



# TOWN OF PLYMOUTH

26 Court Street  
Plymouth, Massachusetts 02360  
(508) 747-1620

Mr. Michael Camara  
ABC, Disposal Services, Inc.  
1245 Shawmut Avenue  
New Bedford, MA 02745

Re: ABC, Disposal Services, Inc. and the Town of Plymouth - Agreement for Curbside Collection of Solid Waste and Recyclables;  
NOTICE OF TERMINATION

---

Dear Mr. Camara:

The Board of Selectmen hereby provide this formal notice of termination regarding the Curbside Collection of Solid Waste and Recyclables Agreement between the Town of Plymouth ("Town") and ABC, Disposal Services, Inc. ("ABC") (the "Agreement"). ABC has failed to provide a performance bond as required by Article 18 of the Agreement, and, as further discussed below, has stated its intention to discontinue providing for the collection of single stream recycling in accordance with the terms of the Agreement. Accordingly, the Board is terminating the Agreement pursuant to Section 20.A, effective as of June 30, 2018.

The Board has reviewed the various communications between Town Administration and Town Counsel and ABC and its counsel, since ABC initially demanded additional compensation to perform the services it agreed to perform under the Agreement through December 31, 2021. Despite no contractual obligation to incur any additional costs for the agreed upon services, the Town made significant good faith efforts in an effort to find a mutually agreeable resolution given ABC's stated financial troubles. Notwithstanding these efforts, ABC has clearly stated its intention to discontinue providing collection of single stream recyclables in the Town per the terms of the Agreement. You conveyed this intent by letter dated April 12, 2018, and confirmed that it remains ABC's intention to cease collecting recyclables at the Board of Selectmen's May 15, 2018 public meeting.

The "Work" ABC is obligated to perform, as defined in Article 1 of the Agreement, includes "alternating week Curbside Pickup of Single Stream Recycling Material and transport to the Processing Facility." Per Section 20.A of the Agreement, failure of ABC to perform any of its obligations under the Agreement constitutes an event of default. When a default arises, the Town has the right to terminate the Agreement by giving written notice specifying the date of termination. ABC has the option to cure this event of default by confirming in writing to the Town that ABC retracts its intention to stop collection of recyclables after June 30, 2018, and confirms that ABC will continue to perform all Work per the terms of the Agreement through December 31, 2021, including, but not limited to, collection of recyclables and provision of an annual performance bond. If the Town does not receive such confirmation within seven (7) days of this notice, no further notice from the Town is required, and the Agreement will be terminated, effective June 30, 2018.

If ABC fails to cure within the above referenced cure period, upon the effective date of termination, ABC shall immediately cease all Work in the Town per the Agreement. "Work," as

Mr. Michael Camara  
ABC, Disposal Services, Inc.  
May 16, 2018  
Page 2

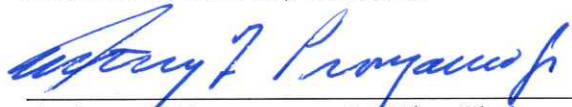
defined in the Agreement, includes the collection of solid waste and single stream recycling. Where the Town was forced to terminate based on ABC's default, in accordance with Section 20.C, ABC must "indemnify and hold the Town harmless from any loss, damage, cost, charge, expense or claim arising out of or resulting from..." the default. Further, upon the effective date of termination, ABC shall collect all automated carts that were provided in the Town of Plymouth under the terms of the Agreement. ABC shall schedule the specific time and date to collect all automated carts with the Town's Department of Public Works Director.


The Town expects that ABC will continue to perform the Work under the Agreement consistent with all terms and conditions therein through June 30, 2018. Should ABC fail to continue to provide services through this date, the Town will be forced to seek all remedies at law to compel specific performance under the Agreement through its full term, December 31, 2021.

This notice of termination is without prejudice to any other rights or remedies the Town may have under the Agreement, including for ABC's default thereunder, and the Town hereby reserves all of its rights under the agreement and at law.

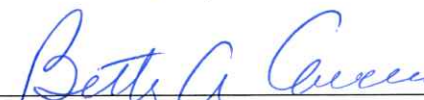
Town of Plymouth  
Board of Selectmen

\_\_\_\_\_  
Kenneth A. Tavares, Chairman

  
\_\_\_\_\_  
Anthony F. Provenzano Jr., Vice Chairman

  
\_\_\_\_\_  
Shelagh M. Joyce

  
\_\_\_\_\_  
John T. Mahoney Jr.

  
\_\_\_\_\_  
Betty A. Cavacco

5/22/18