

JOINT SEWER IMA REVIEW COMMITTEE

August 14, 2013

9:00AM

EXECUTIVE SESSION

APPROVED

Members Present: Mark Jamieson
John Stone
Andy Burbine

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

The members open 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.

Mr. Stone moved that the committee go into Executive Session pursuant to Chapter 30A, sections 21a(3) and (7) to meet with counsel to discuss pending litigation with the City of Brockton and potential settlement proposals to resolve the same. Andy Burbine seconds. Roll call vote: Mark Jamieson aye, John Stone aye, Andy Burbine aye. Unanimous 3-0.

The members discuss Brockton's counterproposal of 8/7/13 made by Caitlin Leach. Chris Petrini questions the legality of Abington making a 7.5 buyout fee because Abington will not be using Brockton's pipe anymore. Why would we pay a transport fee if we are not using Brockton's pipe anymore? Brockton has leverage over Abington and we have a memo from Condon to prove it. Abington wants to pay for treatment only.

Mark Jamieson asks what additional gallons Whitman got in 1984. Chris has the agreement and will get back to Abington with the answer to this question.

The Board discusses what would be a good amount for a one-time payment. John suggests maybe 3 million. They discuss the spreadsheet from Brockton and question whether the \$7.5 million payment is a net payment or actually represents a present value calculation assuming the \$600,000 is paid annually over the 20 years. The committee discusses asking this question to Brockton in open session.

Abington is open to a one-time payment for extra gallons.

Mark Jamieson says that we should state our points and then let them respond.

Much discussion is had over the amount that Whitman paid for extra gallons. Abington decided they should offer 1 million and say it is 10 times what Whitman paid in 1984.

The board discusses the draft MOU that Chris Petrini prepared and everyone agreed that Chris should send it to Mark Thompson so he can review it for any changes that are needed before we submit it to Brockton.

Chris Petrini explains what he will say during the meeting. He will ask about the F/Y 12 bill. He will ask if the spreadsheet is for 12 million or 7 million dollars. He will send an email with the MOU and explain we will make a one-time payment but we will not pay 12 million. We want to keep the negotiations heading in a positive direction if possible.

The IMA Committee decides to schedule another meeting for early October. Chris Petrini will ask the Brockton representatives for a possible date.

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

August 14, 2013

10:30 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 makes a motion to go back into Executive Session pursuant to Chapter 30A, Sections 21a(3) and (7) and Suffolk Construction v. DCAM to meet with counsel to discuss pending litigations with the City of Brockton and potential settlement proposals to resolve the same. Andy Burbine seconds. Roll call vote: Mark Jamieson aye, John Stone aye, Andy Burbine aye.

In response to John Condon's question why Abington did not have a counter proposal or response to Brockton's August 7th proposal, Chris Petrini notes that we only had one week to review Brockton's proposal and the committee could not discuss the proposal prior to today due to the requirements of the Open Meeting Law. The Committee agrees that when Chris responds to Brockton's August 7th proposal, we will include a dollar amount to Brockton as consideration for allowing Abington to leave the Brockton system. They discuss how Thoreson is open to a deal but Condon is not ready to budge.

The IMA Committee discusses that if the spread sheet reflects 1.5 MGD, that is not unreasonable. They need to find out what happens after the 20 years.

Chris will send an email to Mark Thompson forwarding the draft MOU and forward the committee members a copy of his email.

John Stone says a good figure for a lump sum payment might be about 4 million and we need to give Brockton the figures of how much it will cost to install the pipe in Brockton. Chris Petrini says he will email all the IMA Members and they can email their comments directly back to him without copying the other members, to ensure compliance with the Open Meeting Laws.

Mark Jamieson makes a motion to adjourn executive session John Stone seconds. Roll Call vote:
Jamieson aye, Stone aye, Burbine aye. Unanimous 3-0.