REGIONAL REFUSE MANAGEMENT DISTRICT
DISTRICT MEETING – January 12, 2016

Final Minutes

The Greater New Bedford Regional Refuse Management District Committee held a publicly posted meeting on Tuesday, December 8, 2015 at 8:00 AM at the Dartmouth Town Hall, Room 305, 400 Slocum Road, Dartmouth, MA.

District Committee Members in attendance: Rosemary Tierney, Chairperson; Nathalie Dias, Vice Chairperson; Christine LeBlanc, John Beauregard, Lawrence D. Worden and Daniel Patten.

Also present: Scott Alfonse, Executive Director; Leonor Ferreira, Secretary; Matt Thomas, District Counsel; Tom Yeransian, Commonwealth Bioenergy and George Aaronson, Commonwealth Bioenergy.

1. Call to Order

Chairperson Tierney called the meeting to order at 8:06 AM.

2. Salute to the Flag

All in attendance stood to salute the Flag.

3. Legal Notices

Chairperson Tierney noted that the meetings were posted timely in both New Bedford and Dartmouth, and asked for a motion that the legal notices be placed on file. Motion made by Mr. Beauregard, seconded by Mrs. Dias. Voted 6-0.

4. Approval of Warrant January 12, 2016

Chairperson Tierney asked for a motion to approve the warrant Dated January 12, 2016. Motion made by Mr. Beauregard, seconded by Mr. Patten. Voted 6-0.

5. Approval of Minutes

- a. Approve December 8, 2015 regular session minutes
- b. Approve December 8, 2015 executive session minutes.

Chairperson Tierney asked for a motion to approve the December 8, 2015 regular session minutes and the December 8, 2015 executive session minutes. Motion made by Mrs. Dias, seconded by Ms. LeBlanc. Voted 6-0.

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NEW BEDFORD, MA
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CITY CLERK

6. New Business

a. Anaerobic digester project update

Chairperson Tierney asked for a motion to hear update on anaerobic digestion project from representatives of Commonwealth Bioenergy LLC. Motion made by Mr. Patten, seconded by Ms. LeBlanc.

Mr. Alfonse introduced Mr. Yeransian and Mr. Aaronson from Commonwealth Resource LLC, the proponent of the anaerobic digestion (AD) project, to the District committee. Commonwealth Resource LLC is looking to expand their operation at the landfill.

Mr. Yeransian thanked the committee and proceeded with the presentation. Mr. Yeransian stated that the landfill-gas-to-energy (LFGTE) facility is a 3.3 megawatt power facility with production by 4 engines. They are celebrating 10 year of operations.

Commonwealth takes the landfill gas which is converted to electricity and sold on the grid. To date, \$2.7 million has been paid to the District through agreements governing the LFGTE facility.

The AD pilot project is the first in the area. Steady decline in landfill gas (LFG) production at the landfill and pending organics ban emerged as tangible threats to the LFGTE project. The system design and integration of LFGTE, biogas from the AD project, and the landfill have proven to work well and they are interested in the next level of expansion. Mr. Aaronson offered a tour of the gas facility to the committee, if they were interested.

Ms. LeBlanc asked if they were taking in food waste and depackaging it or just accepting liquids. Mr. Yeransian stated that they are permitted to take only 100% liquid pumpable food waste. Commonwealth has been working on getting food waste into a slurry form so that it can be hauled to the AD facility. The food facilities are not interested. The sources hauling to the AD facility are not new sources. These sources are Massachusetts-based facilities and they were hauling to other distant facilities. Attorney Thomas asked if they were private companies liquefying their own product. Mr. Aaronson stated that the liquid is an off-shoot of their process.

Mr. Beauregard stated that Mr. Yeransian said "they are doing better than expected" on the bioenergy production and asked what scale or percentage they are getting. Mr. Yeransian stated that they are taking in 50% more feedstock than expected. Originally it was thought it would take an average of 30 days to digest organics but they have found it only takes 20 days. They have been able to increase the input from 3,000 gallons a day to 5,000 gallons a day. Mr. Alfonse was working on a modification permit to increase the intake to 5,000 gallons a day. They are producing 2 to 3 times more biogas than projected. The other component is that they are pumping the finished bi-product of the digester, which is called digestate, into a closed portion of the capped landfill which has a lack of moisture to produce more landfill gas.

Commonwealth is looking to expand the AD project to include a 1-million gallon anaerobic digester tank and equipment to accept solid organics. For this process they will need an additional building. Another component of expansion could be to take the organic waste and make it into fertilizer or bring it to the landfill. The waste water could go to the wastewater treatment plant.

Ms. LeBlanc asked how this will affect traffic at the landfill. Mr. Yeransian stated that they currently accept 3 to 5 trucks per week, which could increase to 30 to 50 trucks a week of liquids and solids. Mr. Alfonse noted that if the project was to move forward, it would have to go through the MEPA process - a state permitting process that assesses traffic impacts. Traffic could be one issue Commonwealth would have to address if it was determined there was an impact.

Mr. Worden asked what type of vehicles the organic solids would arrive in. Mr. Yeransian stated that organic solids from private companies would probably come in a roll-off. Organic solids from municipalities would probably arrive in packer trucks. Attorney Thomas asked how much space is being leased now to Commonwealth and how much more space will be needed for the expansion project. Mr. Yeransian stated that they would need another 2 to 3 acres of land.

Mr. Yeransian said that the project could include a greenhouse. The power plant generates waste heat, and fertilizer (digestate) from the AD project could be used in a greenhouse.

Mr. Beauregard asked about the time frame and cost for the project. Mr. Yeransian stated that it would be a 2 to 3 years, and the projected cost could be approximately \$10 to \$15 million, depending on the scope of the project. Mr. Patten asked if they were planning to phase the project or do everything at one time. Mr. Yeransian stated if they had approval for everything they would do it at the same time.

Mr. Yeransian would like to start the permitting process with MEPA to include the design, permit, finance, build and operate all at once.

Members of Commonwealth Resource LLC, Mr. Yeransian and Mr. Aaronson, left approximately at 8:45 a.m.

b. FY 2017 budget

Chairperson Tierney asked for a motion to discuss Fiscal Year 2017 budget. Motion made by Mrs. Dias, seconded by Mr. Patten.

Chairperson recognized Mr. Alfonse, who explained that the Personnel Subcommittee (Mrs. Tierney and Mr. Worden) met on December 8, 2015 and reviewed the salaries and wages section. The Budget Subcommittee (Mr. Beauregard and Mr. Patten) met on December 17, 2015 and reviewed the draft FY2017 budget. The budget does not include an increase in the total assessment to New Bedford and Dartmouth from FY 2016. As a result of New Bedford's changes to the solid waste collection, New Bedford's tonnage has decreased and recycling has increased, resulting in a decrease in New Bedford's portion of the assessment and an increase in Dartmouth's portion of

the assessment. To lessen the fiscal impact to Dartmouth, no increase in the total assessment to member communities is proposed in FY 2017. No commercial revenue, other than that from customers currently under contract, has been projected.

On salaries and wages, a 2% cost of living adjustment was proposed for all employees except the Executive Director. A \$22.27 per week (approximately 1.2%) increase is proposed for the Executive Director. This amount is equal to the average increase of all employees receiving a 2% increase. Rates for the health insurance are expected to rise by at least 2.5% in FY 2017 as a result of the buy-in. The retirement plant contribution is set by the New Bedford Retirement System.

Post-Employment Benefits budget is based on calculations done every year using the OPEB model. This amount is the Annual Required Contribution (ARC) as determined by the Final Report on the OPEB Costs and Liability for FY 2015 and gas less than the FY 2014 amount.

Utilities Supplies and Service line item was decreased slightly from previous fiscal year. Certain utility costs such as electricity, water and sewer, are expected to increase and the budget numbers have been adjusted to reflect those expected increases. FY 2016 included additional funds to do a structural analysis of the barn which is expected to be a one-time expense; therefore the line item has been reduced to reflect this.

Inspection / Testing for the landfill was decreased in overall monitoring costs due to contract with Civil & Environmental Consultants (CEC). The cost and frequency of processing material that is recycled at the landfill site was increased and also an increase was reflected for Buffer Acreage basically to reflect potential renovation and repairs to an anticipated acquisition.

Vehicle maintenance line item was increased to include new tips for the steel wheels on the compactor.

On deposits and reserves, Mr. Alfonse stated that the budget includes a proposed deposit \$587,256 to closure reserve, which will fully fund the Closure reserve account, and a deposit of \$182,640 to Phase 2 Reserve.

Mr. Alfonse also noted that the Budget subcommittee recommended reducing the Utilities and Service insurance line item from \$90,000 to \$70,000 based on previous year expenses and also questioned why the Workers Compensation benefit was listed under the Benefits line item. Mr. Alfonse stated that he has spoken with Mrs. Cammarata, District's accountant, on this and Mrs. Cammarata stated that the Chart of Accounts was set up by Mary Sahady several years ago. Mrs. Cammarata also provided some information that suggested it could go either way.

The final FY 2017 budget has to be approved by January 31, 2016.

Mr. Patten stated that the District has a lot of open land and asked if Mr. Alfonse has had a conversation with Eversource in regards to the solar farm installation at the

landfill (farms, bogs, etc.). Mr. Alfonse stated that he will look into the interconnection permit issue.

Chairperson Tierney called for a motion to approve FY 2017 budget. Motion made by Mr. Beauregard, seconded by Mr. Patten. Vote 6-0.

c. Cell 5 Construction contract change order No. 5

Chairperson Tierney called for a motion to discuss the proposed change order number 5 to the David G. Roach and Sons contract. Motion made by Ms. LeBlanc, seconded by Mr. Patten.

Mr. Alfonse referred members to the proposed change order no. 5 proposed by David Roach and Sons, Inc. and recommended by Brown and Caldwell. The Change order proposed to increase the contract amount by \$199,948.33.

The Cell 5 design plans specified that the contractor shall remove 6" of organic layer prior to installing the subgrade material for cell 5 construction. During the removal of the organic layer, Roach encountered areas of topsoil greater than 6" thick, requiring removal of additional material, and replacement of the removed material with subgrade material. Ms. LeBlanc asked if Brown and Caldwell tested the subgrade thickness and Mr. Alfonse replied that Brown and Caldwell had not tested it. Brown and Caldwell's standard procedure is to assume that a 6" layer material be removed. Any subsurface work to determine whether removal of 6" was adequate would have resulted in an increase cost to the District. Mr. Alfonse also stated that if this were done, the Brown and Caldwell estimate for the material to be removed and installed would have resulted in the same cost as the proposed changed order. If the change order is approved, it would increase the total contract price to \$4,271,026.09 including prior change orders. It is still below the second lowest qualified bid of \$4,542,612.

Chairperson Tierney asked for a motion to approve Cell 5 construction Change Order No. 5. Motion made by Mr. Patten, seconded by Ms. LeBlanc. Chairperson Tierney asked for a motion to transfer of \$199,948.33 from Phase 2 to cover Cell 5 costs. Motion made by Mr. Patten, seconded by Ms. LeBlanc. Vote 6-0.

d. Landfill permits – tonnage limits

Chairperson Tierney called for a motion to hear update on landfill permits and tonnage limits. Motion made by Mrs. Dias, seconded by Ms. LeBlanc.

Mr. Alfonse informed the Board that the original permit included a condition that the landfill accept no more than 115,000 tons per year of solid waste after its third year of operation. The Authorization to Construct states that the facility would have an "average" operating rate of 425 tons per day and subsequent permits for later phases state that the landfill shall operate at a "maximum" daily date of 425 tons of solid waste per day. Some permits state the limit is for 5.5 days per week and other permits stated 6 days per week.

The District has long considered the permit limit to be 115,000 tons per year. The District had historically accepted close to 115,000 tons per year. Over the last few years, the District's annual tonnage has fallen to approximately 90,000 tons per year which is well below the 115,000 tons per year. After some recent discussion with MassDEP, it was determined that the 425 tons per day is a "maximum" daily limit not to exceed. Mr. Beauregard asked if the wording in the permit was actually "average". Attorney Thomas stated that the Site Assignment doesn't have any tonnage limit in it and the first Authorization to Construct has 115,000 ton limit. Mr. Alfonse stated that the first Authorization to Construct has the underlined word "average" and elsewhere in the permit it stated "maximum". Attorney Thomas stated that subsequent permits to operate have not used the word "average" and have used the word "maximum".

Mr. Alfonse stated that the District sought to rectify this and submitted a Minor Modification permit application to MassDEP seeking a clarification allowing the District to accept an average of 425tpf. MassDEP stated that because the District seeks to increase its daily tonnage limit, a modification to the "Site Assignment" is necessary, and it is permitted by the Board of Health. A Site Assignment modification would require an involved process and include a public hearing. The District is not looking to modify the Site Assignment. It seeks to modify its MassDEP permit. Ms. LeBlanc stated that Mr. Alfonse put in writing that the District is looking for clarification in writing and does not need to change the Site Assignment.

Mr. Alfonse also asked whether the District should continue to accept waste from customers other than those with contracts, or whether it should limit incoming waste to existing contracts. It is likely to continue to operate and comply with the 425 ton per day limit. The District may need to impose limits on waste accepted. If the District seeks to accept additional waste it may be necessary to pursue a clarification of the permit limit, and possibly an increase in the daily tonnage limit. Mr. Patten suggested limiting the amount of trash from other customers party (municipally or private) to the landfill to increase the life of the landfill for New Bedford and Dartmouth's future use. Mr. Alfonse stated that at the moment the District has contracts with Frades, Oak Bluffs and Tisbury, and a proposed contract with Freetown. Mr. Alfonse stated that in light of the issue with the permit limit and Mr. Patten's suggestion, it may make sense to limit incoming waste to existing customers.

The District discussed the status of payment issued with one of its customers which is not under contract.

Mr. Patten referred to the monthly tonnage graph in the Director's report and noted the impact of accepting trash at the rate that it was accepted in September 2015. Mr. Alfonse stated operationally, an average daily limit is preferable over a maximum daily limit.

Mr. Beauregard asked how or who brought the issue to Mr. Alfonse's attention. The issue was noticed by Mr. Alfonse when ABC started hauling to the landfill and the daily tonnage increased.

It also became an issue when the District considered accepting soil for disposal from a Dartmouth project. Correspondence with DEP indicated DEP considered 425 tons per

day as the maximum daily limit, and not a daily average. Ms. LeBlanc asked if the permit in discussion was old because older permits have a different language. Mr. Alfonse said that the original permit was from 1992 and contained ambiguous language. More recent permits state a maximum daily limit.

e. Director's report

Chairperson Tierney called for a motion to receive Director's report and place on file. Motion made by Mrs. Dias, seconded by Ms. LeBlanc.

Mr. Alfonse reported that tonnage from New Bedford Waste and ABC has declined since the peak of September 2015.

Odor complaints are still being reported to the District. Shawn Peckham has been responding to odor complaints and screening for hydrogen sulfide and still determining whether the source of the order is from the landfill or the power plant.

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

Mr. Alfonse mentioned that Paul Pease, Site Engineer, is planning to retire after 20 years of service to the District. Mr. Alfonse recommended a letter be sent to Mr. Pease signed by all Board Members thanking him for his service to the District. The Board also recommended sending Mr. Pease a \$100 gift certificate.

7. Old Business

a. Town of Freetown disposal agreement

Chairperson Tierney called for a motion to discuss proposed agreement with Town of Freetown. Motion made by Mr. Patten, seconded by Ms. LeBlanc.

Mr. Alfonse stated the Mr. Healey, Freetown Administrator, submitted a request for a four year, ten month contract commencing September 1, 2016 through June 30, 2021 and an option to extend for five additional years with the tipping fees which has been discussed on the past meetings. Freetown has approximately 1,000 tons per year. Mr. Alfonse provided the committee a copy of the last draft contract circulated between the District and Freetown in May 2010. The District and Freetown would need to finalize negotiations on the terms and conditions, which would include a provision that the District offer household hazardous waste collection services to Freetown residents twice per year. Attorney Thomas will work on some of the wording in the old contract. Mr. Alfonse stated that the agreement is old and needs to be updated.

8. Executive Session

Motion to go into executive session to discuss the value of real property. Motion made by Mr. Patten, seconded by Ms. LeBlanc. Chairperson Tierney asked for a Roll Call Vote:

Chairperson Tierney - yes
Vice Chairperson Dias - yes
Christine LeBlanc - yes
Larry Worden - yes
Dan Patten – yes
John Beauregard - yes

The meeting adjourned to Executive Session at 9:21 AM.

9. Set Date for Next Meeting

The next District Meeting is scheduled Wednesday, February 10, 2016 at 8:00 AM.

**GREATER NEW BEDFORD REGIONAL REFUSE MANAGEMENT DISTRICT
DISTRICT MEETING – February 25, 2016**

Final Minutes

The Greater New Bedford Regional Refuse Management District Committee held a publicly posted meeting on Wednesday, February 25, 2016 at 8:00 AM at the Dartmouth Town Hall, Room 314, 400 Slocum Road, Dartmouth, MA.

District Committee Members in attendance: Rosemary Tierney, Chairperson; Nathalie Dias, Vice Chairperson; Christine LeBlanc, John Beauregard, Lawrence D. Worden and Daniel Patten.

Also present: Scott Alfonse, Executive Director; Leonor Ferreira, Secretary; Matthew Thomas, District Counsel.

1. Call to Order

Chairperson Tierney called the meeting to order at 8:00 AM.

2. Salute to the Flag

All in attendance stood to salute the Flag.

3. Legal Notices

Chairperson Tierney noted that the meetings were posted timely in both New Bedford and Dartmouth.

4. Approval of Warrant February 25, 2016

Chairperson Tierney asked for a motion to approve the warrant dated February 25, 2016. Motion made by Mr. Beauregard, seconded by Mr. Patten. Voted 6-0.

5. Set Date for Next Meeting

The next meeting is scheduled for Wednesday, March 9, 2016 at 8:00 AM.

6. Executive Session

Chairperson asked for a motion to go into executive session to discuss strategy with respect to litigation and noted the Committee would not reconvene in open session. Motion made by Mr. Beauregard, seconded by Ms. LeBlanc. Chairperson Tierney asked for a Roll Call Vote:

CITY CLERKS OFFICE
NEW BEDFORD, MA
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CITY CLERK

Chairperson Tierney - yes
Vice Chairperson Dias - yes
John Beauregard - yes
Christine LeBlanc - yes
Larry Worden - yes
Daniel Patten – yes

The meeting adjourned to Executive Session at 8:06 AM.

**GREATER NEW BEDFORD REGIONAL REFUSE MANAGEMENT DISTRICT
DISTRICT MEETING – March 9, 2016**

Final Minutes

The Greater New Bedford Regional Refuse Management District Committee held a publicly posted meeting on Wednesday, March 9, 2016 at 8:00 AM at the Dartmouth Town Hall, Room 315, 400 Slocum Road, Dartmouth, MA.

District Committee Members in attendance: Rosemary Tierney, Chairperson; Daniel Patten, Christine LeBlanc, John Beauregard and Lawrence D. Worden. Nathalie Dias, Vice Chairperson was not in attendance.

Also present: Scott Alfonse, Executive Director; Leonor Ferreira, Secretary; and Matt Thomas, District Counsel.

1. Call to Order

Chairperson Tierney called the meeting to order at 8:02 AM.

2. Salute to the Flag

All in attendance stood to salute the Flag.

3. Legal Notices

Chairperson Tierney noted that the meetings were posted timely in both New Bedford and Dartmouth, and that the legal notices be placed on file.

4. Approval of Warrant March 9, 2016 and Minutes of February 10, 2016 meeting.

- a. Chairperson asked for a motion to approve the warrant dated March 9, 2016. Motion made by Mr. Patten, seconded by Ms. LeBlanc. Vote 5-0.
- b. Chairperson asked for a motion to approve the minutes of February 10, 2016 meeting. Motion made by Mr. Patten, seconded by Ms. LeBlanc. Vote 5-0.

5. New Business

- a. Stage 4 Final cover project

Chairperson Tierney asked for a motion to authorize the Chief Procurement Officer to advertise the Invitation for Bids for Stage 4 Final Cover. Motion made by Mr. Patten, seconded by Ms. LeBlanc. Vote 5-0.

- b. Investment Fee structure

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2017 JUL 20 P 3:50
CITY CLERKS OFFICE
NEW BEDFORD, MA

Chairperson asked for a motion to discuss Bartholomew & Company's fee structure. Motion made by Mr. Patten, seconded by Mr. Worden.

Mr. Alfonse referred members to the memo in the packet. At the last meeting Bartholomew explained the two different fee structures on the District account. The OPEB account has a fee based on the total value of the account, and the fee decreases when the account balance increases. In other reserve accounts, the fee is based on a percentage of each transaction. Bartholomew explained at the last meeting that they moved all other municipal accounts to the fee structure that is based on the balance of the accounts. The fee based decreases as the account balances increase. Mr. Alfonse had Bartholomew review what the fee would have been on these reserve accounts (other than OPEB) if the fee had been based on the balance of the accounts. The District would have paid \$1,590.77 less in fees over the 3 year period. The fees based on trades vary each year. A commission or fee based on trades is more difficult to predict and does not provide an incentive for Bartholomew to grow the account balance. Mr. Alfonse recommended switching to the fee based on the value of the account, like the OPEB account. Mr. Patten asked if the District is being charged differently on each account, and also if the OPEB account was actual or hypothetical? Mr. Alfonse replied that the OPEB account is actual. Hypothetical on the OPEB account would be if the merging of all of the reserve accounts. Mr. Patten asked if the District was hypothetical on investment accounts, and Mr. Alfonse replied that on the investment accounts, the District is on actual. Mr. Patten asked what would be the outcome if the District was to make the switch to the OPEB account only. Mr. Alfonse replied that the OPEB is already at the fee based of balance of the account, and that the percentage goes down with the higher account balances. The District is currently getting the .5% rating because Bartholomew is only considering the balance of the OPEB account. If the District merged all of the accounts, it would be over \$15 million total. The District could get a fee of .25%. Mr. Patten stated that on the OPEB account, the actual costs are \$5,000 and \$6,000 more every year, \$9,000 for 2015 than the hypothetical. Could the District select actual for investment accounts and hypothetical for the OPEB account? Mr. Alfonse replied that the District cannot take advantage of the high account value to receive the lower basis point, unless they are all based on the same fee structure. Mr. Patten asked what the OPEB account balance was and Mr. Alfonse replied that it was about \$3.1 million. Mr. Patten's understanding was that the District went from .55 basis points to .50 basis points. Mr. Alfonse replied that at the previous meeting, Bartholomew had stated that a break from 55 basis point to 50 basis points was \$3.1 million value in the OPEB. After reviewing the account balance, Mr. Alfonse noticed that the OPEB account exceeded \$3 million in March 2015, and Bartholomew continued to charge the district 55 basis points. Mr. Alfonse discussed this with Bartholomew and the District was issued a credit in the amount of \$1,595.86. Bartholomew adjusted the fee to 50 basis points. Bartholomew attributed the error to a manual system. They have since automated their system to avoid future errors. Mr. Beauregard is in agreement with switching to the fee based schedule. Mr. Alfonse stated that if the committee is inclined to change the fee structure on the other reserve accounts other than the OPEB, than a motion and a vote is necessary.

Chairperson Tierney asked for a motion to change to Investment Fee structure on other reserve accounts. Motion made by Mr. Patten, seconded by Mr. Beauregard. Vote 5-0

c. FY16 Audit Services

Chairperson Tierney asked for a motion to discuss FY16 audit services. Motion made by Mr. Patten, seconded by Ms. LeBlanc. Vote 5-0.

Mr. Alfonse stated that typically the District looks to schedule the annual audit around this time of

the year and it's usually done in the month of July. Mr. Alfonse and Ms. Cammarata, District Accountant, have discussed the challenges with getting prepared for the auditors within 3 weeks of closing the fiscal year. This year, the District is asking that the audit be pushed out to late August into early September, with the understanding that the District needs the audit completed by the end of October to complete the reconciliation. Mr. Alfonse asked the committee if the District was in agreement in contracting Hague, Sahady & Company for this year, or if there's any interest in going out to bid. Their pricing has been competitive. Mr. Alfonse stated that he's comfortable with Hague, Sahady & Company. Mr. Beauregard noted the benefits of retaining Hague, Sahady & Company.

All in agreement to keep Hague, Sahady & Company for FY16 audit services. Vote 5-0.

d. Director's Report

Chairperson Tierney asked for a motion to receive the Executive Director's report. Motion made by Mr. Patten, seconded by Mr. Worden.

Mr. Alfonse noted that odor complaints have subsided a little and the District has had a few good weeks. However, a couple of complaints were received over the weekend. The District has installed point flares in areas where the landfill gas collection system is not influencing gas, but H₂S concentrations are still high. At the previous meeting it was suggested the District consider retaining an odor consultant. Mr. Alfonse and Mr. Peckham are meeting with representatives from SCS Engineers. A few years earlier the District has considered contracting with a landfill gas/odor consultant. The District went through the process of evaluating qualifications of different engineering firms. At that time the odors dissipated and the firm was never contracted. SCS Engineers have extensive expertise in this area. The District seeks to evaluate the source of odors. Mr. Alfonse is working on an odor newsletter for distribution to the landfill neighbors. Mr. Beauregard seems to agree with the idea to move forward with the odor consultants, depending on what the charges are, and avoid a public relations problem. Mr. Alfonse wants to assure everyone that he District is doing everything in their power to solve this problem. Mr. Alfonse's concern is for the landfill neighbors. Chairperson Tierney expressed agreement with the approach.

All in agreement with Mr. Alfonse meeting with SCS Engineers for odor consultation. Vote 5-0.

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

No items for discussion.

6. **Set date for next meeting.**

The next District Meeting is scheduled for Thursday, April 14, 2016, at 8:00 AM.

7. **Old Business**

a. Chairperson asked for a motion to go into Executive Session to discuss strategy with respect to potential litigation. The Committee will not reconvene to open session and will adjourn in Executive Session. Chairperson Tierney asked for a Roll Call Vote:

Chairperson Tierney – yes

Daniel Patten – yes

Christine LeBlanc – yes

John Beauregard – yes

Larry Worden – yes

The meeting adjourned to Executive Session at 8:22 AM.

**GREATER NEW BEDFORD REGIONAL REFUSE MANAGEMENT DISTRICT
DISTRICT MEETING – May 18, 2016**

Minutes

The Greater New Bedford Regional Refuse Management District Committee held a publicly posted meeting on Tuesday, May 18, 2016 at 8:00 AM at the Dartmouth Town Hall, Room 305, 400 Slocum Road, Dartmouth, MA.

District Committee Members in attendance: Roll Call: Rosemary Tierney, Chairperson; Nathalie Dias, Vice Chairperson; John Beauregard, Lawrence D. Worden, Daniel Patten and Christine LeBlanc.

Also present: Scott Alfonse, Executive Director, Cynthia Cammarata, Secretary and Matt Thomas, District Counsel.

CITY CLERK'S OFFICE
NEW BEDFORD, MA
2017 JUL 20 P 3:49
CITY CLERK

1. Call to Order

Chairperson Tierney called the meeting to order at 8:00 AM.

2. Salute to the Flag

All in attendance stood to salute the Flag.

Chairperson Tierney read the Open Meeting Law advising the Board that the meeting may be recorded by audio and/or video.

3. Legal Notices

Chairperson Tierney noted that the meeting was posted timely in both New Bedford and Dartmouth.

4. Approval of Warrant

Moved to after 7e.

5. Approval of Minutes

a. Approve April 14, 2016 regular and executive session minutes

Chairperson Tierney asked for a motion to approve the April 14, 2016 regular session and executive minutes. Motion made by Mr. Patten, seconded by Mr. Beauregard. Voted 6-0.

6. Old Business

a. Landfill Gas Update

Chairperson Tierney asked for a motion to receive an update on the Landfill Gas Issue.

Mr. Alfonse explained that the District received a letter from CommonWealth New Bedford Energy, LLC (CNBE); it is their contention that the high hydrogen sulfide (H2S) is a direct result of the District's acceptance of certain materials which may cause high levels of the gas. CNBE also maintains that they have incurred higher operation and maintenance costs as a result, with more frequent engine oil changes and a failed engine in March (which had been scheduled for

overhaul in early April). CNBE is looking for the District to participate in cost sharing on an H2S treatment system. Mr. Alfonse explained that the District has a site lease agreement as well as a landfill gas purchase agreement. If CNBE determines that it's uneconomically feasible for them to operate the plant, they could terminate both agreements; the District would be responsible for flaring that gas, and the District would then be in violation of permit conditions for emissions. Mr. Alfonse recommends retaining a working relationship with CNBE, but advises the District go on record disagreeing with CNBE regarding the cause of the high H2S. The District has a long history of accepting material that contains gypsum; long before the gas problems that are currently being experienced. Attorney Thomas stated that there are a lot of ambiguities with this issue; he agrees that the District should respond with disagreement as to the cause, but recommends working together with CNBE for a resolution.

Mr. Alfonse told the Board that the treatment system the District and CNBE is looking at costs approximately \$560,000; \$400,000 for the equipment and \$160,000 for installation. Mr. Alfonse recommends that the District's staff contribute with the installation. Attorney Thomas recommends we move forward with negotiations with CNBE.

Chairperson Tierney asked for a vote to continue negotiations with CNBE. Voted 6-0.

7. New Business

a. Director's Report

Chairperson Tierney asked for a motion to receive the Director's report and place it on file. Motion made by Mr. Patten, seconded by Ms. LeBlanc.

Mr. Alfonse told the Board that Republic will be hauling for Freetown. Paper shredding day will be held at City Hall Plaza this weekend.

Chairperson Tierney asked for a vote to place the Director's report on file. Voted 6-0.

b. Stage 4 Final Closure Bid Results

Chairperson Tierney asked for a motion to award the Stage 4 Final Cover contract to David G. Roach and Sons, Inc., in the amount of \$1,677,034.34 and authorize the Executive Director to execute the contract and authorize the transfer of said sum from Landfill Closure reserve to BayCoast Money Market account for Stage 4 Closure costs. Motion made by Mr. Patten, seconded by Ms. LeBlanc. Voted 6-0.

c. Front End Loader Bid Results

Chairperson Tierney asked for a motion to award the contract for a new front end loader to ATS equipment, in the amount of \$325,800, and approve the transfer of this sum from the Equipment Reserve fund. This award is contingent upon receipt of additional information from ATS to demonstrate that it meets the requirement of the RFP.

Mr. Alfonse explained that one of the requirements of the RFP was that a dealer must have been in the business of selling the motors for at least 3 years. ATS has not - but indicated that they are partnering with EW Sleeper who has. EW Sleeper will need to acknowledge the partnership in writing. Mr. Alfonse also asked for clarification for references indicating that ATS provided the loaders; the District has received a letter from ATS's lawyer, but hasn't received explanation of the two outstanding questions yet.

Chairperson Tierney added that if ATS does not provide the information or is unable to demonstrate that it meets the requirements of the RFP, award the contract to Schmidt

Equipment, in the amount of \$343,800 and approve the transfer of this sum from Equipment Reserve fund. The Executive Director is authorized to sign the awarded contract. Motion made by Mr. Patten, seconded by Mr. Beauregard. Chairperson Tierney asked for a vote; voted 6-0.

d. Mechanic/Health Insurance contribution

Chairperson Tierney asked for a motion to discuss mechanic position and health insurance. Motion made by Mr. Patten, seconded by Mr. Worden.

Mr. Alfonse explained that the District recently widely advertised for a Mechanic position, and received only four applications; three of whom were experienced and interviewed. The top two candidates expressed concern regarding the cost for a family health care plan. The pay rate for this position is between \$880 and \$1,020 weekly; the lowest cost to the employee for a family plan at 50% contribution rate would be \$242.38 per week. The District currently has one other employee hired after January 2012 eligible for the District to contribute 50% towards their health insurance. The employee does not take the insurance due to cost. Mr. Alfonse informed the Board that if the District offered to pay 75% for Health Insurance and both employees elected to take a family plan, there would be a financial impact of approximately \$10,000 to the District in the next fiscal year, and a long term liability due to OPEB of about \$10,000 per year as well.

After a discussing the implications such as quality of the workforce, liability to the District, Public versus Private industry salaries, and retainage of employees, it was decided that as of today the District will contribute 60% to health insurance costs for employees hired after January 2012.

Chairperson Tierney asked for a vote that as of today, the District contribute 60% to health insurance costs for employees hired after January 2012. Motion made by Mrs. Dias, seconded by Mr. Beauregard; Voted 6-0.

e. Items which could not have been reasonable anticipated 48 hours in advance.
None.

4. Approval of Warrant

Chairperson Tierney asked for a motion to approve the Warrant Dated May 18, 2016. Motion made by Mr. Beauregard, seconded by Mrs. Dias; voted 6-0.

8. Set Date for Next Meeting

The next District Meeting is scheduled for Tuesday, June 14, 2016 at 8:00 AM.

9. Adjourn to Executive Session (consider value of real property and discuss pending litigation)

Chairperson Tierney indicated that the meeting go into Executive Session to consider value of real property and discuss pending litigation. The Committee will not reconvene in open session. Chairperson Tierney asked for a roll call vote:

Chairperson Tierney – yes

Vice Chairperson Dias – yes

Dan Patten – yes

Christine LeBlanc – yes

Larry Worden – yes

John Beauregard – yes

The meeting moved Executive Session at 8:50 AM

**GREATER NEW BEDFORD REGIONAL REFUSE MANAGEMENT DISTRICT
DISTRICT MEETING – June 14, 2016**

Minutes

The Greater New Bedford Regional Refuse Management District Committee held a publicly posted meeting on Thursday, June 14, 2016 at 8:00 AM at the Dartmouth Town Hall, Room 305, 400 Slocum Road, Dartmouth, MA.

District Committee Members in attendance: Rosemary Tierney, Chairperson; Nathalie Dias, Vice Chairperson; Christine LeBlanc, Daniel Patten not present, John Beauregard and Lawrence D. Worden.

Also present: Scott Alfonse, Executive Director; Cynthia Cammarata, Secretary; and Matthew Thomas, District Counsel; Peter Hawes and Mary Ellen Lees.

1. Call to order by Chairperson Rosemary Tierney; roll call of members

Chairperson Tierney called the meeting to order at 8:08 AM.

2. Salute to the Flag

All in attendance stood to salute the flag.

A moment of silence in observation of the victims of Orlando, FL club shooting.

Chairperson Tierney read the notice advising the Board that the meeting may be recorded by audio and/or video.

3. Legal Notices

Chairperson Tierney noted that the meetings were posted timely in both New Bedford and Dartmouth, and asked for a motion that the legal notices be placed on file. Motion made by Mr. Beauregard, seconded by Ms. LeBlanc. Vote 5-0.

4. Approval of Warrant June 14, 2016

Chairperson asked for a motion to approve the warrant dated June 14, 2016. Motion made by Mr. Patten, seconded by Mr. Beauregard. Vote 5-0.

5. Approval of Minutes

- a. Approve May 18, 2016 regular and executive session

Chairperson asked for a motion to approve the May 18, 2016 regular and executive session minutes. Motion made by Mr. Patten, seconded by Ms. LeBlanc. Vote 5-0.

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NEW BEDFORD, MA
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CITY CLERK

6. New Business

The Chairperson delayed taking up item 6a. to wait for representatives from Borrego Solar to arrive.

b. New Bedford DPI request

Chairperson asked for a motion to discuss the request from New Bedford Department of Public Infrastructure to reuse or disposal of drinking water treatment plant residuals at Crapo Hill landfill. Motion made by Mr. Beauregard, seconded by Ms. LeBlanc.

Mr. Alfonse informed the Board that the discussion would be for informational purposes and a vote would not be required at this time. The City of New Bedford DPI has been stockpiling water treatment residuals at their drinking water treatment plant (Quittacas). The residuals are solids that settle out of drinking water during treatment process. The City has asked the District to consider accepting the residuals at Crapo Hill landfill. The District has accepted this type of material in the past for disposal. However, MassDEP prefers that the City find a reuse for the material as cover as opposed to disposal in landfill. It does have some reuse potential. The material is a fine, silt-like material which makes it difficult to use as daily cover without amending it with soil. The District could amend it with some soil and often accepts material with beneficial use from City of New Bedford and the Town of Dartmouth at no charge. Mr. Alfonse stated that he also asked the City if they are pursuing a Beneficial Use Determination from MassDEP and it appears that the City is doing that. The Beneficial Use Determination would determine the conditions under which the District could reuse of material. Ms. LeBlanc asked if the District would be incurring the cost for labor and equipment to amend the soil and if the District would be reimbursed for these costs. Mr. Alfonse stated that the City is willing to do that. The material is at Quittacas and they don't have the personnel or equipment to amend the product. Mr. Alfonse stated that this material would be included as "assessable tonnage" which is done at the end of the fiscal year.

c. Request from Frade's Disposal

Chairperson Tierney asked for a motion to consider the request from Frade's Disposal to waive interest charges for FY 2016. Motion made by Mr. Patten, seconded by Mr. Worden. Vote 5-0.

Mr. Alfonse referred members to the memo referencing the Frade's contract language regarding interest. Mr. Alfonse has worked to bring the overdue account to a better standing. Payments have been made only on the invoices and not towards the interest charges. The Board had voted a policy that allows the Executive Director to waive 4 such charges per calendar year. Mr. Alfonse has not waived any interest charges. Ms. LeBlanc asked what the total value of interest charges were and Mr. Alfonse stated that it is \$25,292.81. Attorney Thomas clarified that when the District adopted the policy of granting 4 waivers, the intent was to grant them on a monthly basis, not at the end of the year. Attorney Thomas stated that legally, every bill that has a separate interest charge would require a separate waiver. Mr. Beauregard asked if a memo was sent to Frade's stating that the District intended to start charging interest. Mr. Alfonse stated that letters were sent to spot markets customers and a separate letter was sent to Frade's stating that the District was going to impose interest charges. If the District is going to

waive the interest charges it should be with a clear understanding that the District cannot let the account age 90 to 180 days which is the current aging on the account. Mr. Beauregard asked if this was a pattern by Frade's to have their account age to over 90 days. Mr. Alfonse stated that the last average was close to 120 days. Mr. Patten said that it seems that Frade's average is about 4 months to pay the invoices. Mr. Patten asked if the contract mentioned refusal of loads and Mr. Alfonse quoted the contract which states "in case of multiple overdue payments by a Hauler, the District may require cash on delivery, or may suspend a Hauler's deliver privileges until Hauler's account is less than sixty (60) days." Mrs. Tierney stated that the Executive Director can waive 4 interest charges per year and then inform Frade's that the District intends to enforce the contract, which states "for any invoice that remains unpaid after sixty (60) days, Hauler shall be obligated to pay interest charges starting sixty (60) days after the date of the original invoice at 12% per annum". Attorney Thomas suggests informing Frade's that the District Committee is concerned about the receivables going over 60 days and remind them of the provision in the contract regarding invoices over 60 days. Also, the Committee would reconsider waiving the interest charges at the November meeting if Frade's keeps their receivables at 60 days or less. Mr. Alfonse asked if the Board had a preference which interest charge invoices to waive and the Board agreed to waive the first 4 oldest interest charges.

Motion for the Executive Director to waive the interest on the oldest 4 invoices, inform Frade's the District committee is concerned about the receivables going over 60 days and encourage Frade's to review the contract as to what happens over 60 days. If Frade's comes back at the November meeting having kept their receivables 60 days or less, the Committee would reconsider waiving interest. Motion made by Mr. Patten, seconded by Mr. Beauregard. Vote 5-0.

a. Easement of Hawes Districts Property (Representatives from Borrego and Hawes Districts family will attend). Borrego representatives were not present.

Mr. Beauregard recused himself from the discussion due to a potential conflict of interest and left the room.

Chairperson Tierney asked for a motion to discuss the District's easement over Hawes property. Motion made by Mr. Patten, seconded by Ms. LeBlanc.

Mr. Alfonse informed the Committee that the District was contacted by Borrego Solar, which is developing a solar array on Hawes property which abuts District owned property on Quanapoag Road. Mr. Alfonse referred Committee members to the memo and map which shows the different outlines of the property in different colors. Yellow and blue outline is District owned property, the red line shows the approximate location of the District's easement through the Hawes property. The district has an easement of unspecified width over the Hawes property. The Hawes family has been working with Borrego Solar to develop a solar farm on their property and has submitted a request to either extinguish or relocate the easement. Mr. Hawes explained that Borrego Solar designed the solar project which is about 20 acres, without knowing about the easement on the property. The solar project was approved by the Conservation Commission and the Planning Board in Freetown before the easement was discovered. The easement goes through the proposed solar project. The proposal is to reroute part of the easement around the solar farm. Mr. Hawes introduced David Albrecht from Borrego Solar via speaker phone. Attorney Thomas stated that the plans at hand did not show the proposed relocation of easement. Mr. Albrecht said that looking west to east Borrego has 2 completely separate solar projects. One is on the west parcel and the other on the east parcel. On the west parcel the solar system is separated into 2 pieces by a road. Mr. Albrecht explained

to the Board how the easement would be rerouted without restrictions. Attorney Thomas said that the turning radius would have to be as wide as possible and without restrictions, which needs to be noted on the plan. Mr. Hawes stated that they need a decision as soon as possible so that the project will not be jeopardized. Mr. Albrecht stated that they can send a plan showing that the easement could be easily accessible and showing that there wouldn't be any restrictions. Attorney Thomas stated that the District is willing to work with Borrego, but because it's affecting real estate interest the Board has to vote on it. Attorney Thomas asked Mr. Albrecht to send a revised plan to the District for review. Mr. Hawes said as soon as the plan is acceptable by Attorney Thomas and Mr. Alfonse, they will send it to their attorney, Jay Williams, who will prepare a legal description for Attorney Thomas's approval.

Chairperson Tierney asked for a motion based on the presentation by the Hawes family that the District committee is willing to consider a relocation of the Austin easement to a location as described during a conference call and to be more fully described in a plan and an easement document to be voted on at a later meeting. Motion made by Mr. Patten, seconded by Ms. LeBlanc. Vote 4-0.

The Hawes family left at 8:49 a.m.

Mr. Beauregard returned to the meeting at 8:50 a.m.

8. Set date for next meeting.

The next District Meeting is scheduled for Thursday, July 21, 2016, at 8:00 AM.

7. Old Business

a. Landfill Gas update

Chairperson Tierney asked for a motion to receive the landfill gas update. Motion made by Mr. Patten, seconded by Mr. Beauregard. Vote 5-0.

Mr. Alfonse informed the Board that the odor events have improved slightly but odor complaints continue. The hydrogen sulfide (H₂S) levels in the landfill gas have not significantly decreased. The anaerobic digester is no longer producing gas with elevated levels of H₂S. Mr. Alfonse said that discussions with CNBE continue and the parties have identified a technology developed by MV Technologies. The system would cost approximately \$372,224.00 to be delivered to the site, not including installation. The manufacturer estimates the installation costs would be about \$160,000. Most of the installation costs could be reduced by in-kind services provided by District employees, which include piping, excavation, etc. Mr. Alfonse noted that he has had preliminary discussions with CNBE regarding the cost sharing arrangement. CNBE is willing to participate because they have a significant investment in the gas to energy plant. They propose a 30 to 50 percent cost share on capital outlay. They would go up to 50% but looking for district to pick up any and all non-capital costs. For operating cost they are looking at 50% or maximum of \$70,000.00. They would not contribute more than \$70,000.00 dollars in one year on the operating cost. Mr. Beauregard asked for clarification that CNBE is not legally obligated to do this but they are willing to spend the money. Mr. Alfonse stated that in past District Committee meetings, it was discussed that CNBE could attempt to demonstrate that it's

becoming economically unfeasible to operate the gas to energy plant. If they were successful, they could abandon the project. The District would then have an obligation to manage the landfill gas and the high H₂S could put the District out of compliance with its permit because the District would be flaring the gas. In this case, the District would be required to pay the full cost of H₂S treatment system. The District has environmental contingency funds which could be accessed to fund capital costs. Attorney Thomas stated that there are 4 votes required by the Board in order to move forward. The votes rectify actions from the past; authorize Mr. Alfonse and Attorney Thomas to continue negotiations with CNBE and report back to the Board; and authorize Mr. Alfonse to sign on joint application to MassDEP for the necessary environmental permits; and negotiate amendments to the Site Lease and Landfill Gas Purchase and Sale Agreement relative to "delivery point"

Recommendation that the signatures of District Officials on the Landfill Gas Purchase & Sale Agreement dated December 31, 2003 and on the Site Lease Agreement dated December 31, 2003 and the actions taken under the respective Agreements and the Commonwealth Resource Managements Corporation's LFG Utilization Technical Proposal dated April 9, 2003, be and hereby are ratified and confirmed. Motion made by Mr. Patten, seconded by Mr. Beauregard. Vote 5-0.

Recommendation that the Executive Director, with assistance of District Counsel, be and hereby is authorized to negotiate an agreement with Commonwealth Resource Management Corporation for the joint development and installation of a H₂S treatment facility to facilitate treatment of landfill gas pursuant to the Landfill Gas Purchase & Sale Agreement dated December 31, 2003 and treatment of gas from the anaerobic digester facility in a location adjacent to the existing LFG Facility and for cost sharing between the District and said Corporation for costs associated with permitting acquisition, construction, installation and operation and maintenance of said H₂S Treatment Facility. Motion made by Mr. Worden, seconded by Mr. Patten. Vote 5-0.

Recommendation that the Executive Director, with assistance of District Counsel, be and hereby is authorized to negotiate any necessary amendments to the Landfill Gas Purchase & Sale Agreement or the Site Lease, respectively dated December 31, 2003 to facilitate the joint development and installation of a H₂S treatment facility to facilitate treatment of landfill gas pursuant to the Landfill Gas Purchase & Sale Agreement dated December 31, 2003 and treatment of gas from the Anaerobic Digester facility. Motion made by Mr. Beauregard, seconded by Mr. Worden. Vote 5-0.

Recommendation that the Executive Director be and hereby is authorized to execute any and all joint applications for state, federal and local permits, licenses or approvals relative to the joint construction and/or installation by the District and CNBE of a H₂S treatment facility to facilitate treatment of landfill gas pursuant to the Landfill Gas Purchase & Sale Agreement dated December 31, 2003 and treatment of gas from the anaerobic digester facility in a location adjacent to the existing LFG to Energy Facility. Motion made by Mr. Patten, seconded by Mr. Worden. Vote 5-0.

9. Adjourn to Executive Session

Chairperson asked for a motion to go into Executive Session to discuss the value of real property and pending litigation. The Committee will not reconvene to open session and

will adjourn in Executive Session. Chairperson Tierney asked for a Roll Call Vote:

Chairperson Tierney – yes

Vice Chairperson Dias – not present

John Beauregard – yes

Christine LeBlanc – yes

Daniel Patten – yes

Larry Worden – yes

The meeting adjourned to Executive Session at 9:08 AM.

**GREATER NEW BEDFORD REGIONAL REFUSE MANAGEMENT DISTRICT
DISTRICT MEETING – July 21, 2016**

Minutes

The Greater New Bedford Regional Refuse Management District Committee held a publicly posted meeting on Thursday, July 21, 2016 at 8:00 AM at the Dartmouth Town Hall, Room 305, 400 Slocum Road, Dartmouth, MA.

District Committee Members in attendance: Rosemary Tierney, Chairperson; Nathalie Dias, Vice Chairperson; Christine LeBlanc, John Beauregard and Lawrence D. Worden. Daniel Patten not present.

Also present: Scott Alfonse, Executive Director; Cynthia Cammarata, Secretary; and Matthew Thomas, District Counsel.

1. Call to order by Chairperson Rosemary Tierney; roll call of members

Chairperson Tierney called the meeting to order at 8:00 AM.

2. Salute to the Flag

All in attendance stood to salute the flag.

Chairperson Tierney read the notice advising the Board that the meeting may be recorded by audio and/or video.

3. Legal Notices

Chairperson Tierney noted that the meetings were posted timely in both New Bedford and Dartmouth, and asked for a motion that the legal notices be placed on file. Vote 5-0.

4. Approval of Warrant July 21, 2016

Chairperson asked for a motion to approve the warrant dated June 14, 2016. Motion made by Mr. Beauregard, seconded by Mr. Worden. Vote 5-0.

5. Approval of Minutes

- a. Approve June 14, 2016 regular and executive session.

Chairperson asked for a motion to approve the June 14, 2016 regular and executive session minutes. Motion made by Mr. Beauregard, seconded by Mr. Worden. Vote 5-0.

6. Old Business

- a. Easement on Hawes property

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NEW BEDFORD, MA
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CITY CLERK

Chairperson Tierney asked for a motion that the District abandon and waive its easement right as set forth in the current easement between Point A and Point B, and agree to the relocation of that easement between Point A and Point B, as shown on the Plan of Land in Freetown, Ma, Bristol, Fall River Registry, prepared for Borrego Solar by Northeast Survey Consultant and dated July 12, 2016; and authorize the District Committee Chairperson and Executive Director to execute any and all documents to accomplish this. Motion made by Mr. Beauregard, seconded by Ms. LeBlanc. Vote 4-0. Mr. Beauregard abstained.

b. Landfill Gas Update

Chairperson Tierney asked for a motion to receive update on landfill gas issue. Motion made by Ms. LeBlanc, seconded by Mrs. Dias.

Mr. Alfonse stated that the District sells landfill gas to Commonwealth New Bedford Energy (CNBE), which it's burned in the landfill gas to energy plant; when the plant is down (due to maintenance or an Eversource power outage which can happen without warning), the District flares the gas in its own flare. Hydrogen sulfide (H₂S) in landfill gas remains high which contributes to odor problems and it's also presenting some regulatory challenges for CNBE (their air permit prohibits them from burning their gas with that level of H₂S) and the District. MassDEP intends to enter into a consent order with CNBE for its air permit violations. MassDEP intends to issue Notice of Noncompliance to the District because the District's flare data recorder is not operating properly. MassDEP will likely require corrective action to fix the data recorder and did not impose a penalty. Several attempts have been made to repair the data recorder, but it's been difficult to obtain parts for the flare because it was purchased from a company in Britain, which no longer has a U.S.A. distributor. Ms. LeBlanc asked if it was possible to buy a new data recorder to match the flare. Mr. Alfonse stated that there aren't any data recorders on the market that are comparable with the flare and because the wiring was made overseas it's very difficult to retain an electrician to work on it. The District and CNBE have been working on a system to treat high H₂S and have identified MV Technologies as preferred system. There are commitments and roles on the part of both parties in this project that need to be spelled out in a Memorandum of Understanding (MOU). CNBE is procuring and will own the system. They are issuing a purchase order for the down payment. The H₂S system will be located near the landfill gas to energy plant and it will require that the District revise the lease to provide land on which CNBE can locate the system. The District will prepare the site for the H₂S treatment system installation. This work requires excavation for a concrete pad on which the system will be located and excavation and installation of pipes. The District will absorb costs for personnel and District's heavy equipment to do that work. The District and CNBE will split capital costs 50/50 for materials required for installation (approx. \$160,000, or \$80,000 each) and for the system (\$372,224 total not including installation, or \$186,112 each). The District will pay up to 50% of the operating costs up to the first \$140,000 per year, and 100% of any increment in operating costs over the first \$140,000 of operating costs per year. For example, if the operating costs in the first year are \$160,000, the District will be responsible for \$70,000 plus \$20,000, or \$90,000 in operating costs. Total estimated District costs in first year, including the system procurement the actual purchase of the system, the capital costs for installation and the District portion of the estimated operation and maintenance costs in the first full year is \$356,112. The District has an Environmental Contingency reserve of \$417,000. Also, the system would not operate for all of FY 2017. The District could include its share of operational costs in future budgets. Also, the District would be responsible for moving its flare to the area of the landfill gas to energy plant. The District will flare gas that's been treated and

use data recorder at the landfill gas plant The District's agreement with CNBE requires them to pay the District for landfill gas that's flared. Mr. Alfonse proposed that the District not pay operation and maintenance costs once H2S is below 200 ppm permit limit. CNBE may see a benefit to operating the H2S treatment system if H2S is below 200 ppm because it may reduce operation and maintenance costs for their engines it also may allow them to combust gas with higher H2S from the AD project in the landfill gas to energy plant. CNBE wants the District to commit to not accept construction and demolition debris "fines", the material CNBE suspects of contributing to elevated H2S concentration. Ms. LeBlanc asked how much revenue was generated for the District. Mr. Alfonse stated that the District has not accepted C & D since November 2015, although it could be a significant source of revenue. The District is currently using street sweepings and processed bottom ash from SEMASS for daily cover. Ms. LeBlanc asked if the District can take in none "COMM 97" soils. Mr. Alfonse stated that the policy has been that if there are detectable contaminants in the soil which can be attributed to naturally occurring conditions, the District will accept it. Mr. Alfonse said that CNBE also proposed that the District pay 50% of any penalty assessed to CNBE for its violations and 100% of any fines for failure to meet treatment system implementation schedule. The District's name is not in the consent order and the District should not pay any portion of the penalty for the violation.

Attorney Thomas stated that the MOU is being drafted. Since the District will not have 100% control over the system installation, CNBE would have to justify the delays to the District's for non-action, if any. Mr. Alfonse stated that to keep the project moving forward, CNBE is issuing a PO and paying \$109,000 deposit on the system. Since MOU is not yet finalized, CNBE would like some funding commitment from the District.

Motion that the District commit to the greatest degree possible its existing staff and heavy equipment to facilitate installation of a hydrogen sulfide treatment system; and authorizes payment of 50% of capital costs for installation, currently estimated not to exceed a total of \$160,000, 50% of which is \$80,000; and authorizes payment of 50% of treatment system equipment costs, currently estimated not to exceed \$372,224, 50% of which is \$186,112; and authorizes payment of 50% of the first \$140,000 of operating costs per year, and 100% of any increment in operating costs over the first \$140,000 of operating costs per year, with the understanding that operating costs in the first year of operation are estimated to be \$156,462; and authorizes the transfer of these funds at the time they are incurred from the District's Environmental Contingency Fund subject to or from the District Operating Budget if it's after the fiscal year 2017, subject to negotiation of a mutual agreeable memorandum of understanding. Motion made by Ms. LeBlanc, seconded by Mrs. Dias. Vote 5-0.

Mr. Alfonse explained to the Board the urgency of getting the flare and the system up and running before the month of November, which is usually when odors arise. Ms. LeBlanc asked what would happen if CNBE decided to walk away from the project. Attorney Thomas explained to the Board that new language in the MOU will clarify the conditions under which the District could take over the system if CNBE determined it was uneconomical to operate the landfill gas to energy facility. If the facility doesn't operate, the District still needs to combust landfill gas in its flare. This would put the District in violation of the MassDEP permit. The District is splitting 50% of the cost of the materials for installation, 50% for system and providing the labor for the installation. Ms. LeBlanc asked who was doing the labor once the system is to be installed. Attorney Thomas stated that it's all part of the package with CNBE.

Motion that the District Committee Chairperson is authorized to execute a Memorandum of Understanding with Commonwealth New Bedford Energy (CNBE), once it has been

finalized in a form that is acceptable to the Executive Director and District Counsel.
Motion made by Mr. Beauregard, seconded by Mrs. Dias. Vote 5-0.

7. New Business

a. Director's Report

Chairperson Tierney asked for a motion to receive the Director's report and place it on file. Motion made by Mrs. Dias, seconded by Ms. LeBlanc.

Mr. Alfonse provided a brief summary of the report.

b. Award contracts for Various Materials and Security Services.

Chairperson Tierney asked for a motion to award contracts for Various Materials and Security Services. Motion made by Mr. Beauregard, seconded by Mrs. Dias.

Mr. Alfonse summarized the bid process for various materials and recommended that the District Committee vote to award the contracts to: K.R. Rezendes, Inc. to supply modified rock at \$14.00 per ton, processed gravel at \$12.40 per ton, and gravel (Option 1) at \$11.50 per ton; G. Lopes to supply 1-1/2" stone at \$17.50 per ton, woodchips at \$28.90 per ton, daily cover at \$6.00 per ton, low permeability soil/intermediate cover at \$8.56 per ton, and grave (Option 2) at \$10.87 per ton; Mario Susi & Son, Inc. to supply recycled asphalt at \$8.99 per ton.

Motion to accept made by Mr. Beauregard, seconded by Mr. Worden. Vote 5-0.

Mr. Alfonse summarized the bid process for security services. The following bids were received; Aron Security at \$16.85 per hour, estimated total first year \$53,484.86; Best Security, at \$14.25 per hour, estimated total first year \$45,457.50 and U.S. Security at \$16.50 per hour, estimated total first year \$52,107.00. Best Security Services, Inc. was the lowest bidder and it is recommended that they be awarded the contract. Best Security has been providing security services for several years and has performed very well.

Motion to accept made by Mr. Beauregard, seconded by Ms. LeBlanc. Vote 5-0

c. Inspection / Engineering Services Contract

Chairperson Tierney asked for a motion to authorize the Executive Director to sign the contract for waste ban compliance inspections, landfill capacity report and general engineering services. Motion made by Mrs. Dias, seconded by Mr. Beauregard.

Mr. Alfonse summarized the scope of the contract (bimonthly operational reports; waste ban compliance inspections; annual landfill capacity report required by MassDEP; general engineering services for fiscal year 2017). The amount of the contract is the same as last fiscal

year. The capacity report and hourly rates for Brown and Caldwell have remained the same since last year. The contract total is \$57,900.00.

Motion to approve made by Mr. Beauregard, seconded by Ms. LeBlanc. Vote 5-0.

8. Set date for next meeting.

No date set for the next meeting.

9. Adjourn to Executive Session

Chairperson asked for a motion to go into Executive Session to consider value of real property discuss pending litigation. The Committee will not reconvene to open session and will adjourn in Executive Session. Chairperson Tierney asked for a Roll Call Vote:

Chairperson Tierney – yes
Vice Chairperson Dias – yes
John Beauregard – yes
Christine LeBlanc – yes
Larry Worden – yes
Daniel Patten – not present

The meeting adjourned to Executive Session at 8:48 AM.

**GREATER NEW BEDFORD REGIONAL REFUSE MANAGEMENT DISTRICT
DISTRICT MEETING – September 15, 2016**

Minutes

The Greater New Bedford Regional Refuse Management District Committee held a publicly posted meeting on Thursday, September 15, 2016 at 8:00 AM at the Dartmouth Town Hall, Room 305, 400 Slocum Road, Dartmouth, MA.

District Committee Members in attendance: Rosemary Tierney, Chairperson; Nathalie Dias, Vice Chairperson, Daniel Patten, Lawrence D. Worden, Christine LeBlanc, John Beauregard.

Also present: Scott Alfonse, Executive Director; Leonor Ferreira, Secretary; and Matthew Thomas, District Counsel.

1. Call to order by Chairperson Rosemary Tierney; roll call of members

Chairperson Tierney called the meeting to order at 8:08 AM.

2. Salute to the Flag

All in attendance stood to salute the flag.

Chairperson Tierney read the notice advising the Board that the meeting may be recorded by audio and/or video.

3. Legal Notices

Chairperson Tierney noted that the meetings were posted timely in both New Bedford and Dartmouth, and asked a motion that the legal notices be placed on file. Vote 6-0.

4. Approval of Warrants

Chairperson asked for a motion to ratify August 25, 2016 warrant and a motion to approve the September 9, 2016 warrant. Motion made by Mr. Beauregard, seconded by Ms. LeBlanc. Vote 6-0.

CITY CLERKS OFFICE
NEW BEDFORD, MA
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CITY CLERK

5. Approval of Minutes

- a. **Approve July 21, 2016 regular and executive session.**

Chairperson asked for a motion to approve the July 21, 2016 regular and executive session minutes. Motion made by Mr. Beauregard, seconded by Mr. Worden. Vote 6-0.

6. Old Business

- a. **Landfill Gas / Hydrogen Sulfide Treatment System Update**

Chairperson Tierney asked for a motion to receive update on landfill gas and hydrogen sulfide treatment system. Motion made by Ms. LeBlanc, seconded by Mr. Patten. Vote 6-0.

Mr. Alfonse referred members to the memorandum and informed the committee about the system to treat hydrogen sulfide (H₂S) in landfill gas (LFG). The schedule is still on track and the system should be on site and operable sometime in November 2016. H₂S concentrations are still elevated but are better than before. The District received a Notice of Non-Compliance from MassDEP which requires corrective action by the District. One of the key components of bringing the District into compliance with its permit for the flare involves repairing the data recorder at the flare. The District plans to move the flare near the LFG plant and the proposed H₂S treatment plant. This will allow the District to connect to the data recorder at the landfill gas to energy plant, and flare gas that's been treated to reduce hydrogen sulfide. Commonwealth New Bedford Energy (CNBE) finalized the Administrative Consent Order with MassDEP relative to the operation of the LFG plant, which operated out of compliance with its permit as a result of the H₂S concentrations. MassDEP will impose penalties against CNBE if the facility is not complete and operational within 9 months. The Memorandum of Agreement between the District and CNBE has been finalized and clarifies the lease agreement. It also prevents the District from accepting construction and demolition debris fines, except in emergency situations.

7. New Business

- a. **Director's Report**

Chairperson Tierney asked for a motion to receive the Director's report and place it on file. Motion made by Mr. Beauregard, seconded by Ms. LeBlanc. Vote 6-0.

Mr. Alfonse gave the Board a recycling update. MassDEP has a recycling dividends program which is a rewards program for communities that meet certain criteria.

Marissa, the Recycling Coordinator, has been working diligently over the last couple of years to assure that the City and the Town address as many of the criteria as they can to maximize the rewards. New Bedford received a \$68,000 grant. Mr. Beauregard asked for status on Frade's Disposal and Mr. Alfonse provided a status update

b. Election of Officers.

Chairperson Tierney asked for a motion to receive nominations for Chairperson, Vice Chairperson and Secretary / Treasurer. Motion made by Mrs. Dias, seconded by Mr. Patten. Discussed item 7c and returned to this item for nominations and vote.

Mr. Patten asked how item 7c, Approval of Warrants, related to item 7b, Election of Officers. Mr. Alfonse stated that 7c is a change in the law that allows the District Committee, if it so chooses, to appoint one of its members to sign the warrant, with a report provided at the next meeting. This would allow the District to process payments every 2 weeks. This law becomes effective on November 7, 2016. Mr. Patten asked if previous Treasurers were compensated. Mr. Alfonse stated that previous Treasurers were not compensated.

Motion by Ms. LeBlanc to re-nominate the current slate (Rosemary Tierney, Chairperson, Nathalie Dias, Vice-Chairperson, Dan Patten, Secretary/Treasurer), seconded by Mr. Beauregard. Roll call vote: Chairperson Tierney - yes; Vice Chairperson Dias - yes; Larry Worden - yes; Daniel Patten - yes; Christine LeBlanc - yes; John Beauregard - yes.

c. Approval of Warrants

Chairperson Tierney asked for a motion to consider recommendation to appoint a designate a District Committee member to approve warrants. Motion made by Mr. Beauregard, seconded by Ms. LeBlanc. Vote 6-0.

Mr. Alfonse stated that changes to state law resulting from the recently passed Municipal Modernization Act allow the Committee to designate one of its members to approve warrants. The member shall make available to the Committee a record of such actions at the next meeting. Attorney Thomas stated that the warrant approval could be done with electronic signature and ratified at the next Board meeting.

Motion to designate Mr. Beauregard to approve all bills, drafts, orders and payrolls; provided, however, that the member shall make available to the Committee, at the first meeting following such action, a record of such actions and Committee shall vote at that time to approve such actions. Motion made by Mr. Patten, seconded by Ms. LeBlanc. Vote 6-0.

d. Investment Policy Statement

Chairperson Tierney asked for a motion to revise the District's "Investment Policy Statement for General Funds and Trust Funds" to allow the Treasurer to eliminate the requirement that investments in common stock, preferred stock and investment funds be limited to those items on the "Legal List of Investments". Motion made by Mr. Patten, seconded by Mrs. Dias. Vote 6-0.

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

Mr. Alfonse stated that the District has an OPEB Trust, which is a fund with money set aside to pay the District's obligations for retiree health insurance in the future. The District voted to accept Mass General Law, Chapter 32B, section 20, which it is required to do to establish the trust, and it appointed a trustee, the Treasurer. The District did not draft a declaration of a trust, therefore the District will have to draft a Trust quickly. The Trust will have to be drafted according to the changes from November 7, 2016 law due to State reorganization. The Draft will be ready for the October meeting.

8. Set date for next meeting.

Next Board meetings were scheduled for Tuesday, October 18, 2016 and Thursday, November 17, 2016

Motion to adjourn made by Mr. Patten, seconded by Mrs. Dias. Vote 6-0.

Meeting adjourned at 8:45am.

Minutes approved November 17, 2016

**GREATER NEW BEDFORD REGIONAL REFUSE MANAGEMENT DISTRICT
DISTRICT MEETING – October 18, 2016**

Minutes

The Greater New Bedford Regional Refuse Management District Committee held a publicly posted meeting on **Tuesday, October 18, 2016, at 8:00 AM** at the Dartmouth Town Hall, Room 305, 400 Slocum Road, Dartmouth, MA.

District Committee Members in attendance: Rosemary Tierney, Chairperson; Nathalie Dias, Vice Chairperson; Daniel Patten, Christine LeBlanc, John Beauregard.

Larry Worden not present.

Also present: Scott Alfonse, Executive Director; Leonor Ferreira, Secretary; Cynthia Cammarata, District Accountant.

1. Call to order by Chairperson Rosemary Tierney; roll call of members

Chairperson Tierney called the meeting to order at 8:04 AM.

2. Salute to the Flag

All in attendance stood to salute the flag.

Chairperson Tierney read the notice advising the Board that the meeting may be recorded by audio and/or video.

3. Legal Notices

Chairperson Tierney noted that the meetings were posted timely in both New Bedford and Dartmouth and that the notices be placed on file.

4. Approval of Warrants

Chairperson asked for a motion to approve the October 18, 2016 warrant. Motion made by Mr. Patten, seconded by Mr. Beauregard. Vote 5-0.

5. Approval of Minutes

CITY CLERK'S OFFICE
NEW BEDFORD, MA
2017 JUL 20 P 3:50
CITY CLERK

- a. **Amended July 21, 2016 executive session minutes.**

Chairperson asked for a motion to approve the amended July 21, 2016 executive session minutes. Motion made by Mr. Patten, seconded by Mr. Beauregard. Vote 5-0.

- b. **September 15, 2016 regular session minutes.**

Chairperson Tierney asked for a motion to approve the September 15, 2016 regular session minutes. Motion made by Mr. Patten, seconded by Ms. LeBlanc. Vote 5-0.

6. Old Business

- a. **Landfill Gas / Hydrogen Sulfide Treatment System Update**

Chairperson Tierney asked for a motion to receive landfill gas and hydrogen sulfide treatment system update. Motion made by Ms. LeBlanc, seconded by Mrs. Dias. Vote 5-0.

Mr. Alfonse informed the Committee that the work is progressing smoothly and that the system should be installed by November 6, 2016. The startup and testing week is November 27, 2016 which is within the schedule established by MassDEP.

7. New Business

- a. **Director's Report**

Chairperson Tierney asked for a motion to receive the Director's report and place it on file. Motion made by Mr. Patten, seconded by Ms. LeBlanc. Vote 5-0.

Mr. Alfonse stated that ABC Disposal continues to pre-pay for delivered solid waste. Mr. Alfonse met with a major customer to discuss their account status and suggested that they seek financing to clear the balance or the District would have to reduce the amount of incoming waste. Mr. Beauregard asked about odor complaints and Mr. Alfonse stated that the District had one odor complaint. Also, the Household Hazardous Waste Day is being held on Saturday, October 22, 2016 from 9:00 a.m. -12:00 p.m. Chairperson Tierney asked about the Downtown businesses recycling and Mr. Alfonse stated that the City of New Bedford is starting to selectively roll out recycling collection for businesses in Downtown where storage is not an issue.

Motion to accept the Director's Report made by Mr. Beauregard, seconded by Ms. LeBlanc. Vote 5-0.

b. Reserve Accounts

Chairperson Tierney asked for a motion to discuss reserve accounts. Motion made by Mr. Patten, seconded by Ms. LeBlanc.

Mr. Alfonse stated that each year, in advance of the reconciliation, the District reviews the status of the reserve accounts. Mr. Alfonse provided the Committee with a spreadsheet showing the different reserves and the proposed amounts for FY 2017 and discussed the various reserves. Mr. Alfonse stated that maintenance on District buildings has been deferred for several years and that the District should consider establishing a Building Capital Improvement Reserve fund for maintenance of District buildings.

He noted that the Closure Reserve fund was over estimated last year by Brown and Caldwell due to a calculation error. Mr. Alfonse suggests reducing the deposit included in the FY 2017 budget and depositing the money into Phase 2 Reserve. Post-Closure Reserve is a fund for monitoring and maintaining the landfill after it's closed. The District is required to have a 30 year Post-Closure fund. The goal is prepared by Brown and Caldwell and the estimate is \$2.935 million. The balance is now \$3.9 million. Ms. LeBlanc asked how much of it was included maintenance and Mr. Alfonse replied that there is an allowance for maintenance in the fund. He can provide Ms. LeBlanc with a spreadsheet for her review.

As of June 30, 2016 the OPEB Reserve account balance was \$3.5 million with a proposed \$155,000 deposit. Each year an evaluation is done using a computer model and includes the recommended "annual required" contribution as the amount to be deposited in the following fiscal year. The District is making steady progress towards fully funding its OPEB liability. Mr. Alfonse is proposing depositing \$251,289 into OPEB which, is the unfunded actuarial liability. The District is about 92% funded as of June 30th.

Mr. Beauregard suggested that the District should consider establishing additional reserve or stabilization accounts for District building maintenance. Mr. Alfonse will develop a more comprehensive list of things that the District should consider funding. Also, Mr. Alfonse and Attorney Thomas are in the process of reviewing each account to name each fund consistent with Massachusetts municipal finance laws and will identify the appropriate statute which gives the District authority to establish each fund. The goal is to ensure that each account is properly established and is consistent with the District's authority. Mr. Patten suggested that the District should consider hiring a consultant to assess the landfill buildings and that there should be a plan in place for building maintenance.

c. Recycling Intern

Chairperson Tierney asked for a motion to Recycling Intern. Motion made by Ms. LeBlanc, seconded by Mr. Patten.

The Recycling Intern has been with the District since 2008. The position was funded with revenue from the New Bedford Recycling fund. The position paid \$12/hr. in 2008 and is currently still at \$12/hr. Mr. Beauregard asked if the position was an intern and Mr. Alfonse replied that it's a part time position. Mr. Alfonse is requesting that Committee approve a \$1 per hour increase effective immediately. Committee agreed to increase the rate to \$13 per hour effective immediately.

Motion to continue with the position of Recycling Intern and increase it to \$1 per hour effective immediately. Motion made by Mr. Beauregard, seconded by Ms. LeBlanc. Vote 5-0.

d. Request from ABC

Chairperson Tierney asked for a motion to consider request from ABC Disposal. Motion made by Mr. Patten, seconded by Ms. LeBlanc. Vote 5-0.

Mr. Alfonse stated that ABC has been delivering 3 loads per day and that they have requested to deliver an additional load, making it 4 loads per day. They will continue to pre-pay for disposal at \$71 per ton. Mr. Alfonse recommends accepting one extra load per day with the right to reduce the number of trucks accepted at any time.

Motion to accept ABC Disposals request to deliver one additional load per day with pre-pay. Motion made by Ms. LeBlanc, seconded by Mr. Patten. Vote 5-0.

e. Tipping Fee review

Chairperson Tierney asked for a motion to review current tipping fee. Motion made by Ms. LeBlanc, seconded by Mr. Patten. Vote 5-0.

The solid waste disposal market is tightening. The District should consider increasing its tipping fee from current rate of \$71 per ton, to \$81 per ton effective January 1, 2017. This will affect spot market customers.

8. Set date for next meeting.

Next Board meeting is scheduled for Thursday, November 17, 2016 at 8:00 a.m.

Motion to adjourn made by Mr. Patten, seconded by Mrs. Dias. Vote 5-0.

Meeting adjourned at 8:52 a.m.

Minutes approved December 13, 2016

**GREATER NEW BEDFORD REGIONAL REFUSE MANAGEMENT DISTRICT
DISTRICT MEETING – November 17, 2016**

Minutes

The Greater New Bedford Regional Refuse Management District Committee held a publicly posted meeting on **Tuesday, November 17, 2016, at 8:00 AM** at the Dartmouth Town Hall, Room 305, 400 Slocum Road, Dartmouth, MA.

District Committee Members in attendance: Rosemary Tierney, Chairperson; Nathalie Dias, Vice Chairperson; Daniel Patten, Christine LeBlanc, John Beauregard, Larry Worden.

Also present: Scott Alfonse, Executive Director; Leonor Ferreira, Secretary; Attorney Matthew J. Thomas, District Counsel; Cynthia Cammarata, District Accountant; Mary Sahady and Andrew Lima; Hague, Sahady & Co., P.C. representatives

CITY CLERKS OFFICE
NEW BEDFORD, MA

CITY CLERK

JUL 20 P 3:51

1. Call to order by Chairperson Rosemary Tierney; roll call of members

Chairperson Tierney called the meeting to order at 8:05 AM.

2. Salute to the Flag

All in attendance stood to salute the flag.

Chairperson Tierney read the notice advising the Board that the meeting may be recorded by audio and/or video.

3. Legal Notices

Chairperson Tierney noted that the meetings were posted timely in both New Bedford and Dartmouth and that the notices be placed on file. Motion made by Mr. Beauregard, seconded by Ms. LeBlanc. Vote 6-0.

4. Warrant Report and Ratification

Chairperson asked for a motion to ratify the November 17, 2016 warrant. Motion made by Mr. Patten, seconded by Ms. LeBlanc. Vote 6-0.

5. Approval of Minutes

Chairperson asked for a motion to approve the October 18, 2016 regular session minutes. Motion made by Mrs. Dias, seconded by Ms. LeBlanc. Vote 6-0.

6. New Business

a. Fiscal year 2016 Audited Financial Statement.

Chairperson Tierney asked for a motion to receive presentation of the FY 2016 audited financial statement from representatives of Hague, Sahady and Company. Motion made by Mr. Patten, seconded by Mr. Beauregard.

Ms. Sahady presented the audited financial statements prepared by Hague, Sahady & Company for fiscal year 2016 ending June 30, 2016. Ms. Sahady discussed in detail the various section of the audit, including the Management's Discussion and Analysis and the Statement of Net Position (which is sometimes referred to as a balance sheet in private entities). Ms. Sahady referred to the Supplementary Information and discussed the Stated of Revenues and expenses and noted the amount available for the fiscal year 2016 reconciliation. Ms. Sahady then referred to item number 2 in the notes to the financial statements on pages 23 and 24, and discussed the status of the reserve accounts. Mr. Lima noted that additional detailed information regarding transactions into and out of the reserves is contained in the Supplementary Information Statement of Restricted Net Position contained in pages 50 and 51 of the financial statements.

Mr. Beauregard asked for confirmation that the financial statement does not reflect the purchase of property at 101 Quanapoag Road because it occurred after June 30, 2016. Mr. Alfonse noted that Mr. Beauregard was correct and stated that page 42 of the financial statement discussed events that happened after completion of the audit. The purchase of the property is noted in this section. Mr. Beauregard asked about the sale of the land (lot 7) in the Industrial Park by the District to AHEAD. It was noted that the sale of that property was listed on page 50. Mr. Beauregard asked about unrealized losses and gains in Phase 2 reserve and land acquisition. Ms. Sahady stated that it depended on the investment, and that it may have had an increase or decrease in value. The increase or decrease is recorded at the end of the fiscal year. Mr. Beauregard noted that the increase in Phase 2 reserve was favorable, but the decrease in land reserve was not. Mr. Alfonse stated that the District is meeting with Bartholomew sometime in January 2017, and can discuss those reserves and investment allocation. Ms. Sahady encouraged the District to look at the quarterly report on land reserve to see if the value had increased since June 30, 2016. Ms. Sahady noted one final report included with the financial statements. Because the District is a quasi-government agency, they are required to report on internal control and laws and regulations, and that there weren't any findings of internal control deficiencies. Ms. Sahady referred to the Management Letter, which gives the auditors a chance to report to the Board any areas that might need improvement. There aren't any improvements recommended to the District.

Ms. Sahady mentioned the new GASB statement 75 and discussed how it affects the OPEB trust. Ms. Sahady noted the District's OPEB trust is 92% funded. Ms. Sahady concluded the presentation.

Mr. Beauregard asked for an overall assessment of the District's management of its finances. Ms. Sahady noted that the District's financial management duties are performed very well.

Ms. Sahady, Mr. Lima and Mrs. Cammarata left at 8:45 a.m.

b. Unemployment Reserve

Chairperson Tierney asked for a motion that, in accordance with MGL chapter 40 section 53, interest earned in the Unemployment Reserve Fund shall be added to and become part of that fund. Motion made by Mr. Patten, seconded by Mr. Beauregard. Vote 6-0.

Mr. Alfonse stated in 2006 the District voted to withdraw interest from reserve accounts, including unemployment. After reviewing various laws applicable to District reserve accounts, it was determined that Massachusetts law requires interest earned in the unemployment reserve to remain in that account. The total amount of interest calculated, including compounded interest, which should have remained in the unemployment reserve but has been withdrawn is \$21,775. This amount is included as a proposed deposit to the Unemployment Reserve covered under the Reconciliation.

c. FY 2017 Budget Revision

Chairperson Tierney asked for a motion to revise the deposit to the Closure reserve in the FY 2017 budget to \$332,006 and to revise the deposit to the Phase 2 reserve in the FY 2017 budget to \$437,890.0. Motion made by Mr. Patten, seconded by Ms. LeBlanc. Vote 6-0.

d. FY 2016 Reconciliation / Reserve Funds

Chairperson Tierney asked for a motion to discuss the FY 2016 reconciliation and District reserve funds. Motion made by Mr. Patten, seconded by Mrs. Dias.

Mr. Alfonse referred to discussions at the last District Committee meeting when the District had initial discussions regarding potential deposits to reserves. Attorney Thomas informed the committee that the District Agreement and amendments give the District the authority to establish and maintain reserves as deemed reasonable. The Committee has no limitations on establishing reserves. Also, after the municipal modernization act was passed, the District can establish stabilization funds. Because of the way the District Agreement was written, after the landfill closes, as long as District is operational, New Bedford and Dartmouth can dispose of their trash through a third party. Creation of a Rate Stabilization fund could be used to help offset the increase in

disposal costs communities are likely to incur after Crapo Hill landfill closes.

Ms. LeBlanc asked what year is Crapo Hill landfill closing and if the fund could be used for other purposes other than disposal fee, such as feasibility analysis. Mr. Alfonse replied that the landfill is estimated to close in 16 years and he and Attorney Thomas are working on labeling the reserves and their purposes.

Mr. Alfonse stated that at the October 18, 2016 meeting, the Committee began initial discussions on establishing the Building Capital Improvement reserve and Interest Waiver Reserve (to offset the waiver of any interest per District policy). Mr. Alfonse referred members to the spreadsheet outlining the proposed deposits to reserves from funds available from FY 2016. The Board discussed the rationale for having reasonable reserve.

Mr. Patten suggested that the Future Disposal Rate stabilization fund name be changed, and the Board agreed to change the name to Future Solid Waste Management fund. The Board will be discussing revising names of other reserve funds.

Mr. Alfonse informed the committee that as part of the reconciliation process, appropriation of funds must be made to reserves using FY 2016 revenue. New Bedford has a credit of \$39,977 and Dartmouth has a debit of \$39,977. This will be applied to their FY 2018 assessment. As was the case last year, this credit to New Bedford and debit to Dartmouth is larger than prior years. The FY 2016 assessment was set in 2015 and is based on the last full year of tonnage data, which was FY 2014. The City's automated collection program began at the very end of FY 2014. Solid waste tonnage delivered by the City is lower in FY 2015 and FY 2016 when compared to FY 2014 tonnage and as a result Dartmouth pays the higher assessment. Mr. Alfonse has informed the Town of Dartmouth of the assessment. Mr. Beauregard asked if Dartmouth pays out of the Enterprise fund and Mr. Alfonse confirmed it does.

Chairperson asked for a motion to Establish a Building Capital Improvement Reserve fund for the purpose of developing and implementing a capital improvement plan for District owned buildings; an Interest Waiver reserve to fund any amount of interest due to the District which is waived in accordance with the District's interest waiver policy; a Future Solid Waste Management reserve. Motion made by Ms. LeBlanc, seconded by Mrs. Dias. Vote 6-0.

and to:

Authorize the Treasurer to certify the Fiscal Year 2016 Reconciliation and approve the transfer of the following FY 2016 revenue into the following reserve funds:

**\$21,775 into Unemployment
\$126,963 into Equipment
\$330,573 into Environmental Contingency
\$811,349 into Phase 2 Construction
\$251,289 into OPEB
\$75,000 into Interest Waiver reserve**

**\$408,847 into Future Solid Waste Management reserve
\$500,000 into Building Capital Improvement**

e. 101 Quanapoag Rd. Executive Session minutes

Chairperson Tierney asked for a motion to disclose the minutes of the executive session discussions regarding 101 Quanapoag Road held on the following dates:

September 24, 2015

October 29, 2015

December 8, 2015

January 12, 2016

April 14, 2016

May 18, 2016

July 21, 2016

Motion made by Mrs. Dias, seconded by Mr. Patten. Vote 6-0.

f. Adopt Designer Selection Written Procedures

Chairperson Tierney asked for a motion to adopt the Designer Selection Written Procedures. Motion made by Mr. Patten, seconded by Mr. Beauregard. Vote 6-0.

Mr. Alfonse stated that at the October 18, 2016, meeting, the Committee discussed establishing a building capital improvement reserve and hiring a consultant to assist the District in identifying and designing repairs to District buildings. There is a procurement process that the District has to adopt and it is recommended that the District Committee vote to adopt the Designer Selection Written Procedures.

g. Director's Report

Chairperson Tierney asked for a motion to receive Director's Report and place on file. Motion made by Mr. Patten, seconded by Mrs. Dias. Vote 6-0.

Mr. Alfonse noted that the H2S system is being installed. He also explained that quarterly groundwater monitoring is done at the landfill. In the most recent round, the samples were analyzed for 1, 4-dioxane at a lower concentration than during past events. It was detected in one well and the results will be reported to MassDEP.

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

7. Set date for next meeting.

Next Board meeting is scheduled for Tuesday, December 13, 2016 at 8:00 a.m.

Chairperson Tierney asked for a motion to adjourn to Executive Session to discuss pending litigation. The Committee will not reconvene to open session and will adjourn in Executive Session. Motion made by Mrs. Dias, seconded by Mr. Patten. Roll Call vote:

Chairperson Tierney – yes

Vice Chairperson – yes

Daniel Patten – yes

Ms. LeBlanc – yes

Mr. Beauregard – yes

Larry Worden – yes

Meeting adjourned to Executive Session at 9:20 a.m.