

**JOINT SEWER IMA REVIEW COMMITTEE**

**July 23, 2013**

**9:30AM**

**EXECUTIVE SESSION**

**APPROVED**

8/18-13

**Members Present:** Mark Jamieson  
John Stone  
Andy Burbine

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

Mark Jamieson moves that the committee move to go in to 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 discuss potential settlement proposals to resolve the same. Motion seconded by Andy Burbine. Roll Call vote: Mark Jamieson aye, John Stone, aye, Andy Burbine aye.

The committee discusses the Executive Session minutes of the June 5<sup>th</sup> meeting. John Stone makes a motion to approve the minutes. Andy Burbine seconds. Roll call vote unanimous, Andy Burbine aye, Mark Jamieson aye, John Stone aye.

The committee discuss the June 26<sup>th</sup> minutes. Andy Burbine was not present at the meeting and it should be noted on the minutes. Mark Jamieson makes a motion to approve the minutes with this one change. Seconded by John Stone. John Stone aye, Mark Jamieson aye, Andy Burbine aye.

The IMA Committee decided to have Brockton Credit the F/Y 12 sewage transport bill for the agreed upon overcharge amount rather than to request reimbursement check.

The IMA Board Brings Andy Burbine up to date on June 26<sup>th</sup> meeting that he did not attend, and specifically the Brockton counterproposal presented at the meeting.

John Stone explains that option A for the dedicated sewer line is a better route for Abington it is shorter and not off road. John explains estimated cost is 13 million with a return on investment of 12 ½ years. We will also need an additional pump station on the Brockton line. John Stone will drive the route to make sure there is no RR crossings and also check the road condition.

Mark Jamieson asks about soil conditions and if we can get any information from Brockton.

The IMA Committee discusses the expiration of the IMA and whether it is 2018 or 2023. Special Counsel Petrini explains that there is a difference of legal opinion of the expiration date of Amendment No. 3, depending on whether the 20 year limit allowed by one statute is utilized as proposed by Abington, or

the 25 year limit proposed by Brockton is utilized. Abington will still pay a transport fee until the end of the contract and that will be either 2018 or 2023 depending on how the legal difference is resolved in negotiations or by a court.

Mark Jamieson speaks in favor of Brockton counterproposal No. 2, namely Abington building its own pipeline to the waste water treatment plant and ending the transport fee in 2018 or 2023.

Mark noted that if Abington builds their own pipe it would eliminate back flow problems and our inability to get more gallons. John Stone noted that it would cost Abington \$600,000 less if they did a patch work but will do full repaving to end out contract in 2018.

The IMA Committee and special Counsel discussed how a dedicated pipeline arrangement should be handled. It was agreed that Abington should construct, operate and maintain the pipe. The committee request Counsel to prepare a draft agreement to send to Brockton to make this proposal. The Committee agreed that the message to Brockton should be that Abington is glad Brockton made the offer and they want to get this in the works.

Chris Petrini explains what he will say to Brockton. He will thank them for the information and Caitlin's email. He will inform that Abington wants to construct its own dedicated pipeline to the treatment plant through Brockton and that the route shown in Option A presented by Brockton is what Abington wants to pursue. Chris will also ask Brockton for three things.

1. Ask Brockton for soil studies they have on file.
2. Why they want the pipe on the South or West side of the street.
3. Explain full road repaving will add substantial cost to Abington and that Abington believes that this additional cost should be the consideration paid to Brockton for ending the current IMA in 2018. Abington does not agree to pay additional consideration. The IMA Committee members unanimously agree that Chris should make the above proposal in the Open Session.

Mark Jamieson makes a motion to go out of Executive Session and go into open session with Brockton. John Stone seconds. Roll call vote unanimous, Mark Jamieson aye, John Stone aye, Andy Burbine aye.

Executive session concludes @10:10 a.m.

**July 23, 2013**

**11:55 AM**

**SECOND EXECUTIVE SESSION**

**Members Present:** Mark Jamieson  
John Stone  
Andy Burbine

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

Mark Jamieson recommends that the committee move to go in to 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 discuss potential settlement proposals to resolve the same.

Motion seconded by Andy Burbine. Roll Call vote: Mark Jamieson aye, John Stone, aye, Andy Burbine aye.

Mark Jamieson states that Abington should move forward with the 1.5 MGD at the current rates. Mark says that if 1.5 mgd is available now we should take it. The Committee decided that Mark and John will discuss this proposal with the Board of Sewer Commissioners.

Everything that was discussed today is contingent on the assumption that the transport fee will be eliminated in 2018 or 2023 as part of any deal.

Andy Burbine makes a motion to go out of Executive session. John Stone Seconds. Roll call vote unanimous. Mark Jamieson aye, Andy Burbine aye, John Stone aye.