

**APPROVED**

**Abington Negotiating Committee Minutes  
May 21, 2014**

**Executive Session**

Present: Mark Jamieson, IMA Review Committee  
John Stone, IMA Review Committee  
Andrew Burbine, IMA Review Committee

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

At 9:30am, Mr. Jamieson called the meeting to order. Mr. Jamieson moved to go into a executive session pursuant to M.G.L. 30A, Section 21 (a)(3) & (7) and Suffolk Construction v. DCAM for the purpose of discussing strategy with respect to pending litigation where the chairman concluded that the public discussion of Abington's negotiating position would have an adverse impact on Abington's negotiation and litigation position. Motion seconded by Andrew Burbine. Roll call vote: Jamieson aye, Burbine aye, Stone, aye. Unanimous 3-0.

Mr. Petrini reviewed recent negotiations with Brockton, including negotiations regarding Version 6 of the IMA. Mr. Petrini discussed that several provisions, including the penalty and amendments sections. Mr. Petrini discussed Mr. Burbine's question regarding section 2.3, and agreed that a clear sentence should be added to that section to the effect that in the event that the new NPDES permit removes the MGD flow limit upon Abington and does not replace it with a different number, then Brockton shall be obligated to allow Abington to flow up to 1.5 MGD. The committee agreed by consensus that Mr. Petrini should propose these changes to Brockton during the open session.

The committee then discussed the status of the draft NPDES permit expected to be issued by DEP and EPA to Brockton at the end of April. To date, a draft permit has not been supplied at Brockton. John Stone stated that in a recent e-mail communication with Dave Norton, Norton advised that the DEP representative responsible for issuing the draft NPDES permit has been on vacation for the last couple of weeks. The committee agreed that Mr. Petrini should bring this issue up in open session.

The committee discussed the likely time table for a review and approval of the IMA by the City of Brockton and the Town of Abington, respectively. Mr. Petrini updated the committee that Brockton's approval was likely to be in July. The City Council generally does not approve agreements at the first meeting when it is taken up. In light of Brockton's schedule, Mr. Petrini recommend that Abington calibrate its meeting and approval vote to coincide with the Brockton City Council vote, so as to avoid a situation where Abington has approved the IMA several weeks in advance and Brockton seeks to leverage such approval to attempt to obtain concessions from Abington. The committee agreed with this recommended approach. The committee then discussed potential dates for a joint meeting between the Abington Board of Selectmen and The Board of Sewer Commission. Two prospective meeting dates for the joint meeting are Tuesday,

June 17 or Monday, June 30. The committee agreed that Mr. Petrini should coordinate meeting dates with Rick LaFond.

The committee further discussed the proposed changes to Sections 9.2 and 11.0, relative to approval of amendments. Mr. Petrini explained that the negotiators tentatively agreed that amendments as proposed in Section 9.2 need not go through a full approval and ratification process, insofar as such amendments already had been contemplated by Section 9.2. In Mr. Petrini's opinion, it was in Abington's best interest to allow an expedited approval process for amendments authorized by Section 9.2, as such amendments would be more financially attractive to Abington than the existing IMA terms. Moreover, Abington has a unilateral right to refuse to accept any amendments proposed by Brockton pursuant to Section 9.2.

At approximately 10:10 am, Mark Jamieson made a motion to leave executive session to commence the Joint Sewer Review IMA Committee Meeting. Motion seconded by Andrew Burbine. Roll call vote: Jamieson aye, Burbine aye, Stone aye. Voted unanimously, 3-0.

Meeting adjourned to Open Session at 10:10 am.