

APPROVED

**JOINT SEWER IMA REVIEW COMMITTEE
MARCH 20, 2014
9:00AM
EXECUTIVE SESSION**

Members Present: Mark Jamieson
John Stone
Andy Burbine

Also Present: Chris Petrini, Special Counsel, Abington
Jeanne White, Executive Assistant

The members opened the meeting at 9:00 a.m. Special Counsel Chris Petrini recommends that the Committee move to go into Executive Session pursuant to Chapter 30A, sections 21a(3) and (7) and Suffolk Construction v. DCAM to meet with counsel to discuss pending litigation with the City of Brockton and potential settlement proposals to resolve the same, on the grounds that the Chair has determined that the litigation position of Abington may be compromised if the discussion occurs in open session.

Mr. Stone moved that the Committee go into Executive Session pursuant to Chapter 30A, sections 21a(3) and (7) and Suffolk Construction v. DCAM to meet with counsel to discuss pending litigation with the City of Brockton and potential settlement proposals to resolve the same, on the grounds that the Chair has determined that the litigation position of Abington may be compromised if the discussion occurs in open session. Andy Burbine seconded. Roll call vote: Mark Jamieson aye, John Stone aye, Andy Burbine aye. Unanimous 3-0.

Mr. Petrini explains that since the last meeting IMA Version No. 6 has been prepared by Chris and sent to Brockton for comments and edits. Chris recommends that when the open meeting starts we should ask Ms. Leach go through IMA Version No. 6 and talk about the changes. At that point any questions can be asked. During this discussion Chris will try to set a deadline of March 28th for Brockton to propose further changes if they desire. This will allow Chris time before the next meeting to go back and forth with Brockton to get closer to a new IMA.

The Abington Committee discusses upcoming meetings. There is a meeting scheduled for Thursday April 17th in Abington. The committee decides on May 22 or May 23rd as dates to propose to the Brockton Committee for the May meeting.

The members then review the comments and edits that Caitlin Leach red-lined to IMA Version No. 6.

- 2.2 The committee discussed the proposed penalty surcharge clause and they want it to be clearly stated in the IMA that the average is based on 365 days rolling at any point in time.
- 2.4 Brockton states that they have additional sewer capacity to accommodate 1.5 MGD flow from Abington. Abington wants to make this point crystal clear so they have protection. Brockton needs to get NPDES approval for the new permit ASAP.
- 3 Abington agrees they will stay in compliance with I&I upgrades as they always have.

- 4 - iii Buildings that are not related to the collection system need to be captured as well as those that relate to water functions.
- 4.2 Abington feels they need some procedure. We can use the language Brockton gives us.
- 4.4 Abington agrees that we should be billed based on Brockton's audited budget.
- 5.2 comment (c14) The Abington Committee members feel that we should have access to Brockton's Waste Water Treatment Plant discharge flow data.
- 5.3 Abington Committee members would like the IMA to clearly state that if any upgrade is needed at the Beaver Brook Pump Station due to Abington increasing flow up to 1.5 MGD, that Abington would be responsible for its proportionate share of the cost as is the case with any upgrade to the Treatment Plant.
- 9.2 Mr. Petrini will explain that it is Abington's understanding that Brockton will be using this agreement as a model IMA for its negotiation with other communities. If Brockton offers more favorable terms to a similarly situated community, then Brockton will be required to offer such terms to Abington.

Mr. Jamieson makes a motion to go out of Executive Session to go to the open meeting. Mr. Stone seconds. Roll Call Vote: Mr. Burbine aye, Mr. Stone aye, Mr. Jamieson aye. Unanimous in favor: 3-0. The executive session concluded at 10:25 a.m.

Second Executive Session

11:30AM

Mr. Burbine moved that the Committee go into Executive Session pursuant to Chapter 30A, sections 21a(3) and (7) and Suffolk Construction v. DCAM to meet with counsel to discuss pending litigation with the City of Brockton and potential settlement proposals to resolve the same, on the grounds that the Chair has determined that the litigation position of Abington may be compromised if the discussion occurs in open session. Mark Jamieson seconded. Roll call vote: Mark Jamieson aye, John Stone aye, Andy Burbine aye. Unanimous 3-0.

The Abington Committee members are in agreement that the City of Brockton needs to move forward ASAP with the NIPDS permit via contacting the DEP and/or EPA. Mr. Petrini states he anticipates that this process will take a long time so hopefully it will start as soon as possible. If for some reason the Town is denied additional sewer capacity then other consideration and benefits would need to be given to the Town of Abington.

The Abington Committee approves the new billing flow-based billing method that will be including in the new IMA.

John Stone makes a motion to go out of Executive Session and return to the open meeting. Andy Burbine seconds. Roll call vote unanimous, John Stone aye, Mark Jamieson aye, Andy Burbine aye. Unanimous 3-0. The executive session concluded at 11:40 a.m.

**Third Executive Session
12:00PM**

Mr. Stone moved that the Committee go into Executive Session pursuant to Chapter 30A, sections 21a(3) and (7) and Suffolk Construction v. DCAM to meet with counsel to discuss pending litigation with the City of Brockton and potential settlement proposals to resolve the same, on the grounds that the Chair has determined that the litigation position of Abington may be compromised if the discussion occurs in open session. Andy Burbine seconded. Roll call vote: Mark Jamieson aye, John Stone aye, Andy Burbine aye. Unanimous 3-0.

Mr. Petrini suggests the Committee request a 50% reduction in charges in the event that we do not gain additional capacity and negotiate from that point, understanding that we will have to compromise the figure. After discussion, the Committee decides that Chris should ask for a 35% reduction in overall charges as opposed to 50%.

Mr. Jamieson makes a motion to go out of Executive Session to adjourn. John Stone seconds. Roll Call Vote: Andy Burbine aye, John Stone aye, Mark Jamieson aye. Unanimous in favor 3-0.

Mr. Stone makes a motion to adjourn the open meeting. John Stone seconds. Unanimous 3-0. The meeting concluded at 12:15 p.m.