

September 23, 2013

Joint Meeting Between Abington Sewer Commissioners  
and the Abington Board of Selectmen

6:00PM

EXECUTIVE SESSION

**APPROVED**

Commissioners Present: Mark Jamieson, Chairman  
Mike Donovan, Vice-Chair  
Jerry Corcoran  
Jack Brown

Board of Selectman Present: Mike Franey, Chairman  
Kenneth Coyle, Vice Chairman  
Kevin Donovan  
Andrew Burbine  
Tom Dion

Also Present: Chris Petrini, Abington Counsel  
John Stone, Superintendent  
Jeanne White, Executive Assistant

Mike Franey makes a motion to go into Executive Session with the Board of Sewer Commissioners and special counsel to discuss pending litigations of Abington Board of Sewer Commissioners v. City of Brockton and settlement negotiations per G.L.c. 30A, sec. 21(a)(3) (7) and Suffolk Construction DCAM, 449 Mass. 444 (2007). Moved by Andy Burbine. Seconded by Kevin Donovan. Roll call vote: Tom Dion aye, Andy Burbine aye, Kenneth Coyle aye, Kevin Donovan aye, Mike Franey aye, Mark Jamieson aye, Mike Donovan aye, Jerry Corcoran aye, Jack Brown aye.

Mark Jamieson states the reason for the meeting is to bring the Board of Selectmen up to speed with the City of Brockton and the new IMA Board. Mark explains that Abington pays a premium for treatment and another for transport since 1998, at that time the agreement doubled our capacity but it left the door open for Brockton to increase the transport fee. Abington spent \$670,000 for transport and \$500,000+ for treatment last year, we are trying to remove the transport fee from a new agreement. The City agrees to increase capacity to 1.5MGD and allow us to install our own pipe. Brockton agrees but wants a consideration fee – they will reduce the transport fee by 5% over 20 years. Abington counter offered to pay 1.5 plus put in our pipe and pay for construction and enter into a 20 year agreement. Brockton then withdrew the offer so we asked if there is a number between 7.5 and 1.5 that is agreeable to both Abington and Brockton. They told us that 7.5 is a firm number.

Kevin Donovan asks if they can take the extra gallons at the Brockton plant. Mark explains that they reduced their flow and have room to accept the additional flow. They upgraded from 18 – 20 MGD. He also explains that our percentage of flow goes up because their flow goes down.

Mark Jamieson explains Whitman's agreement with Brockton. Mike Donovan states that it costs more for Abington to transport than it does for treatment.

Tom Dion asks if we got the over charges from Brockton taken care of and John explains that they gave Abington a refund and adjusted the latest bill for the over charges. Tom asks what happens to Abington if we get the additional gallons. Mark explains that we are over by 8,000 gallons due to heavy rain and we have the contact Brockton every time we have a connection. If we received the extra gallons we could finally let the people connect.

Mike Franey asks if they fixed the problem on Brockton Ave. Mark Jamieson tells him they have not and we cannot take the extra 500,000 gallons without running our own pipe. Ken Coyle asks if that pipe can take additional gallons. Mike Franey asks what Chris thinks will happen if we go to court. Chris says they wanted a few things when this started. They got the overcharges fixed on the bill. The court would make the decision if the agreement would end in 20 years or 25 years. He believes that the court would tell us to keep negotiating and he does not believe they would tell Brockton that they have to let us build our own pipe.

Mark Jamieson says that if we wait until the agreement ends in 2018 the capacity might not be there. Mark explains that they propose to discount the existing transport fee by 5% over 20 years but the way it is now the transport fee will keep going up.

John Stone explains that a pump station will cost about 2 million and the force main will cost about 11 million.

Mike Franey thanks the Board for the update.

Mike Donovan makes a motion to adjourn. Seconded by Mark Jamieson. Unanimous in favor 4-0.