

**GREATER NEW BEDFORD REGIONAL REFUSE MANAGEMENT DISTRICT
DISTRICT MEETING – June 27, 2017**

Minutes

The Greater New Bedford Regional Refuse Management District Committee held a publicly posted meeting on Tuesday, **June 27, 2017 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 and Daniel Patten.

Christine LeBlanc was not in attendance.

Also present: Scott Alfonse, Executive Director; Leonor Ferreira, Secretary; and Matthew J 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.

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. Patten, seconded by Mr. Beauregard; voted 5-0.

4. Warrant Report and Ratification (June 2 and June 20)

Chairperson Tierney asked for a motion to ratify warrants dated June 2, 2017, and June 20, 2017. Motion made by Mr. Beauregard, seconded by Mr. Patten; voted 5-0.

5. Approval of Minutes

Chairperson Tierney asked for a motion to approve the May 24, 2017 regular session and executive session minutes. Motion made by Mr. Patten, seconded by Mr. Worden; voted

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5-0.

6. Old Business

a. Proposal to Lease Land for Anaerobic Digestion project

Chairperson Tierney asked for a motion to discuss the proposal to lease land for an anaerobic digestion project. Motion made by Mr. Patten, seconded by Mr. Beauregard.

Chairperson Tierney recognized Mr. Alfonse, who informed the committee that one technical and price proposal was received on June 19, 2017 from Commonwealth Resource Management Bioenergy, LLC (CRMCB), the operator of the gas to energy plant and the existing pilot anaerobic digester. They were given the option of proposing on one of three sites. CRMCB proposes to develop approximately one acre adjacent to the existing landfill-gas-to-energy facility and pilot anaerobic digestion project as a full scale anaerobic digestion facility. The proposed location was not the District's preferred location because the site was identified as having potential landfill capacity in the future. The landfill gas plant is located in that area. Some utilities would have to be relocated.

The proposal identified a possible solution to having to relocate the utilities. CRMCB provided conceptual information regarding the installation of a "mechanically stabilized earth wall" to hold back waste. These walls have been used in landfills in Pennsylvania and are beginning to get used in Massachusetts. There are significant financial assurance requirements in Massachusetts. Costs could be significant for relocating the power plant and all of the utilities, which includes the sewer line, leachate collection line, power lines that go to gas to energy plant, the digester, and the road around the landfill.

Mr. Patten asked if the District requested for a mechanically stabilized earth wall in its Request for Proposals, or did CRMCB provide it. Mr. Alfonse stated that CRMCB proposed the wall as a potential solution, but there is no commitment on their part to pay for the mechanically stabilized wall. In the proposal, CRMCB states that "the cost of the wall could be equal to or less than the cost of relocating the gas plant, utilities and the road". The financial assurance that would be required may have not been considered. Mr. Beauregard asked how big would the wall be, and Mr. Alfonse said it would be approximately 25 feet high. There are typically steep slopes covered with vegetation.

Mr. Alfonse stated that CRMCB is proposing to take bulk food waste, which would be packaged, from residential or commercial entities. They would have a depackaging plant that's capable of slurrying the food and separating the packaging from the food waste. There is also a proposal to accept 3,000 gallons per day of activated sewerage sludge which was accepted in the initial pilot stage, and 7,000 gallons of liquid organic materials.

The price proposal was opened after reviewing the technical proposal and ranking it as "highly advantageous". The lease payment in the price proposal would be \$500 per year, with no escalator. Most of the compensation to the District is in form of royalties. The biogas royalty is

the same as what they pay the District for landfill gas. They paid \$.618 per million BTU of gas that was used in the plant. It's approximately \$100,000 per year, depending on how much gas is generated. Other royalties include:

- A tip fee royalty of 2.5%, which could increase if the District delivers less than 5,000 tons of food waste per year;
- A tip fee royalty of 5.0% of tip fees for the wastewater treatment plant sludge and liquid organic waste. The percentage is higher because the material doesn't have to be processed.

The District's RFP specified that proposers accept food waste from the City of New Bedford and Town of Dartmouth at no cost to the communities. The proposal offered a tip fee of \$30 per ton with a consumer price index escalator. There would also be an increase in additional contingent payments the District receives for renewable energy credits. Commonwealth New Bedford Energy receives renewable energy credits for the electricity it sells. The District receives a portion of those credits. Since biogas is a renewable energy, there would be additional renewable energy credits available that would be shared. The District would receive 20% of revenue from the sale of biogas that is not combusted to produce electricity, should there be excess gas not burned at the plant that could be compressed and sold.

Mr. Patten asked if commercial haulers currently pay less than contracted tipping fees for disposal of food waste. Mr. Alfonse replied that haulers pay the same amount for all waste.

Mr. Alfonse noted the diagram which shows the layout of the facility. Mr. Alfonse recommended Brown and Caldwell review the technical feasibility of the project and check if there are any other engineering controls that should be included. Odor control technologies are mentioned in the proposal. The site is located far away from potential receptors, residential area, and abutters than other sites that were considered. The District should explore options to obtain other financial comparisons for the proposal. CRMCB estimates a yearly revenue of \$250,000 to the District. The District does not have any other projects to compare the estimated revenue from CRMCB. Mr. Beauregard asked if there were any projects of this scope in the area. The only facility similar, is the facility owned by Stop & Shop in Freetown.

Attorney Thomas stated that the draft lease was sent back to the District with substantial comments. Hague & Sahady has completed the financial evaluation of proposal and it will be submitted to the District.

The Board discussed how to proceed with authorization to negotiate the lease terms and project agreement with CRMCB. Mr. Alfonse has reviewed the technical proposal based on the minimum and comparative evaluation criteria contained in the request for proposal. The proposal meets the minimum criteria, and was ranked as "highly advantageous" for the comparative evaluation criteria. The lack of the performance bonds was not advantageous for that criterion. Attorney Thomas stated that the District was looking for a commitment from a surety company, but it was not submitted with the proposal. They were not ranked as high on the acceptance of food waste from New Bedford and Dartmouth. In general it is a good proposal.

The Board recommends that Mr. Alfonse have Brown and Caldwell assist with technical feasibility, and negotiate and return with final product.

The Board suggested that Mr. Alfonse and Counsel continue with the negotiations process and report back in August with a final product for Chairperson Tierney's signature.

7. New Business

a. Director's report

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

Mr. Alfonse reported that the Mechanic position remains vacant. Jim Fillion, the previous Mechanic that was promoted to Landfill Technician, has been fulfilling the mechanic duties. He has expressed interest in going back to mechanic's position. He is currently fulfilling dual rolls (Mechanic and Landfill Technician). The District is looking at other options, which may involve a more entry level person for the Mechanic position. Mr. Alfonse will draft a job description for the entry level Mechanic position. Mr. Beauregard asked if the Board should increase Mr. Fillion's hourly rate. Mr. Alfonse stated that Mr. Fillion's rate is \$27.84 per hour, and that the Board has authorized rate up to \$28.00. The District will review his rate in the next fiscal year or when he is in a supervisory position.

Mr. Alfonse stated that MassDEP solid waste regulations include an extensive list of items banned from disposal at the landfill. Hauler and/or generators which do not comply with the ban are notified in writing by the District. MassDEP has stepped up their enforcement of waste bans. They are encouraging the District to reject loads where there's an excessive amount of banned material.

Mr. Worden asked if the District would propose penalties to haulers for banned material hauled into the landfill. Mr. Alfonse replied that there's a platform at the scale which the scale operator can look into the truck, if it's an open top container, and note if there are banned material in that load. Mr. Worden asked if the scale operator rejects the load for trucks that have banned material. Mr. Alfonse stated that the District has not been that forceful. Attorney Thomas stated that every signed contract has a waste ban acknowledgement list, and it states that the haulers are to have "commercial reasonable practices" which is added on to the contracts. Mr. Alfonse stated that the District can impose penalties for certain items that are found in the trash. The Board discussed the challenges with keeping banned material out of the landfill, and the options it had to ensure that banned material is kept out of the landfill.

Mr. Alfonse said that efforts to bring a major account into current status is ongoing. Some progress has been made. Customer is two invoices over 60 days. They have committed to be current by end of August.

Mr. Alfonse stated that District counsel sent a legal letter to District's major customer as decided

on the previous Board meeting.

b. Engineering / Landfill Inspection Services Contract

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

Mr. Alfonse noted that it was the annual Brown and Caldwell engineering services contract.

Motion to accept made by Mr. Beauregard, seconded by Mrs. Dias; voted 5-0.

Moved to item d.

d. Treasurer

Chairperson Tierney asked for a motion to discuss Treasurer's position. Motion made by Mr. Worden, seconded by Mr. Beauregard.

Mr. Alfonse stated that the budget adopted on January 2017 included a stipend for the Treasurer's position of 15 hours per month for FY 2018. Mr. Patten is the current Treasurer and a current employee of the Housing Authority. If the District intends to continue with Mr. Patten as the new Treasurer it may need to get special municipal employee designation status for Mr. Patten. Mr. Alfonse stated that the position of Treasurer is established by the statute, and it states that the "District shall appoint a member who may be a member of the committee and who may receive a stipend".

Motion to vote the position of Treasurer of the District Committee to receive a stipend of +15 hours per month made by Mrs. Dias, seconded by Mr. Beauregard; voted 4-0. Mr. Patten abstained.

Motion to nominate and select Mr. Patten as the Treasurer for the next fiscal year. Motion made by Mr. Beauregard, seconded by Mrs. Dias; voted 4-0. Mr. Patten abstained.

Moved to item c.

c. Employee Job Description

Chairperson Tierney asked for a motion to approve job description for the Accountant.

Mr. Alfonse stated that at the January 11, 2017 meeting, the District Committee approved the FY18 budget that included a new part time Secretary / Treasurer Position, a new Landfill Scale Operator, and an upgrade to the Accountant position. The budget was approved but the job descriptions were not approved at that meeting. They have been since revised or new.

Motion to approve the Accountant job description made by Mr. Worden, seconded by Mrs. Dias; voted 5-0.

Chairperson Tierney asked for a motion to approve Landfill Scale Operator job description. Motion made by Mr. Patten, seconded by Mr. Worden; voted 5-0.

Chairperson Tierney asked for motion to approve the job description for Secretary / Treasurer. Motion made by Mr. Beauregard, seconded by Mrs. Dias; voted 4-0. Mr. Patten abstained.

e. Executive Session Minutes

Chairperson Tierney asked for a motion to disclose the minutes of the executive session discussions held on May 14, 2014; June 18, 2014; September 11, 2014; October 8, 2014; September 24, 2015. Motion made by Mr. Patten, seconded by Mr. Beauregard.

Mr. Alfonse noted that disclosure of these executive session minutes would no longer defeat the purpose of the executive session. Discussions regarding the District's efforts to pursue medical claims trust fund money contributed by the District to the Town of Dartmouth when District employees were enrolled in the Town's health insurance plan. The District intended to use its contribution to enroll in the Mayflower Municipal Health Group (MMHG) insurance plan. The District was unable to secure an opinion from the Massachusetts Department of Revenue regarding this matter. In addition, the District has completed buying into the Mayflower Municipal Health Group medical claims trust. The executive session were held in May 24, 2014; June 18, 2014, September 11, 2014, and October 8, 2014.

The September 24, 2015 executive session minutes discusses the sale of real estate Lot 7 which was conveyed to AHEAD LLC.

Voted 5-0.

f. Transfer of Funds

Chairperson Tierney asked for a motion to approve the transfer of \$20,000 from "coverage (daily)" line item in the "Buildings and Site Maintenance" budget category into the "Retirement contribution" line item in the "Benefits" budget category. Motion made by Mr. Patten, seconded by Mr. Beauregard; voted 5-0.

g. Request to carry-over vacation time

Chairperson Tierney asked for a motion to approve the carry-over of one vacation day to FY 18 for the Executive Director. Motion made by Mr. Patten, seconded by Mr. Worden; voted 5-0.

h. Motion to discuss items which could not have been reasonably anticipated 48 hours in advance made by Mrs. Dias, seconded by Mr. Beauregard.

Attorney Thomas discussed the roll of the Treasurer's stipend and the approved budget for FY 2018. Mr. Patten has been voted as the District's Treasurer with a stipend but previously voted on the budget.

Motion to reconsider the FY 2018 budget made by Mr. Beauregard, seconded by Mrs. Dias; voted 5-0.

Motion to approve the FY18 budget made by Mr. Beauregard, seconded by Mr. Worden; voted 4-0. Mr. Patten abstained.

8. Set Date for Next Meeting

The next District Meeting is scheduled for Thursday, August 3, 2017 at 8:00 AM.

7. Adjourn

Chairperson Tierney called for a motion to adjourn. Motion made by Mr. Patten, seconded by Mr. Beauregard; voted 5-0.

The meeting was adjourned at 9:05 AM.