

JOINT SEWER IMA REVIEW COMMITTEE

September 18, 2013

9:30AM

FIRST EXECUTIVE SESSION

APPROVED

Members Present: Mark Jamieson
John Stone
Andy Burbine

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

Mark Jamieson makes a motion 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 John Stone. Roll Call vote: Mark Jamieson aye, John Stone aye, Andy Burbine aye.

Chris Petrini explains what we offered Brockton in connection with our request to build a dedicated pipeline to transmit Abington's sewage through Brockton to the treatment Plant. Brockton wanted a \$7.5 million, buyout paid over 20 years and we counter offered at \$1.5 million paid out over 20 years. Abington was disappointed with Brockton's response to pull the 7.5 million off the table. They feel like Brockton acted too quickly and should have counter offered at some amount between \$1.5 million and \$7.5 million. Abington will ask Brockton to reconsider its decision and put the offer back on the table at another amount.

Mark states that when the Sewer Dept. had a list of people waiting for hookups there was another 2-300 thousand gallons of flow on that list and we would probably have more now because we have people calling daily. The IMA Review Committee discussed the potential benefits of connecting the vacant properties to the Abington system.

Mark states that he thought that Brockton's offer was generous, that Brockton gave us a discount, and we also were getting 50% increase in capacity. He states that we need to see if they will put this offer back on the table.

The IMA Review Committee discusses how Abington and Whitman are identical users and that Abington now uses 5 miles of pipe in Brockton and a pumping station in Abington, and if Abington ran its own pipe it would not use anything. Abington will inform Brockton that 1.5 MGD cannot be sustained because Brockton Avenue will not be able to handle the extra flow. Abington will ask Brockton if there is a number between \$1.5 and \$7.5. If Abington offers more money it will only affect our payback period.

Chris Petrini explains that if the IMA expires in 2018 or 2023, we will just continue with the terms of the existing IMA until a new IMA is negotiated. If we go to court we may have a decision by 2015 or 2016. Courts are reluctant to force communities to take affirmative steps such as requiring that Brockton agree to Abington's request to install a dedicated pipeline in Brockton. Chris explains that he has not been able to locate legal precedent where Abington could require Brockton to take such action. Chris then explains what he will say to Brockton, namely: He will ask them if there is an acceptable number someplace between the numbers then tell them we have additional movement but not much.

Andy Burbine says that he does not think that the Board of Selectmen would agree to more than 3.5 Million.

The Committee talks about what Brockton has offered Abington. The three things are to construct our own pipe, allow an increase in gallonage from 1 MGD to 1.5 MGD, and eliminate the transport fee in exchange for a buy-out.

Chris says he can't make the October 16th meeting and they discuss other available dates.

Mark Jamieson makes a motion to approve the Executive Session minutes from the July 23rd meeting. John Stone seconds. Roll call vote unanimous, Andy Burbine aye, John Stone aye, Mark Jamieson aye.

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

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10:35AM

SECOND EXECUTIVE SESSION

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

The committee discusses what will happen if they come back and say no then Chris will inform them we will go back to the litigation.

The committee discusses having a meeting with the Board of Selectman and the Board of Sewer Commissioners to bring everyone up to speed. They decide on Monday the 23rd of September at 6:15 with Chris Petrini to get everyone up to speed.

Chris Petrini says that Mark Thompson does not include new growth in his calculations and suggests that Mark prepare a new analysis to see if a buyout payment of more than \$1.5 million can be justified. Mark Jamieson states that they want to hold off on having him do another report for now.

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

JOINT SEWER IMA REVIEW COMMITTEE

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11:15AM

THIRD EXECUTIVE SESSION

John Stone 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.

Chris Petrini states that Caitlin Leach is probably right, the courts will not force Brockton to allow Abington to directly connect.

The more information we give them now they can use against Abington later. If we are forced to go into a new IMA they most likely will not decrease the rates.

The members decide to give consideration to the \$7.5 million offer that Brockton put back on the table in the open session and meet with the Selectmen and Sewer Commissioners. Brockton said they could not go down below the \$7.5 million buyout because it would not go through with the City Council. The Committee discusses what the likely rate increase would be for the sewer users if a buyout of \$7.5 million is paid Brockton. The Committee decides to contact Mark Thompson to look into the impact of rates if a higher buyout fee is paid by Abington, up to \$7.5 million. John Stone will get Mark details for anticipated new users and will consider the annual \$600,000 transport fee at the same time.

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